

**Comparative Analysis of Policies of Architectural Heritage
Conservation in East Asian and European Countries**
(Legislation, Administration and Finance)

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by

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List of Abbreviations

ACA	Agency for Cultural Affairs (Japan)
ACSA	Association for Corporate Support of the Arts (Japan)
AHA	Architectural Heritage Awards (Singapore)
AOSD	Architecture and Other Structures Division (Japan)
APAA	Arts Projects Assistance Approval Program (Japan)
ASEF	Asia-Europe Foundation
ASEM	Asia-Europe Meeting
ASEM CMM	Culture Ministers' Meeting of Asia-Europe Meeting
BKM	Federal Government Commissioner for Culture and Media (Germany) (Beauftragte der Bundesregierung für Kultur und Medien)
BLfD	Bavarian State Conservation Office (Germany) (Bayerisches Landesamt für Denkmalpflege)
BMVBS	Federal Ministry of Transport, Building and Urban Development (Germany) (Bundesministerium für Verkehr, Bau und Stadtentwicklung)
CCTPC	Carabinieri Headquarters for the Protection of Cultural Heritage (Italy) (Comando Carabinieri Tutela Patrimonio Culturale)
DCMS	Department for Culture, Media and Sport (Britain)
DG	Director Generals (Italy) (Direzione Generale)
DRBCP	Regional Directorates for Cultural Heritage and Landscape (Italy) (Direzione Regionale per i Beni Culturali e Paesaggistici)
FRG	Federal Republic of Germany
GDR	German Democratic Republic
GFA	Gross Floor Area (Singapore)
Historic England	Historic Buildings and Monuments Commission for England (Britain)
HLF	Heritage Lottery Fund (Britain)
IAA	Incorporated Administrative Agencies (Japan)
JACAM	Japanese Association for Conservation of Architectural Monuments (Japan)
LPA	Local Planning Authorities (Britain)
MBCA	Ministry for Cultural Property and Environment (Italy) (Ministero per i Beni Culturali ed Ambientali)
MCCY	Ministry of Culture, Community and Youth (Singapore)
MEXT	Ministry of Education, Culture, Sports, Science and Technology (Japan)

MHURD	Ministry of Housing and Urban-Rural Development (China)
MIBACT	Ministry for Heritage, Cultural Activities and Tourism (Italy) (Ministero dei Beni e delle Attività Culturali e del Turismo)
MND	Ministry of National Development (Singapore)
NHB	National Heritage Board (Singapore)
NMF	National Monuments Fund (Singapore)
PMB	Preservation of Monuments Board (Singapore)
PSMD	Preservation of Sites and Monuments Department (Singapore)
SACH	State Administration of Cultural Heritage (China)
Schlösserverwaltung	Bavarian Department of State Owned Palaces, Gardens and Lakes (Germany) (Bayerische Verwaltung der staatlichen Schlösser, Gärten und Seen)
Secretary of State	Secretary of State for Culture, Media and Sport (Britain)
SFG	Special Funds of The Grant (China)
SSCA	Society for the Study of Chinese Architecture (China)
StMUK	Bavarian State Ministry of Sciences, Research and the Arts (Germany) (Bayerisches Staatsministerium für Bildung und Kultus, Wissenschaft und Kunst)
STP	Special Transfer Payments (China)
TES	Tax Exemption Scheme for Donation to National Monuments in Singapore
URA	Urban Redevelopment Authority (Singapore)
VAT	Valued Added Tax

I. Introduction

1.1 Background

“Preservation is one popular use of the past”,¹ and the history of a city can be maintained and protected by safeguarding its historic buildings and heritage. Urban history comprises many elements, counted among the essential elements is architectural heritage. Architectural heritage conservation has become an important aspect of urban redevelopment and renewal. Successful conservation of architectural heritage “attracts a higher value to that building and will generally attract further investment to the area and provides a much wider regeneration process”.² Thus, architectural heritage conservation holds increasing importance for the preservation planners in many countries, and there is a shared common view in the world that to protect architectural heritage reasonably and based on scientific methods is a necessity of our age.

In this context, many countries have invested in the field of architectural heritage conservation. This is especially true of some developing countries in Asia, which have focused more on legislation towards historic conservation and provided more financial support for architectural heritage conservation. Furthermore, many countries have begun to be more involved in cooperation and communication activities of architectural heritage conservation. Regarding political, economic and cultural matters, there has always been an important strategic relationship between Asia and Europe. As for architectural heritage conservation, the cooperation and communication between Asia and Europe has become more intensive in recent years.

In 2010 the fourth Culture Ministers' Meeting of Asia-Europe Meeting (ASEM CMM)³ emphasized preservation of cultural heritage and its challenges as a subject,⁴ and in 2012 the fifth ASEM CMM discussed the technological methods employed to protect and administer

¹ Lowenthal, 1985, p. 38.

² Said, Syed Zainal, Thomas & Goodey, 2014, p. 270.

³ ASEM CMM means Culture Ministers' Meeting of Asia-Europe Meeting. Asia-Europe Meeting (ASEM) was established in 1996, which is an informal process of dialogue and cooperation bringing together 51 members, including European Union member states and some European and Asian countries. And Culture Ministers' Meeting of ASEM is held per twice years and its inaugural meeting was held in 2003.

⁴ Asia-Europe Foundation (ASEF), 2010.

natural and cultural heritage within the framework of sustainable development theory.⁵

In 2008, the Han Yangling-Pisa project was formally implemented with financial support from the European Commission. This project was developed by Chinese experts of historic conservation, the Pisa University, the Technology University of München and the Ename Center for Public Archaeology and Heritage Presentation in order to exchange historic conservation experiences and apply best practice to the Han Yangling Museum and the ancient Pisa ships. This project was one part of the European Commission's framework of Culture 2007-2013 and was also one significant point of cooperative historic conservation between Asia and Europe.⁶

The Asia-Europe Foundation (ASEF) organized an Experts' Meeting in June of 2013, with the theme of Investing in Heritage Cities: Stimulus for Sustainable Tourism and Livelihoods in Yangon, Myanmar. This meeting was aimed at providing a platform for exchanging policies and practices of historic conservation between Asia and Europe, and strengthening communication and cooperation between experts of architectural heritage conservation of Asia and of Europe.⁷

Architectural heritage conservation is a systematic program, which includes architectural design, technologies of preservation and policies that architectural heritage conservation should follow, like how to evaluate the historic importance of buildings, how to protect, manage and operate a program of architectural heritage conservation, and how this must comply with established corresponding policies. A review of the professional literature in the field reveals the scholars that have made comparative studies on architectural heritage conservation of different countries. Will (1984) has summarized an overview of the formal mechanisms of historic preservation in Germany, Switzerland and Austria.⁸ Sanz Salla (2009) has conducted a comparative study of the protection of historic properties in international laws, European Union laws, American, United Kingdom and Spanish laws, and summarized the administrative policies of historic property preservation in the framework of these laws.⁹ Stubbs (2009) has researched architectural conservation from a global viewpoint and summarized the contemporary practices of architectural conservation in Europe, North Africa, Sub-Saharan Africa, Asia, the Austro-Pacific region, North America, as well as Latin America and the Polar regions, providing an overview of

⁵ Asia-Europe Foundation (ASEF), 2012.

⁶ Hanyangling Museum, 2010.

⁷ Asia-Europe Foundation (ASEF), 2013.

⁸ Will, 1984.

⁹ Sanz Salla, 2009.

the situation of architectural conservation in the world.¹⁰ Stubbs and Makaš (2011) have compared architectural conservation in Europe and the Americas, including legislation and development of architectural conservation.¹¹ Glendinning (2013) has analyzed the preservation movements of some countries and summarized a history of architectural preservation from the global viewpoint.¹² Among these academic achievements, most focus on architectural heritage conservation of European countries and America, comparatively there are fewer academic studies on architectural heritage conservation of Asian countries. Moreover, in the existed limited studies, the knowledge about the performance and development of Asian conservation policies were not presented in details. For example, Stubbs (2009) placed much attention to describing some challenges faced by Asian countries such as Japan and China and their current status of architectural conservation, but did not put emphasis on their conservation policies like how they administer, guarantee and finance their conservation projects, nevertheless all of which are exactly what this dissertation intends to study.

Architectural heritage conservation has become a focus of interest in the world. Asian and especially East Asian and European countries have been paying more attention to cooperation and communication in this field. The increasing demand of conservation practice often motivates relevant academic studies. In the context, this dissertation intends to study policies of architectural heritage conservation. Three countries in East Asia and Europe have been chosen in order to conduct comparative research into their diverse policies of architectural heritage conservation, with the aim of finding out their possible common points or differences. The dissertation intends to provide some possible comparisons of architectural conservation in East Asian and European countries with the aim of making some possible contributions to the discipline of architectural conservation.

1.2 Object of Research

The foci of the research in the dissertation are the legislative, financial and administrative policies in the field of architectural heritage conservation. Achievements of historic conservation, the development of historic conservation, and social development, will be taken into account. The dissertation selected several representative countries in East Asia and Europe in order to conduct comparative research into their architectural heritage conservation policies. Japan,

¹⁰ Stubbs, 2009.

¹¹ Stubbs & Makaš, 2011.

¹² Glendinning, 2013.

China and Singapore were selected as the East Asian countries and Italy, Britain and Germany were selected as the European countries for the following reasons:

“Japan has a long-standing heritage conservation and preservation tradition initiated by the national and local government. This has led to the successful restoration and protection of local, prefectural, and national heritage (including World Heritage)”,¹³ thus the achievements and experiences of heritage conservation in Japan may provide some references for other countries. Accounting from the Qin dynasty (221-206BC),¹⁴ China has a more than two thousand year old history and is one of the world’s oldest civilizations. In the course of history, numerous heritage sites have been inherited from past generations. China is ranked second in the world for its 50 world heritage sites; Italy is ranked first in the world with 51 world heritage sites.¹⁵ In recent years, because of economic development and greater attention focused upon heritage conservation, China has acquired some conservation experiences that may be drawn upon by other countries. Singapore has a comparatively short history of development, since it gained its independence in 1965, it does not have a long-established tradition of heritage conservation. Since the 1980s, for economic reasons, Singapore began to lead its urban development “in the direction of environmental conservation, historic preservation”.¹⁶ “Singapore is an interesting example of the marriage of history to livability”,¹⁷ thus the study of architectural heritage conservation in Singapore may be important to represent countries that develop heritage conservation comparatively late.

Italy has a long-standing and strong tradition in historic conservation. “In Italy, the home of classical antiquity, where legislation for the protection of ancient monuments had already been developed since the Renaissance ... patriotic expressions had often justified acts of preservation”.¹⁸ It may be said that conservation is like the blood running in the veins of Italian people. Because of its preservation tradition, there exist some remarkable achievements of heritage conservation in Italy, which can also be compared to some other countries. During the 18th century the theory of organized architectural conservation spread in France and England,

¹³ Kaminski, Angela & Arnold, 2013, p. 90.

¹⁴ Qin dynasty (221-206BC) was the first dynasty of Imperial China. Chinese historians often refer to Qin dynasty as beginning of Imperial China.

¹⁵ *About world heritage: The states parties*, n.d. retrieved 10 June 2016.

¹⁶ Rowe, 2011, p. 8.

¹⁷ Allison & Peters, 2011, p. 211.

¹⁸ Jokilehto, 2006, p. 75.

which resulted in the historic conservation movement in Western Europe.¹⁹ "There is a long history in Britain of interest in, and the legislative enforcement of, the conservation of historic towns and of buildings in towns",²⁰ thus some other countries may have drawn upon experiences of British conservation practices. Germany today is a federal republic, and the federal states of Germany are autonomous in cultural matters such as heritage conservation. The administrative policies and systems of each state can be distinguished to varying degrees, but the state heritage conservation is still well organized and has gained some achievements respectively, thus the study of German heritage conservation may provide special practical examples for other countries.

1.3 Method for Research

The main research method used in the dissertation is the documentary analysis. There are three types of literature/documents (described as follows) being collected and used as the sources in this study. In analyzing and interpreting data generated from such literature/documents, the dissertation's author applied a comparative analysis of their content by focusing on some issues (legislation, administration, finance), which were critically discussed respectively in chapter II, III, IV.

It is noteworthy that as the author speaks only English and Chinese and the dissertation focuses on international groups of potential readers, the majority of literature used in the dissertation are available in English, including literature related to heritage conservation in Japan, Singapore, and Italy as well as Britain and Germany. The exception to this is that most literature concerning China used in the study is in Chinese.

Scientific Publications The main literature reviewed and studied in the dissertation are scientific publications that relate to the aforesaid object of research: books written by one or a small number of co-authors, edited volumes, and scientific articles as well as published presentations at academic conferences or forums. This type of literature is the main source of information and data used in the dissertation.

Law All of the laws extracted from legal literature are available in English and downloaded from official websites. It is noteworthy that the laws of Japan, Italy and Germany were not

¹⁹ Stubbs & Makaš, 2011, p. 10.

²⁰ Slater & Shaw, 2011, p. 297.

originally written in English, but translated into English by specialists in the field of heritage conservation. The author's native language is Chinese, so Chinese laws are translated by the author based on the 2007 English edition of the UNESCO Database of National Heritage Laws.

Grey Literature Grey literature has been collected and used in the dissertation, including conference papers, dissertations, working papers, as well as government and annual reports. Because this grey literature is made available to the public but normally lacks a systematic means of distribution and collection,²¹ it was mostly collected from internet websites. For research purposes, the author also conducted additional searches for information from some relevant organizations/authorities' websites.

1.4 Definitions and Scope of Study

Definition of Architectural Heritage: all the contents of heritage conservation mentioned in the dissertation refer to architectural heritage conservation. As defined by the Convention for the Protection of the Architectural Heritage of Europe (1985), "architectural heritage" should be defined according to three categories:²² a) monuments, i.e. all buildings and structures including their fixtures and fittings; b) groups of buildings, i.e. homogeneous groups of urban or rural buildings; c) sites, i.e. the combined works of man and nature, being areas which are partially built upon.

Based on this principle, in most countries the definitions of architectural heritage are more or less alike. However, they have different appellations for architectural heritage: a) in Japan, heritage is often known as *Cultural Property* and *Preserved District for a Group of Historic Buildings*; b) in China, heritage is known as *Immovable Cultural Heritage*, *Famous Historical and Cultural City* and *Historical and Cultural District*; c) in Singapore, heritage is known as *Protected Historic Buildings* and *National Monuments*; d) in Italy, heritage is known as *Cultural Property*; e) in Britain, heritage is normally known as *Listed Buildings* and *Conservation Areas* - the majority of Britain's architectural heritage; f) in Germany, heritage is known as *Built Monuments* that are often simplified as monuments in the dissertation. Moreover, when describing architectural heritage conservation in the aforesaid six countries, the author often refers to such appellations as architectural heritage.

²¹ *Grey literature*, n.d., retrieved 25 September 2016, para.2.

²² Convention for the Protection of the Architectural Heritage of Europe 1985, retrieved 25 September 2016, art.1.

Definition of Finance: finances in the field of heritage conservation involve a wide range of content areas, including: revenues, funding, government subsidies, financial compositions, and financial sources. In this dissertation, based on the means of governmental financial support, the finances are categorized into two types: direct public and indirect finance.

Direct public finance is a method of financing where the governments or relevant authorities provide financial support for heritage conservation through direct means, like grants. Indirect finance happens when the governments or relevant authorities provide financial support by using fiscal devices to modify individual behaviors so as to stimulate private monetary assistance such as donations and sponsorships. There is a crucial difference between direct public and indirect finance: the decisions concerning the amount and composition of direct financial support are taken by the public decision makers, but such decisions on indirect financial support are private.²³

In the dissertation, direct public finance comes from sources such as: grants, subsidies, and funding programs as well as transfer payments through budgets or revenues from the governments or other authorities. Indirect finance comes from sources such as: tax incentives, lottery funds, donations and sponsorship as well as privatization (sale of state owned heritage to private entities).

Chinese Heritage Conservation – Scope of Study: the scope of the work involving China only refers to mainland China; Hong Kong, Macau and Taiwan are not included in the scope of the dissertation.

Italian Heritage Conservation - Scope of Study: the scope of the work about Italy excludes three special autonomous regions (Valle d'Aosta, Sicily, and Trentino Alto Adige), because these three regions have their own departments, separate budget, special statutory provisions, and regional staff for heritage conservation.²⁴ In addition, they can exercise independent legislative and administrative powers for their own heritage assets through their own Soprintendenze who are under the direction and management of the regional instead of the state heritage department, therefore, the administration of these three regions is absolutely distinct from other regions.²⁵

Britain's Heritage Conservation – Scope of Study: the background and conservation

²³ Rizzo & Throsby, 2006, p. 999.

²⁴ Agostino, 1984, p. 78.

²⁵ Bodo & Bodo, 2016, chapter 3.2.

movement of Britain's heritage conservation are described from a macro perspective of the nation, but the study of conservation legislation - the analysis of the main conservation law focuses on the Planning (Listed Buildings and Conservation Areas) Act of England. This is similar to the study of the administrative and financial aspects, where some background information and a few relevant points might involve other British countries but the main aspects of the administrative structure and financial policies, center on England.

Among the four constituent countries of Britain, England constitutes over half of the total territory.²⁶ Moreover, the great number of historic buildings and conservation areas located in England corresponds with the numerous conservation practices there, and nearly cover the majority of conservation practices in the whole of Britain.²⁷

German Heritage Conservation – Scope of Study: the federal states of Germany have autonomy over heritage conservation. It is beyond the scope of this dissertation to respectively describe the situation of heritage conservation in each state, thus most contents in the field of heritage conservation of Germany are based on the Free State of Bavaria. Specifically, for studying legislation the historical background of German heritage conservation was analyzed from a macro perspective, while involving the conservation movement and legislation of different states, the analysis of the main conservation law only focuses on the Bavarian Law for the Protection and Preservation of Monuments. In the study of administration and finance, the administrative structures and financial policies on both the federal level and the state/local level are analyzed, but the contents on the state/local level are based on the Bavarian state.

To some extent, each state has similar heritage conservation institutions. Among the sixteen states, Bavaria is the largest federal state in Germany. It boasts a great number of heritage sites counted among the states in Germany.²⁸ It is possible that the large number of monuments located in Bavaria are the reason why many conservation practices occur there and stem from Bavaria's long tradition of organized protection of historic buildings and monuments.²⁹

1.5 Research Objectives

Architectural heritage conservation is a systematic and complex program with policy being an

²⁶ William, 2010, pp. 15-16, 27-28.

²⁷ Mynors, 2006, p. 7.

²⁸ *Monument*, n.d. retrieved 25 June 2015.

²⁹ Will, Petzet & Langenstein, 1987, preface.

important component. The objective of this dissertation is to make comparative investigations into policies of architectural heritage conservation in East Asian and European countries. It is hoped that these inquiries can aid heritage conservation professionals to acquire a general understanding of the state of architectural heritage conservation policies in East Asian and European countries, and can promote communication and cooperation in the field of architectural heritage conservation between East Asia and Europe.

China is the author's home country. The architectural heritage conservation of China started comparatively late compared with other developed countries, but from the 1980s the Chinese government focused efforts toward every aspect of architectural heritage conservation. However, some problems still exist in Chinese architectural heritage conservation, and policy may be one of the crucial problems identified. As a non-empirical dissertation, this study intends to analyze conservation policies in some issues (legislation, administration, finance) within historic background, in order to understand policies well in corresponding contexts. By this way, this dissertation could provide information concerning architectural conservation, such as different countries' development of conservation movements, up-to-date systematic explanation of their administrative and financial policies, and legal foundation for their exercises. Those information forms the findings of this dissertation, which can help colleagues who work in the field of heritage conservation in China and make some contributions to architectural heritage conservation in China.

Another objective of the dissertation is to help East Asian countries gain from the experience and ideas of architectural heritage conservation of European countries, and thereby advance the state of architectural heritage conservation in Asia. Reciprocally, East Asian countries also have acquired some experiences in the development process of architectural heritage conservation, which can be beneficial to European countries.

1.6 Chapter Organization

Chapter 1 - Introduction: aims to give readers a general idea about the dissertation's purpose, methodology and scope, as well as how one could further develop the research.

Chapter 2 - Legislation for Architectural Heritage Conservation in East Asian and European Countries: reviews the historical background of architectural heritage conservation in the six countries being studied in the dissertation and explores the main conservation laws. As legislation is the premise of publicly organized heritage conservation, the chapter also describes some of the important provisions concerning architectural conservation that were provided by

these main laws with the aim of delivering a general understanding about the legal framework or institutions in these countries' heritage conservation. The chapter also compares these main laws to find out their possible similarities and differences.

Chapter 3 - Administration of Architectural Heritage Conservation in East Asian and European Countries: conservation practices are dependent upon a successfully run administration. The administrative structures of architectural heritage conservation can be distinguished in the six countries by their different historical backgrounds and individual heritage conservation situations. The chapter summarizes the administrative structures of the six countries from four levels: national, regional or local, consultation commissions and civic organizations. Then, the administrative structures of the six countries were comprehensively analyzed.

Chapter 4 - Finance of Architectural Heritage Conservation in East Asian and European Countries: successful architectural heritage conservation should depend on one essential condition: to establish a working financial system for providing sufficient financial support for conservation practices. The chapter aims to summarize financial policies of architectural heritage conservation in the six countries from two aspects: direct public and indirect finance. On the basis of summarizing such policies, the roles that direct public and indirect finance has played in the field of heritage conservation are also analyzed in order to discover a common point in many East Asian and European countries.

Chapter 5 - Conclusion: aims to summarize the results of previous chapters. The limitations in the dissertation study are also described in the chapter.

II. Legislation for Architectural Heritage Conservation in East Asian and European Countries

A - East Asian Countries

2.1 Japan: Law for the Protection of Cultural Properties

2.1.1 Historical Background

"Japan was among the first countries in the world to legislate for the protection of cultural heritage",³⁰ there is a close link between the beginning of the nation's conservation legislation and the religious reform of 1868. In the early years of the Meiji period (1868-1912), the Meiji government initiated the religious reform in order to make Shinto³¹ the national religion, which resulted in serious damage to many Buddhist temples.³² It is fortunate that the Meiji government soon realized the threat that the practice of destroying temples represented for Japan's heritage conservation, and some government officials began to promote conservation legislation in order to change the situation. In this context, the Council of State issued the Edict for the Preservation of Antiquities in 1871. This edict is the first governmental order for the preservation of Japanese cultural properties. It provided that temples, shrines, and individuals should make inventories of cultural properties in their possessions and compile a list.³³ However, in the interest of modernization, the Meiji government sent the Iwakura Diplomatic Mission to visit fifteen European countries and the United States from 1871 to 1873.³⁴ As a result of this visit, the Meiji government became fascinated by the ideas of the Enlightenment. They attempted to reshape Japanese society by promoting and fostering cultural projects through whole-scale Westernization with the cost being the abandonment of a long-established traditional culture. Therefore, the inventory and the compilation of a list of cultural properties that was intended to create a national register of important buildings and works of art was suspended. But due to the

³⁰ Cang, 2007, p. 47.

³¹ Shinto is an ethnic religion of Japanese, focusing on ritual practices.

³² Gibbon, 2005, p. 331.

³³ Larsen, 1994, p. 31.

³⁴ Scott, 2003, p. 326.

insistence from some influential foreigners like Ernest Fenollosa³⁵ to preserve Japanese traditional culture, the government was persuaded to reappraise its official attitude towards Japanese tradition.³⁶ This change of attitude was reflected in the enactment of the Law for the Preservation of Old Shrines and Temples in 1897. The passing of this law is important because it represents the government's move to give special attention to the protection and conservation of cultural properties. This law is the first conservation act covering immovable and movable properties.³⁷ In the subsequent decades, the government promulgated a series of conservation laws, the main emphasis of which was to extend the scope of cultural properties.

During the period of the Second World War, more than 200 designated buildings were destroyed due to the bombing campaigns.³⁸ In the early postwar period, the fire of Hōryū-ji³⁹ ruined one of the most integral and ancient timber structures in the world and its wall paintings.⁴⁰ These events accelerated the enactment of a comprehensive conservation law. In 1950, the Law for the Protection of Cultural Properties was promulgated. It further extended the scope of cultural properties; the categories of cultural properties provided by the Law are still valid and have not been changed.⁴¹ The Law has been amended seven times and is still in force.⁴²

2.1.2 Highlights

Since the 1870s, a number of laws concerning conservation of cultural properties were enacted (some of them are shown in Appendix 1), but the Law for the Protection of Cultural Properties plays an irreplaceable role in the field of cultural heritage. The Law synthesized previous conservation laws that had been promulgated since the Meiji period, such as the Historical Sites, Places of Scenic Beauty, and Natural Monuments Preservation Law of 1919 and the National Treasures Preservation Law of 1929, and thus provided a new comprehensive legal mechanism for the protection and conservation of cultural properties.⁴³ "The framework for the current

³⁵ Ernest Fenollosa (1853-1908) was a wealthy Boston art connoisseur. He had arrived in Japan in 1877. During his stay in Japan, he helped to draft the text of Law for the Preservation of Old Shrines and Temples.

³⁶ Coaldrake, 1996, p. 248.

³⁷ Noriaki, 2015, p. 82.

³⁸ Henrichsen, 1998, p. 12.

³⁹ Hōryū-ji is a Buddhist temple, one of the oldest wooden buildings.

⁴⁰ Gibbon, 2005, p. 332.

⁴¹ Jokilehto, 2006, p. 280.

⁴² Cultural Properties Department & Agency for Cultural Affairs (ACA), 2015, pp. 4-5.

⁴³ Akagawa, 2016, p. 76.

Japanese heritage-protection system was forged in 1950 by the establishment of the Cultural Properties Protection Act [known as Law for the Protection of Cultural Properties]",⁴⁴ thus the Law is seen as the bedrock of the legal institution of heritage conservation in Japan. The main and significant provisions concerning protection and conservation of Japanese architectural heritage are described as follows:⁴⁵

Scope of Preservation Buildings with significant historical or artistic value to Japan can be designated as "Cultural Property" for their preservation and utilization in order to enhance the cultural quality of the nation (art.1&2(1)). Based on national significance, cultural property can also be designated as "Important Cultural Property" and "Registered Cultural Property" (art.2). The ensemble of historic buildings and surrounding environment, which possess value to the nation, can be designated as "Preserved District for a Group of Historic Buildings" (art.142). The Law provides for the strictest control over the preservation of "Important Cultural Property".

Management or Repair of Important Cultural Property An owner, or a responsible manager appointed by the owner on his behalf, is responsible for the management and repair of his property (art.31&34*bis*). The Commissioner for Cultural Affairs may ask the owner or manager to report on the status quo of his property or if necessary, may appoint a person to investigate whether the property is at risk of destruction (art.55(1)). In the case where a property is in danger of destruction, the commissioner may issue orders or advice on repairs to the owner (art.37), or may directly carry out the repair (art.38). If the owner is unable to bear the expenses required for the management or repairs of his property, the government may grant a subsidy to cover part of such expenses (art.35). If the owner or the manager is extremely unqualified, the commissioner may appoint a "Managerial Body" to manage and repair the property (art.32*bis*&34*ter*). No one may alter the status quo of a property without the permission of the commissioner (art.43(1)). In granting such permission or aforesaid subsidy, the commissioner may issue any instructions in respect of management and repairs as a condition (art.35&43(2)).

Group of Historic Buildings A municipality may designate a "Preserved District for a Group of Historic Buildings" in its city plan, and may determine necessary control of the alteration and any other necessary measures for its preservation (art.143(1)). Preserved districts which possess an especially high value to Japan can be designated as "Important Preserved District" by the Minister of Education, Culture, Sports, Science and Technology (art.144(1)). The nation may

⁴⁴ Noriaki, 2015, p. 84.

⁴⁵ Law for the Protection of Cultural Properties, retrieved 30 May 2015, was enacted in 1950 and latest amended in 2007. The highlights analyzed here is in accordance with the text of the 2007 amendment law.

grant a subsidy to cover part of the expenses required for the preservation of the preserved districts, especially for the management and repair of buildings located in a "Important Preserved District" and their environment (art.146).

2.2 China: Law of the People's Republic of China on the Protection of Cultural Heritage

2.2.1 Historical Background

In 1911, the Xinhai Revolution⁴⁶ terminated the despotic feudalism which lasted over two thousand years in China. In 1915, Western educated people like, Hu Shih⁴⁷ and Chen Duxiu⁴⁸ initiated the New Culture Movement⁴⁹ that was an ideological enlightenment which had a profound impact on Chinese society. This movement is regarded as the continuity of the Xinhai Revolution in terms of ideology and culture, and it shook the status of feudalism in the minds of Chinese people. Some movements, which occurred between the 1910s and 1920s, affected the formation of a social tide of anti-traditional culture in China. During this time, many cultural properties with historic and artistic value were neglected and even destroyed by people, which aroused the concern of the Kuomin government⁵⁰. In 1930, the government passed the Edict for Preservation of Ancient Antiques that specified and defined the protection requirements of ancient antiques and rules for excavation. This was the first conservation law in China's modern history and represented the beginning of Chinese conservation legislation. In 1931, the Implementation Rules on Edict for Preservation of Ancient Antiques was issued by the government, which added supplementary articles concerning the protection and conservation of historic buildings.⁵¹ But these conservation laws were not well implemented due to limited

⁴⁶ Xinhai Revolution occurred in 1911 and finished in the early 1912. It was a revolution that overthrew China's last imperial dynasty and established the Republic of China.

⁴⁷ Hu Shih (1891-1962) was a Chinese philosopher, essayist and diplomat.

⁴⁸ Chen Duxiu (1879-1942) was a Chinese revolutionary socialist, educator, philosopher, and author. He co-founded the Chinese Communist Party in 1921.

⁴⁹ The New Culture Movement was a revolt against traditional Chinese culture and Confucianism and occurred in 1915.

⁵⁰ Kuomin government, was the ruling governmental authority established by Kuomintang (also known as the Chinese Nationalist Party, KMT), established in 1925 and ended in 1948. After Northern Expedition in 1928, China was reunified and Kuomin government became the only legal government on behalf of China.

⁵¹ Chinese Mayors Association & China Science Center of International Eurasian Academy of Sciences, 2007, section 2 of part 5.

resources and a lack of the necessary authorities.⁵² Since 1937, because of the Second Sino-Japanese War (1937-1945)⁵³ and Second Chinese Civil War (1945-1949)⁵⁴, China again experienced a long period of social upheaval. In times of war, numerous cultural heritage sites were destroyed. For saving and protecting war-damaged heritage, after the establishment of the People's Republic of China in 1949, the national government immediately promulgated a series of ordinances, such as the Order for Prohibition of Exporting Precious Ancient Antiques and Archives, the Order for Investigation and Excavation of Ancient Cultural Remains and Tombs, and Instructive Rules on Preservation of Ancient Buildings of 1950, which provided the foundation for heritage conservation between the 1950s and the early 1960s.⁵⁵

The early achievements of heritage conservation in China were ravaged in the 1960s. The protection and conservation of Chinese heritage was suspended due to the Cultural Revolution⁵⁶ which lasted from 1966 to 1976, large numbers of architectural heritage were ruined and demolished in the Revolution. After it ended, the nation placed emphasis on economic development. In the process of promoting the economy, the governments were passionate advocates of a "demolish the old, build the new" philosophy (i.e. tear down historic buildings and build new buildings) in order to construct a new townscape for attracting foreign investment. Thus, a conflict of interest arose between heritage conservation and economic development. The attention focused upon this growing conflict made the national government realize that demolishing old buildings was a threat to the nation's heritage. The Law of the People's Republic of China on the Protection of Cultural Heritage was issued in 1982 with the aim of harmonizing the relationship between heritage conservation and economic development. It is a significant landmark in the field of heritage conservation in China.⁵⁷ In the subsequent decades, following

⁵² Yao, 2014, p. 180.

⁵³ Second Sino-Japanese War (1937-1945) was a military conflict fought between the P. R. China and the Empire of Japan.

⁵⁴ Chinese Civil War (1927-1949) was a civil war in China fought between forces loyal to the Kuomintang-led government of the Republic of China (also known as Kuoming government), and forces loyal to the Communist Party of China. This war was divided into two wars: first war began in August 1927 and ended in 1937, second war began in 1945 and ended in 1949. This conflict eventually resulted in two de facto states, the Republic of China in Taiwan and the People's Republic of China in mainland China. Source: Yao, 2013, pp. 84-85.

⁵⁵ Lv, 2003, p. 154.

⁵⁶ The Cultural Revolution was a sociopolitical movement of P.R. China, and occurred from 1966 to 1976, which affected the country's economy and society negatively.

⁵⁷ Lv, 2003, p. 158.

the economic growth of China, the Law was amended five times, and it is currently still the primary law for protecting and conserving Chinese heritage.

2.2.2 Highlights

Since the 1930s, a series of conservation laws were promulgated (some of them are listed in Appendix 2), but it was not until the 1980s that the first comprehensive conservation legislation was passed, namely, the Law of the People's Republic of China on the Protection of Cultural Heritage. The Law has provided the foundation for the legal institution of heritage conservation in China.⁵⁸ The provisions concerning architectural heritage conservation of this law are described as follows:⁵⁹

Designation A building with historic, artistic and scientific value may be designated as "Immovable Cultural Heritage" (art.2). Based on the level of importance, immovable cultural heritage can be categorized into three types: national, provincial or prefectural cultural heritage (art.13). A city or district with a large amount of buildings that are of significant historical value can be respectively designated as "Famous Historical and Cultural City" or "Historical and Cultural District" (art.14).

Protection Measures in Urban Development The local authorities for heritage conservation and local departments for urban-rural development shall cooperate in the formulation of conservation prescriptions for each designated heritage site. The prescriptions shall also be included in the urban master plan (art.16). Any new construction activity concerning urban development should make certain it is separate from immovable cultural heritage. If this is not possible, the plan of protecting the status quo of the heritage shall be given priority when deciding on the new construction. In addition to this, any demolition or alteration of heritage is forbidden and only possible with consent from the relevant authorities (art.20).

Duty of Protection The State Administration of Cultural Heritage is responsible for promulgating the criteria for determining designation and protection guidelines. Each level of local government is responsible for carrying out protection and conservation work within their jurisdiction, and is obligated to pay for the necessary conservation through their local

⁵⁸ Zhang, 2009, p.29.

⁵⁹ 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage], retrieved 10 August 2016, was enacted in 1982 and latest amended in 2015. The highlights analyzed here is in accordance with the text of the 2015 amendment law.

government revenues (art.8&10). The occupier has a legal obligation to repair and maintain the state owned heritage (art.21), which should not be alienated or mortgaged (art.24). State owned heritage sites are only allowed to be used for their original purposes or they must be open to the public. (art.23). The owner has the same obligations as the occupier in the case of privately owned heritage (art.21), which should not be alienated or mortgaged to foreigners (art.25). The occupier or owner must prevent the status quo of heritage from being altered (art.26). The local governments shall provide financial and technical support for the owner incapable of properly carrying out preservation work (art.21).

2.3 Singapore: Planning Act/Preservation of Monuments Act

2.3.1 Historical Background

Since the 19th century, Singapore's history followed a long period of non-independence and colonialism: British colonialism (1819-1942), the Japanese Occupation (1942-1945), the postcolonial period (1946-1963), and union with Malaya (1963-1965).⁶⁰ In 1965, Singapore gained independence and established the Republic of Singapore. During the immediate period after independence, faced with the difficulties of housing shortages, population expansion and overcrowding in slums and the strong demand for economic development, Singapore placed emphasis on urban renewal projects.⁶¹ In the social environment of that period, the national government saw historic building conservation as unaffordable due to the country's scarce land resources, thus, the government intended to use the "displace, destroy, replace" tactic in the early phases of urban redevelopment.⁶² Between the 1960s and 1970s, a large number of historic buildings located in the city center were torn down for constructing a new modern townscape.⁶³

Until 1985, Singapore was in an economic recession.⁶⁴ In order to stimulate economic growth, the Economic Committee began to gradually implement a diversification strategy from the 1980s onward.⁶⁵ Under the influence of this strategy, the national government began to rethink

⁶⁰ Saunders, 2005, p. 160.

⁶¹ Boey, 1998, pp. 133-134.

⁶² Huang, 2013, p. 90.

⁶³ Chang, 1997, p. 50.

⁶⁴ Rigg, 1988, p. 340.

⁶⁵ Kong, 2000, p. 413.

previous urban redevelopment strategies and realized the importance of architectural heritage for creating unique characteristics of townscape. Therefore, the government began to adaptively reuse architectural heritage by emphasizing their historic value and vernacular traditions.⁶⁶ For a systematic and effective conservation of architectural heritage, the government delegated conservation duties and functions to its two national authorities: Urban Redevelopment Authority (URA) - subordinate to the Ministry of National Development; Preservation of Sites and Monuments Department (PSMD) - subordinate to the National Heritage Board. The two authorities protect and conserve architectural heritage in different legal frameworks: buildings designated as Protected Historic Buildings are under the care of the URA, buildings designated as National Monuments are protected by the PSMD.

Legal Base for URA's Conservation The Planning Act was passed in 1989.⁶⁷ The Act defined conservation for the first time and formally introduced it into planning.⁶⁸ In Singapore, "urban planning ... is not only about the construction of new buildings but increasingly also about conservation planning".⁶⁹ The URA carries out its designation and protection for Protected Historic Buildings throughout the process of urban planning, actually the performance of the URA's conservation duties depends on planning instruments (such as a statutory Master Plan) that are designed in accordance with the Planning Act;⁷⁰ therefore, the Act has become the primary legal basis for the URA's conservation practices. The Act has two important amendments listed in Appendix 3.⁷¹

Legal Base for PSMD's Conservation The Preservation of Monuments Act was passed in 1971, it was the first comprehensive law for the protection and conservation of monuments from Singapore's independence. The Act specified criteria for designation of national monuments and provided for the establishment of the Preservation of Monuments Board.⁷² According to the Act, the Board was empowered to designate buildings that fully complied with the criteria as national monuments and to protect them. The Board was reorganized several times and in 2009 it

⁶⁶ Huang, 2013, p. 90.

⁶⁷ Boey, 1998, p. 137.

⁶⁸ Yuen, 2013, p. 130.

⁶⁹ Yuen, 1998, p. 5.

⁷⁰ Francesch-Huidobro, 2008, p. 188.

⁷¹ Planning Act, retrieved 10 August 2016, was enacted in 1989. The highlights analyzed here is in accordance with the text of the Planning (Amendment) Act of 2003 that incorporates revisions from 1998 revised edition.

⁷² Hudd, 2016, p. 111.

merged with the National Heritage Board and was renamed the Preservation of Sites and Monuments Department (PSMD) in 2013.⁷³ The conservation practices of the PSMD follow the rules of the Act,⁷⁴ and has thus become the principal legal basis for the Department's architectural conservation. The Act has two main amendments listed in Appendix 3.⁷⁵

2.3.2 Highlights of Planning Act

Designation of Conservation Area This Act is designed to allow amendments to the Master Plan issued in 1958 (art.6). The Minister may appoint a "competent authority" responsible for the operation of this Act (art.5). In any area of special architectural, historic or aesthetic interest, the Minister may approve a proposal to amend the Master Plan to designate the area as a conservation area. This designation (also known as Protected Historic Buildings) may comprise an area, a group of buildings or a single building (art.9). The competent authority may issue guidelines for the conservation of buildings or land within a conservation area and for the protection of their setting (art.11).

Conservation Permission The competent authority should seek to determine an application for "Conservation Permission" that is a prerequisite for carrying out any works within a conservation area (art.12&13). In specified documents required for any application, a special certificate from a qualified person shall be requested in order to prove the truth and authenticity of all material particulars in the application. The competent authority may, without checking the documents, determine the application in accordance with the certificate of the qualified person (art.14A(1)). However, if during random checks any false information is found, the permission shall be revoked, and the qualified person will receive a much more severe penalty than the applicant (art.14A(2)-(5)). The Minister may issue directions to the competent authority, and may impose any conditions on the conservation permission (art.21(1)&(2)). It is noteworthy that a tax known as a "Development Charge" is paid to the competent authority. This tax is levied upon land development authorized by any conservation permission (art.35&40A).

Enforcement Notice The competent authority responsible for exercising this Act may send an "Information Notice" to the owner, or enter any conservation area for the purpose of inspection

⁷³ *Preservation of Monuments Board is Established*, n.d. retrieved 18 March 2015.

⁷⁴ *About Preservation of Sites and Monuments*, n.d. retrieved 18 March 2015.

⁷⁵ Preservation of Monuments Act, retrieved 18 March 2015, was enacted in 1971 and latest amended in 2011. The highlights analyzed here is in accordance with the 2011 revised edition.

(art.25&27). If any contravention of this Act has been found, the competent authority may issue an "Enforcement Notice", which contains a requirement and a list of the required steps to be taken in order to alleviate the effects of the unauthorized works or to restore the buildings to the original state (art.28). If the owner fails to fulfill the enforcement notice, the competent authority may take direct actions to prevent the demolition or alteration of the conservation area; expenses resulting from the prescribed actions shall be undertaken by the owners (art.31).

2.3.3 Highlights of Preservation of Monuments Act

National Heritage Board The Board serves as the responsible authority for the administration of this Act (art.3), whose main functions include identification, research, determining standards, advice, grants, etc. (art.4&5). The National Monuments Advisory Committee shall be appointed by the Board and serves in an advisory capacity to the Board in its functions (art.7). The articles 8 and 9 respectively describe the appointment of "Director of National Monuments" and "Monument Inspectors".

Preservation Order and Notice A "Preservation Order" can be made by the Minister after consulting with the Board (art.11(1)). The order shall specify the protected monument and also extend to the land containing or adjacent to the monument in order to preserve the monument in its setting (art.11(3)). Monument conservation is the duty of the owners (art.13(1)), the Board may specify the owners' work for preservation, maintenance or repair through a "Preservation Notice" in writing (art.13(2)). The owners have the right to submit their objections against the making, amendment, or revocation of the preservation order to the Board (art.11(7)). The owners may also appeal to the Minister against the requirements of the preservation notice (art.13(3)).

Contravention Without permission of the Board, the activities of demolishing, altering, or repairing monuments are in contravention of this Act (art.15(1)). If a contravention exists, the Board may serve an "Information Notice" to require the relevant persons to submit information in writing for investigation, such as whether a required operation on a monument has been carried out or the required use realized (art.16). The Board may require the relevant persons to stop the disallowed activities by issuing an "Enforcement Notice" (art.18). The non-fulfillment of the aforesaid two notices is also in contravention. This Act provides for strict penalties for such contraventions and specifies details towards a sentence including a fine and even imprisonment (art.15(1),17&20).

B - European Countries

2.4 Italy: Code of the Cultural and Landscape Heritage

2.4.1 Historical Background

The Italian tradition of heritage conservation can be traced to the Cum aliam nostram urbem of 1462.⁷⁶ Since 1462, "[Italy] took a relatively long time before deeper interest was shown in the protection and conservation of mediaeval or later buildings".⁷⁷ During the period of Italian political and cultural unification (1860-1870) the Kingdom of Italy (1861-1946) continually addressed the public's nationalistic feelings that played a role in arousing public interest in Italian heritage conservation.⁷⁸ After unification, the kingdom sought to "shake off its old status as a playground of northern European antiquarians, and appropriate its own heritage, it began synthesising relevant architectural conservation theory from France and Britain from the 1870s and adapting it to its own characteristic conditions of urban multi-layering".⁷⁹ For example, in 1882 the Italian Ministry of Education promulgated a decree concerning the restoration of monuments and monumental buildings, which was drafted in accordance with Viollet-le-Duc's theory.⁸⁰ As further examples of this trend, the kingdom also enacted laws such as Law No.286 of 1871 and Law No.6030 of 1879.⁸¹ These decrees or laws issued during the 19th century represent the beginning of the establishment of national legislation for heritage conservation.⁸²

In the early part of 20th century, Italy came under Benito Mussolini's Fascist Regime (1922-1943). Some conservation laws passed by the fascist government played an important role in the field of Italian heritage, especially two main laws concerning the protection of built heritage and landscape that were issued in 1939.⁸³ Because many Italian cities were destroyed during the war, in its aftermath there was a strong demand for urban reconstruction and there also arose a popular appreciation of the nation's architectural heritage.⁸⁴ In that period, conservation

⁷⁶ Stubbs, 2009, p. 134.

⁷⁷ Jokilehto, 2006, p. 198.

⁷⁸ Jokilehto, 2006, p. 198.

⁷⁹ Glendinning, 2013, p. 155.

⁸⁰ Gianighian, 2001, p. 185.

⁸¹ Degrassi, 2012, p. 5.

⁸² Jokilehto, 2006, p. 198.

⁸³ Gianighian, 2001, p. 184.

⁸⁴ Stubbs & Makaš, 2011, p. 27.

practices followed two main laws.

In the 1960s, the postwar economic miracle of Italy ended. The subsequent two decades were fraught with economic crisis and the national government intended to enact some changes in its state managed mechanism for heritage conservation.⁸⁵ During the 1990s, conservation duties and functions concentrated at the central level began to be delegated to the regional and territorial governments through a series of measures and decrees.⁸⁶ In 2000, on the basis of integrating previous conservation laws, the national government enacted the Consolidated Law, which was a new comprehensive conservation law and encompassed the protection principles of listed ancient monuments, historic buildings, and archaeological sites as well as museums and archives.⁸⁷ During this same year, Italy received and signed the European Landscape Convention.⁸⁸ Under the influence of this convention, the Code of the Cultural and Landscape Heritage was passed in 2004.⁸⁹

The development of Italian conservation laws is based on the development of conservation theory (some conservation laws are shown in Appendix 4).⁹⁰ The prevailing theory of the 20th century usually emphasized that preservation and restoration of heritage should be implemented in a state managed framework, but the theory popularized in the 21st century centers on an idea that preservation and restoration should be managed cooperatively by different relevant authorities.⁹¹ Thus, the Code of the Cultural and Landscape Heritage of 2004 partially subverted the principles provided by the aforesaid Consolidated Law.⁹² The Code of 2004 laid the foundation for conservation laws, and today it is the principal law for Italian heritage conservation.⁹³

2.4.2 Highlights

"One of the merits of the [Code of the Cultural and Landscape Heritage] is that it unified the

⁸⁵ Stubbs & Makaš, 2011, p. 27

⁸⁶ Vesperini, 2009, p. 7.

⁸⁷ Stubbs & Makaš, 2011, p. 27.

⁸⁸ Recchia, 2007, p. 13.

⁸⁹ Bottiglieri, 2008, pp. 110-111.

⁹⁰ Gianighian, 2001, p. 185.

⁹¹ *Conservation in transition: Leading change in the 21st century*, retrieved 23 March 2015, p. 4.

⁹² Levi, 2008, p. 121.

⁹³ Mariotti, 2010, pp. 96, 171.

themes of landscape and cultural heritage in a single law capable of understanding the landscape value of the cultural heritage and the cultural value of the landscape".⁹⁴ In this section relevant provisions concerning protection and conservation of cultural property in the Code are described as follows:⁹⁵

Responsibilities The Code is designed to protect and enhance the cultural heritage of Italy (art.1). The Ministry for Heritage, Cultural Activities and Tourism is responsible for exercising the protection functions of cultural properties (art.4). The regional and other territorial government bodies shall cooperate with the Ministry (art.5). Individuals or associations are also to be encouraged to participate in the enhancement of the cultural heritage by the Republic (art.6(3)). In the Code, there are some instructions for promoting the participation of individuals or associations, such as through advertising (art.49) and sponsorship (art.120).

Ascertainment and Cataloguing The Ministry shall investigate a property (art.12) and issue a certificate of "Declaration of Cultural Interest" which shall ascertain the existence of the interest of the property after investigation (art.13). The cultural properties shall be catalogued nationwide by relevant authorities (art.17).

Protection and Conservation The governments or the private owners must ensure the safety and conservation of the cultural property in their possession (art.30&40). The Ministry shall define guidelines and criteria for the conservation of cultural properties (art.29(5)), and is also empowered to prescribe regulations aimed at preserving the integrity of the setting of the buildings (art.45). Any individual who wants to demolish a cultural property must have the superintendent's authorization (art.21), otherwise the individual is in contravention of the Code and liable for penalty (art.169). The by-product materials from demolition which have artistic or historical value shall be preserved (art.91).

Obligatory Conservation The Ministry may oblige the owner to carry out the necessary work to ensure the conservation of cultural property (art.32). For such obligatory conservation work, the superintendent shall send a "Technical Report" to the owner, which includes a list of the work to be carried out in a specified period of time (art.33(1)&(3)). If the owner fails to fulfill the obligation, the superintendent shall proceed to the direct execution of the work (art.33(5)). The expenses

⁹⁴ Rotondo, 2016, p. 367.

⁹⁵ Code of the Cultural and Landscape Heritage, retrieved 14 February 2015, was enacted in 2004 and latest amended in 2016. But as there is no official English edition of the Code, the highlights analyzed here is in accordance with the text of the 2004 original edition.

incurred for obligatory conservation work shall be paid by the owners; but, if the work is for public use, the Ministry may undertake part or all of the expenses (art.34&art.35). The building, on which conservation measures are carried out with the financial support from the state, shall be obligated to be open to the public (art.38).

Pre-emption and Expropriation Individuals who want to alienate, transfer or exchange their properties need to have the authorization from the Ministry (art.55,58&59), otherwise they are in contravention and will be penalized (art.173). The Ministry is empowered to purchase aforesaid cultural properties through "pre-emption". The Ministry may also expropriate cultural properties in order to insure the conditions of protection for the purposes of public use (art.95&96), which shall be declared by ministerial decree (art.98). The property owners shall be compensated by the government for the expropriation (art.99).

2.5 Britain: Planning (Listed Buildings and Conservation Areas) Act

2.5.1 Historical Background

Private Influence on Conservation in 19th Century There is a long tradition of individuals and organizations playing an important role in British heritage conservation.⁹⁶ John Ruskin (1819-1900) voiced strong opposition to restoration of historic buildings in his treatise, *The Seven Lamps of Architecture*. According to his ideas, buildings are like living things that should be maintained and preserved through proper care instead of restoration.⁹⁷ William Morris (1834-1896) expanded upon and adapted Ruskin's ideas. In 1877, Morris established the Society for the Protection of Ancient Buildings. The mission of the society is straightforward: historic buildings should be protected and conservatively repaired rather than restored. The birth of the society provided a more appealing and viable logic for the nation's architectural conservation and seemed to be "the death knell of the primacy of stylistic restoration".⁹⁸

Although the modern conservation philosophies originated comparatively early in Britain, and British ideas were influential in Europe, Britain "was slow to legislate on heritage protection and was somewhat behind many other European countries".⁹⁹ In 1882, the Ancient Monuments

⁹⁶ Cullingworth, Nadin, Hart, Davoudi, Pendlebury, Vigar... & Townshend, 2015, p. 320.

⁹⁷ Ashworth & Howard, 1999, p. 39.

⁹⁸ Stubbs, 2009, p. 225.

⁹⁹ Cullingworth, et al., 2015, p. 320.

Protection Act was passed and it was the first tentative conservation law. This Act was promoted by Sir John Lubbock (1834-1913), one of the founding members of the Society for the Protection of Ancient Buildings. The society had a direct effect on the passing of the Act.¹⁰⁰

Converted Relationship between Planning and Conservation More effective conservation laws were introduced in the 20th century, especially the amended Ancient Monuments Act of 1913 that was regarded as a landmark in the history of British conservation legislation,¹⁰¹ but it did not encompass the protection of architectural heritage.¹⁰² In 1944, the listed building system was introduced in planning legislation, but the practices concerning architectural conservation were seen as "a relatively minor part of the planning system" rather than a mainstream planning activity.¹⁰³ In 1953, the Historic Buildings and Ancient Monuments Act was issued, whereas the majority of its provisions only aimed at preserving ancient monuments, thus "no direct reference was made in the 1953 Act to [the preservation of] buildings".¹⁰⁴

After the Second World War, many European countries went into a period of demolition and rebuilding due to the needs of postwar urban reconstruction. There were two main doctrines of reconstruction: conservationists sought to rebuild disappeared townscapes, and modernists sought to build new urban infrastructures.¹⁰⁵ In the second half of the 1950s, the process of reconstruction, including professional architecture and planning research in compliance with the modernists' doctrine was accentuated in Britain. From the late 1960s to 1970s, Britain was in a growing economic crisis. The national government began to feel that it was no longer able to afford the expenses required to provide mass housing.¹⁰⁶ Under the influence of the European Architectural Heritage Year in 1975, the citizens also expressed greater interest in the country's architectural heritage.¹⁰⁷ The conservationists' doctrine began to play a dominant role while the government and citizens changed their attitudes towards the modernists' doctrine.

Under the influence of conservationism, the relationship between planning and conservation began to change. The national government had begun to increasingly emphasize the

¹⁰⁰ Donovan, 2008, pp. 86-87.

¹⁰¹ Cullingworth, et al., 2015, p. 320.

¹⁰² Mynors, 2006, p. 9.

¹⁰³ Pendlebury, 2001, pp. 303-304.

¹⁰⁴ Mynors, 2006, p. 12.

¹⁰⁵ Larkham, 1996, p. 58.

¹⁰⁶ Glendinning, 2013, pp. 303-304.

¹⁰⁷ Stubbs & Makaš, 2011, pp. 152-154.

significance of integrating conservation into the development plans.¹⁰⁸ Planning legislation between the 1960s and 1970s strengthened the provisions of architectural conservation, for example, the listed building consent was introduced in the Town and Country Planning Act of 1968; the Town and Country Planning Act of 1971 combined previous provisions concerning the preservation of listed buildings and conservation areas. In 1990, by consolidating previous planning acts, the national government promulgated the Planning (Listed Buildings and Conservation Areas) Act that retains principal conservation provisions provided by previous planning acts and is applicable to planning and architectural heritage conservation in England and Wales.¹⁰⁹ Especially in England, the Planning Policy Guidance Note 15 (PPG15): Planning and the Historic Environment, which was drafted in accordance with the consolidated 1990 Act, "provides a full statement of government policies for the identification and protection of historic buildings, conservation areas and other elements of the historic environment".¹¹⁰ In Scotland, similar consolidation occurred in 1997. In that year, the Planning (Listed Buildings and Conservation Areas - Scotland) Act was issued and provides the foundation for architectural heritage conservation in Scotland. Northern Ireland adopted a similar consolidation until they passed the Planning (Amendment -Northern Ireland) Order in 2003.¹¹¹

2.5.2 Highlights

Since 1882, Britain passed a number of acts concerning protection of ancient monuments and planning (some of them are listed in Appendix 5), of which the most significant is the Planning (Listed Buildings and Conservation Areas) Act 1990.¹¹² The Act provides a national policy framework for planning and architectural conservation in England and Wales, which has been amended various times and now is the primary law in the field of architectural heritage conservation in England and Wales.¹¹³ The subsequent chapters (Administration & Finance)

¹⁰⁸ Pendlebury, 2001, p. 304.

¹⁰⁹ John, 2007, pp. 135-137.

¹¹⁰ Braithwaite, Hopkins & Grover, 2001, p. 127.

¹¹¹ Mynors, 2006, p. 18.

¹¹² Mynors, 2006, p. 19.

¹¹³ Cullingworth, et al., 2015, p. 329.

center on England, thus this section focuses on the Act:¹¹⁴

Listed Building Listed buildings refer to the buildings with special architectural or historic interest. After consulting with the Historic Buildings and Monuments Commission for England (Historic England), a list of listed buildings shall be compiled and approved by the Secretary of State (art.1). Relevant councils and the owners should be notified of any amendments of such lists as soon as possible (art.2). If a building that is not listed is in danger or if it is in the process of applying for inclusion in such lists, the building should receive temporary protection through a "Building Preservation Notice" (art.3&4).

Listed Building Consent Any works for the demolition, alteration or extension of a listed building shall apply for a "Listed Building Consent" (art.7). The Act provides for certificates and explains in detail the procedure required by the applicant for the Listed Building Consent as well as describing the decision making criteria for a successful application (art.10-16). The granted Consent may include some additional conditions (art.17), for example, the reconstruction of the building should use original materials. After granting the "Listed Building Consent", if the local planning authority considers that it is expedient to execute certain work for preserving the building's historic interest, the authority may issue a "Listed Building Enforcement Notice" and the works required by the "Listed Building Consent" should comply with the Notice (art.38). It is noteworthy that the approval of the application for authorization to demolish a listed building requires a seriously strict procedure and the approval of Historic England's officers (art.8).

Rights of Owners If there are objections to the local planning authority's decision, the applicant may appeal to the Secretary of State (art.20&21). If the value of the interest of the owner or occupier is less than it would have been due to the process of granting, revoking, or modifying the aforesaid consent, they can apply to the local planning authority for compensation (art.27-31). They can also apply to the council of the district or London borough for "Listed Building Purchase Notice" in order to require that the council purchase the interest in the building (art.32-36).

Compulsory Acquisition If the Secretary of State confirms that a listed building is not properly

¹¹⁴ Planning (Listed Buildings and Conservation Areas) Act, retrieved 12 June 2015, was enacted in 1990. It was amended by various laws such as the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004 as well as the Enterprise and Regulatory Reform Act 2013, but such changes were introduced in these laws and no new 1990 Act is created. The highlights analyzed here is in accordance with the text of the 1990 original edition.

preserved, he is empowered to make or confirm a "Compulsory Purchase Order" for the acquisition of the building, but if the owner objects to this order, he may also appeal to the court (art.47). The local planning authority or the Secretary of State may make arrangements for the management, custody or use of an acquired building (art.53). A local authority may contribute towards the expenses required for the repair and maintenance of listed buildings or valuable buildings that are not listed through grant or interest-free loans (art.57).

Conservation Areas Conservation areas are designated by the local planning authority or the Secretary of State (art.69&70), the local planning authority should also formulate and publish proposals for the preservation of such areas (art.71). The buildings in conservation areas should not be demolished unless there is a "Conservation Area Consent" (art.74). Historic England may make grants or loans in order to preserve or enhance the character or appearance of conservation areas (art.77&78).

2.6 Germany (exemplified for Bavaria): Bavarian Law for the Protection and Preservation of Monuments

2.6.1 Historical Background

Early Decrees for Conservation "A concern for the conservation of historic buildings began to develop in German speaking countries in the early 19th century".¹¹⁵ During the Napoleonic invasions, many historic buildings were destroyed by the French army.¹¹⁶ The destruction and plundering due to the invasion radically stimulated patriotic feelings amongst the people, popularized by Romantic poets, such as Johann Christian Friedrich Hölderlin (1770-1843) and Joseph von Eichendorff (1788-1857). Under their influence, a public interest in the preservation and study of historic buildings began to grow,¹¹⁷ which provided an additional impetus for legalizing the protection of monuments.¹¹⁸ For example, the Grand Duchy of Oldenburg issued a decree in 1819, by which the Duchy was granted custody of archaeological monuments.¹¹⁹ The Kingdom of Bavaria passed a decree to protect city walls and individual buildings,¹²⁰ however,

¹¹⁵ Will, 1984, p. 9.

¹¹⁶ Stubbs, 2009, p. 226.

¹¹⁷ Jokilehto, 2006, p. 114.

¹¹⁸ Will, 1984, p. 9.

¹¹⁹ Reichstein, 1984, p. 39.

¹²⁰ Taylor, 1998, p. 86.

the role of such decrees was comparatively limited.¹²¹ The passing of such decrees, on one hand, was intended to satisfy the public's patriotic feelings and interest in heritage conservation, on the other hand, they originated from a fact that "both the grand duke and the king...saw a didactic purpose in older buildings, respect for which could translate into respect for the political status quo".¹²² Therefore, the reason for such decrees may be due to monarchical and provincial loyalty rather than for saving monuments.¹²³

Conservation Laws in the Early of 20th Century In the second half of the 19th century, the number of German stylistic restorations increased. But from the middle of the 19th century onward, the voices opposing restoration projects never disappeared but increasingly became stronger. In 1900, Hermann Muthesius's (1861-1927) translations of Ruskin's ideas helped move the tide from flourishing stylistic restoration toward conservation.¹²⁴ At the turn of the century, ideas about the restoration and conservation of historic buildings began to change significantly.¹²⁵ In the first years of the 20th century, there was a debate between the supporters of stylistic restoration and conservationists, the consequence of this debate influenced the fate of historic buildings. More than the efforts of German conservationists, the Heimatschutz movement that began in 1903 exercised profound influence on German architectural heritage.¹²⁶ The movement soon attracted the attention of social reformers' such as Paul Weber who wrote in 1906 that the public should have a right to study and enjoy historic buildings. Statements like this supported the demand for public ownership of land and buildings and further stimulated the public interest in historic building conservation.¹²⁷ With growing public interest and awareness in conservation, a series of laws concerning protection of architectural monuments were promulgated.¹²⁸ The conservation legislation during the first decade of the 20th century defined legal protection for architectural monuments in subsequent decades,¹²⁹ these laws emphasized "tying protection of buildings to registration on a monument list".¹³⁰ Among these laws were the landmarks: Hessian law of 1902 and the Prussian law of 1907, which set the parameters for the

¹²¹ Koshar, 1998, p. 29.

¹²² Taylor, 1998, p. 86.

¹²³ Koshar, 1998, p. 29.

¹²⁴ Stubbs, 2009, pp. 230-232.

¹²⁵ Muthesius, 1981, p. 39.

¹²⁶ Koshar, 1998, p. 27.

¹²⁷ Muthesius, 1981, p. 46.

¹²⁸ Taylor, 1998, p. 87.

¹²⁹ Koshar, 1998, p. 36.

¹³⁰ Will, 1984, p. 11.

conservation legislation of other Grand Duchies and Kingdoms.¹³¹

Neglected Conservation Despite the conservation laws issued in the early 20th century, the two world wars brought historic building conservation into a predicament. After Germany's defeat in the First World War, the Weimar Republic was established. In the period of the Republic, it was unavoidable that the cultural issues including monument conservation were politicized.¹³² In fact, "the economic and political instability during the years of the Weimar Republic had a generally negative effect on the care and protection of historic monuments".¹³³ During the Second World War, urban renewal was a popular topic of the Nazi era. In the renewal process, "historic buildings were sanitized and prettified to accommodate shoppers, drivers, and tourists", their historic or architectural value was destroyed to varying degrees.¹³⁴ In the postwar period, the German Democratic Republic (GDR) demolished historic buildings that represented German militarism or imperialism, like the Berlin Stadtschloss¹³⁵ which survived in the bombing but was torn down in 1950; the Federal Republic of Germany (FRG) used a similar policy, historic buildings related to Germany's Nazi and military-imperialist past were also torn down, like Paul Ludwig Troost's Ehrentempel¹³⁶ which was demolished in 1947.¹³⁷ In the social environment of postwar Germany, the preservation and legislation of architectural monuments was suspended.

Conservation Legislation Since 1970s While Germany was divided, the states in the GDR had no autonomy over monuments, thus they did not legislate for monument conservation. It was not until 1975, that the GDR passed its first General Monuments Preservation Law.¹³⁸ Some educational programs and courses from 1968 onwards encouraged the public to embrace conservation, which helped shift the GDR's attitude over monument conservation.¹³⁹ Eleven states in the FRG passed conservation laws between 1971 and 1980 either by amending

¹³¹ Koshar, 1998, p. 37.

¹³² Koshar, 2004, pp. 40-41.

¹³³ Will, 1984, p. 13.

¹³⁴ Koshar, 2004, pp. 40-43.

¹³⁵ Berlin Stadtschloss was a royal and imperial palace in the centre of Berlin and built in the 15th century. It was demolished in 1950 by the German Democratic Republic authorities.

¹³⁶ The Ehrentempel (Honor Temples) were two structures, being designed by architect Paul Ludwig Troost and erected by the Nazis in 1935. It was demolished in 1947 by the U.S. Army.

¹³⁷ Stubbs & Makaš, 2011, pp. 212-214.

¹³⁸ Stubbs & Makaš, 2011, p. 212.

¹³⁹ Cullingworth, et al., 2015, p. 383.

previous existing laws or by promulgating new laws.¹⁴⁰ Most of the conservation laws issued by the FRG were influenced to some extent by the European Architectural Heritage Year of 1975. Although they were not direct consequence of the heritage year, the atmosphere of appreciating and recognizing architectural heritage throughout Europe was conducive to the enactment of these laws.¹⁴¹

After the re-unification in 1990, the states of the former GDR also passed conservation laws, such as the Monuments Protection Act of Saxon-Anhalt of 1991¹⁴² and the Saxon Monument Protection Act of 1993.¹⁴³ Today, the sixteen states of the Federal Republic of Germany have monument conservation laws respectively, but the laws are very similar with only small variations (the main monument protection acts of the Federal States of Germany are listed in Appendix 6).¹⁴⁴

2.6.2 Highlights

The Bavarian Law for the Protection and Preservation of Monuments was issued in 1973, this was the first time that there was a detailed state-level legislation for specifying protection and conservation of monuments, it can be said that the Bavarian Law "set[s] a model for other West German states".¹⁴⁵ In this section, the Bavarian Law may stand as an example.¹⁴⁶ A general understanding towards monument conservation legislation at the state level may be formed through the following description of the Bavarian Law's main provisions.

Scope of Monuments In the State of Bavaria, all of the monuments shall be compiled in a Monument List by the State Conservation Office (art.2). Monuments are categorized into built monuments and archaeological monuments. Among them, built monuments refer to structures and can also include gardens or Ensembles (art.1). This Law especially emphasizes that local governments must give appropriate consideration to the preservation of Ensembles within the framework of master planning (art.3).

¹⁴⁰ Will, 1984, p. 16.

¹⁴¹ Brüggemann & Schwarzkopf, 2001, p. 137.

¹⁴² Monuments Protection Act of Saxon-Anhalt 1991, retrieved 02 April 2015.

¹⁴³ Robbers, 2010, p. 362.

¹⁴⁴ Brüggemann & Schwarzkopf, 2001, p. 137.

¹⁴⁵ Macdonald, 2009, p. 82.

¹⁴⁶ Bavarian Law for the Protection and Preservation of Monuments, retrieved 10 July 2015, was enacted in 1973. The highlights analyzed here is in accordance with the text of the revised edition of 2009.

Measures of Preservation The owners have obligations to maintain and repair their built monuments and protect them from danger; if the owners cannot carry out these measures to preserve the monuments, they are obligated to allow preservation measures to be carried out by the responsible Monument Protection Authority (art.4). If there is an urgent necessity, the Monument Protection Authorities and the State Conservation Office are empowered to be accessible to monuments without considering the will of the owners (art.16). Any alteration to monuments must have permission from the Local Monument Protection Authority (art.6) that shall consult the State Conservation Office before making a decision on permission (art.15). The use of monuments should strive for an established function similar or equivalent to their original purpose, if various uses are possible, the use that ensures the long-term preservation and has the least adverse effect on the historic fabric of the monuments should be selected (art.5).

Preservation Authorities The responsibilities of State Conservation Office involve the care of monuments and participation in the protection of monuments (art.12). The Local Heritage Conservators should consult, seek advice from the Monument Protection Authorities and the State Conservation Office on issues concerning monument care and monument protection, the State Monument Advisory Board is in charge of advising the state government and participating on some important issues towards monument care (art.13&14), as well as deciding about listing historic areas.

Financing Owners should undertake the costs of preservation measures (art.4). Naturally, state and local governments can also contribute to such costs taking the importance and the urgency of the case as well as the financial capabilities of the owners into account (art.22). If a built monument is in danger, the monument can be expropriated (art.18); however, the person concerned shall be granted monetary compensation through the Compensation Fund established by the state government (art.20&21).

C - Comparison of Conservation Laws

2.7 Main Contents of the Laws

In the aforesaid main laws of the six countries, the laws of European countries are comparatively detailed compared with the East Asian countries. In East Asia, the laws of Japan and China generally put emphasis on guiding the concept and lack instructive regulations for practical implementation. But the laws of Singapore are similar to the European laws to a large extent, which include instructive regulations of conservation principles and of specific implementation.

The contents of administration and finance in the field of heritage conservation analyzed in chapter II and III, thus, this section did not involve relevant descriptions, like the organization and responsibilities as well as financial support of relevant authorities according to these main laws. But what should be emphasized here is that although the six countries have different administrative structures in the field of heritage conservation, they mostly give special attention to the public interest of heritage, because public interest in heritage is one of the most important factors that should be taken into account in the determination of financial support. The laws of some countries also provide that the heritage with governmental financial support shall be accessible to the public.

The following table is a comparison of the aforesaid main laws. In Singapore, the protection for monuments and conservation areas are provided by two separate laws, thus, the contents of the two laws are synthesized and described in this table. This table only focuses on the aforesaid main laws. It is possible that there are some contents that are not provided for by the main laws, but by other laws or legal documents or supplementary ordinances, but because of limited resources, this study cannot go into the depth required to describe all of the relevant regulations. However, the aforesaid laws provide primary legal foundations for present heritage conservation in six countries, thus, the most significant and relevant regulations of heritage conservation are mostly involved in these laws. (Table 1)

Table 1 - Comparison of the Main Contents of Conservation Laws

Main Contents of Conservation Laws		Japan	China	Singapore	Italy	Britain	Germany
Designation and Catalog of Heritage	cataloguing list	✓	✓	✓	✓	✓	✓
	historic district and city	✓	✓	✓	✓	✓	✓
	different levels of protection	✓	✓				
Administration of Heritage	authorities and their duties	✓	✓	✓	✓	✓	✓
	advisory board/commission			✓		✓	✓
	financial contributions	✓	✓		✓	✓	✓
	use of heritage		✓				✓
	open to the public	✓	✓		✓		
	authorization to alienation/transfer	✓	✓	✓	✓		
Protection and Preservation Measures	conservational obligations	✓	✓	✓	✓	✓	✓
	actions subject to authorization/permission	✓	✓	✓	✓	✓	✓
	protection for settings of heritage	✓	✓	✓	✓	✓	✓
	conservation entered into master plan	✓	✓	✓		✓	✓
Compulsory Enforcement	obligatory conservation work	✓	✓	✓	✓	✓	✓
	financial support for obligatory work	✓	✓		✓		✓
	direct access and protection by authorities	✓	✓	✓	✓	✓	✓
	pre-emption	✓			✓		✓
	expropriation/compulsory acquisition				✓	✓	✓
	administrative and criminal measures	✓	✓	✓	✓	✓	✓
Other Prescriptions	sponsorship/advertising				✓		
	promotion of study and research		✓		✓		✓
	encourage private participation				✓		
Rights of Owners	appeal against designation or obligatory work			✓	✓	✓	✓
	require the state to purchase property			✓		✓	

2.7.1 Designation and Catalog of Heritage

In the aforesaid main laws of six countries, there are different appellations for architectural heritage, like: Cultural Property, Listed Building, or Monument etc, but their protection scope are generally similar. According to their definitions provided by the main laws, a single structure or group of structures (districts or cities) can be identified as architectural heritage. In such laws, architectural heritage is normally seen as immovable or built heritage in order to distinguish it from movable heritage like ancient antiques and paintings. However, in Bavaria, some movable historic objects, such as art collection, can also be identified as built monuments.

Among the six countries being studied, their definitions of architectural heritage are similar to a large extent, thus by summarizing these definitions, a general definition of architectural heritage can be formed in the dissertation: for the purposes of protecting and enhancing the cultural heritage of the state, a building or group of buildings which have historical, artistic, scientific, architectural interest can be designated as architectural heritage. In East Asian countries, an architectural heritage's interests that are protected by laws are comparatively simple, for instance, Japan and China only put emphasis on historical, artistic or scientific interest. In European countries, a comparatively wide range of interests are identified for architectural heritage. For instance, despite the aforesaid interests, Bavaria also emphasizes urban design or folkloristic interest and Italy gives extra attention to ethno-anthropological interest.

According to these main laws, it is common that the designated architectural heritage of each country should be cataloged in a list. But there are different approaches aimed at heritage in such lists: for some countries, the heritage should be one single category for protection and conservation as found in Italy and the State of Bavaria; for other countries, the heritage should be categorized at different levels as done in Japan and China - both countries passed legislation that designated architectural heritage to be categorized at different levels and to specify the relevant protection and conservation regulations based on the levels of heritage. As an exception to this, there is no regulation of categorizing heritage at different levels in the Planning (Listed Buildings and Conservation Areas) Act of Britain and the Planning Act of Singapore, but they categorize heritage at different levels in their conservation practices: listed buildings in Britain are categorized into Grade I, Grade II*, and Grade II in accordance with the Heritage Protection Guide (the most comprehensive online guide compiled by Historic England); conservation areas in Singapore are categorized into four types: historic, historic residential, secondary settlements and bungalows according to the Conservation Master Plan. It should be emphasized that the different levels of categorization in Britain and Singapore shall be in compliance with the

designation principles provided by their planning acts.

The different levels of categories designating architectural heritage should be equivalent to the importance of heritage to the nation, i.e., a higher level refers to higher importance.

Categorizing heritage at different levels normally results from the consideration that resources should be distributed to heritage of higher significance where resources are limited. This also means that designation and protection measures for heritage should take various criteria into account, for example, in Japan, the protection regulations of important cultural property are often stricter than that of cultural property being categorized at a lower level. Although there are some countries that do not categorize designated heritage at different levels, they usually have to consider the importance of heritage in the determination of protection and conservation decisions, such as in Bavaria. The Bavarian Law for the Protection and Preservation of Monuments, (art.22) (Financial Contributions) specifies that the extent of financial participation should depend on the importance of protected buildings.

2.7.2 Preservation Measures

Duty of Protection and Preservation In the aforesaid six countries, if a building is designated as a protected building by the relevant authorities, the owner or occupier should be required to carry out preservation measures for the building. Unless there is an authorization from relevant authorities, no one can carry out demolition, alteration, or restoration to a protected building. It can be said that authorized conservation is generally adopted as an effective instrument of protection. But the authorities responsible for authorization in East Asian and European countries have different characteristics, which to some extent may be related with the aforesaid different levels of categorization. In Japan and China, the authorization for work on heritage being categorized at different levels should be granted by different authorities on corresponding levels, i.e., if heritage is categorized at higher levels, authorities responsible for granting permission/consent also need to come from a higher level. In Europe, authorization of works is often the duty of authorities at the local level like Local Planning Authorities (Britain), Local Soprintendenze (Italy), and Local Monument Protection Authorities (Bavaria, Germany). It is noteworthy that the prime national authorities responsible for heritage in European countries often have supervisory power. For example, in the State of Bavaria, when local monument protection authorities approve and grant conservation permission, they must receive accordance from the Bavarian State Conservation Office in advance; in England, the local planning authorities also need to consult with Historic England in matters of authorization.

Authentic Restoration In the main laws of the six countries in this study, the conservation

philosophy of heritage which originated from Ruskin describe a principle of legislation. The main purpose of these laws is to prevent heritage from damage or alteration. For restoration work, the authenticity principle provided by the Venice Charter of 1964 made a significant international influence and has been generally acknowledged. There are a few comparatively detailed regulations concerning authentic restoration provided by the main laws of European countries. For instance, in the Planning (Listed Buildings and Conservation Areas) Act (England), Article 17 provided that "the use of original materials" should be one of the conditions for granting listed building consent; in the Bavarian Law for the Protection and Preservation of Monuments, Article 5 emphasizes that "built monuments should be used for their original purpose" and "a use which ensures the long-term preservation of the monument's historic fabric" should be chosen in determination of potential various uses.

Integrated Conservation As one of the prevalent and main concepts of contemporary conservation, integrated conservation is provided for by many international charters and conventions, such as the European Charter of Architectural Heritage of 1975 and the Convention for the Protection of Architectural Heritage of Europe of 1985. "The integrated conservation policy allows cultural heritage to have full right in the framework of an urban and country planning and development policy with objectives that are cultural, social and economic".¹⁴⁷ The concept of integrated conservation is deeply acknowledged by most countries and reflected by their conservation laws. In the six countries being studied, all of their main laws provide regulations related to integration: heritage conservation does not only aim at the individual building but also at its historical setting or environment. Specifically, in the Preservation of Monuments Act (Singapore), Article 11 provides that "a preservation order shall extend to all the land containing the monument to preserve the monument in its setting"; in the Code of the Cultural and Landscape Heritage (Italy), Article 45 provides that "...to prescribe the distances, measures and other regulations aimed at preventing that the integrity of immovable cultural property be put at risk"; in the planning act of Britain, Article 16 provides that "in considering whether to grant listed building consent for any works...shall have special regard to the desirability of preserving the building or its setting". It is noteworthy that the viewpoint of "protect heritage in its setting" is widely accepted but there is no specific definition in the main laws, perhaps this is because a setting may involve a wide range of contents and scope. This also means that in conservation practices, protection and conservation of a setting should depend more on the practical experience of conservation specialists. Moreover, the aforesaid main laws mostly specify that heritage conservation should be entered into a master plan, which requires that heritage

¹⁴⁷ Pickard, 2011, p. 106.

conservation should be specially considered in urban development.

2.7.3 Compulsory Enforcement

Obligatory Work When relevant authorities identify that architectural heritage are at risk or unauthorized works are carried out on them, the authorities are empowered to deal with these problems. The aforesaid main laws of East Asian and European countries provided similar methods and steps for resolving such problems: a) the responsible person (usually the owner or occupier) is obligated to stop the unauthorized work or carry out preservation works in compliance with the requirements of relevant authorities; b) if the responsible person fails to undertake the required works, the relevant authorities are legally permitted to enter a property and carry out necessary works, even against the will of the owner or occupier.

Financial Support for Obligatory Work As for the obligatory work, the responsible person should undertake necessary expenses. However, except Singapore and Britain, the main laws in other countries provide rules about the financial support for such obligatory work from the relevant governments or authorities. It should be emphasized that there are different criteria for determining whether the responsible person can receive financial support:

a) Japanese and Chinese criteria often put emphasis on the economic competences of the responsible person, for example, in the Law for the Protection of Cultural Property (Japan), Article 40 provides that the Exchequer shall not undertake the expenses where the owner is "capable of bearing part of such expenses"; in Chinese Law on the Protection of Cultural Heritage, Article 21 states that "relevant local governments should provide assistance where the owner is not capable of implementing the works".

b) Italy and Germany (Bavaria) intended to put more emphasis on the importance of heritage to their nations and improvement of public interest in heritage work. For instance, Article 34 of the Italian code provides that "if the measures are of particular significance or if they are carried out on properties granted in use to, or for enjoyment by, the public, the Ministry may participate in the expenses in whole or in part"; Article 22 of Bavarian law provides a similar regulation that "the extent of financial participation depends on the importance and the urgency of the case"

Expropriation/Compulsory Acquisition Despite the aforesaid methods, the main laws of European countries also provide that relevant authorities are empowered to expropriate or compulsorily purchase the heritage where the responsible person places their heritage in danger due to a failure to fulfill their obligatory works. For instance, in Britain, if the obligatory work is not properly carried out, the Secretary of State may authorize relevant authorities to acquire the heritage

compulsorily; in Italy, cultural property may be expropriated by the Ministry for reasons of public use; in Bavaria, the expropriation is also allowable if a danger to the condition or appearance of a built monument cannot effectively be averted. However, there are no similar regulations provided by the main laws of East Asian countries and although there are regulations of expropriation, only rare cases can be found in present conservation practices.

2.7.4 Other Prescriptions

Through the comparison in the aforesaid table 1, it can be said that these countries have different regulations of heritage conservation, but generally there are some similar aspects. However, it is noteworthy that a few countries have some exclusive regulations of heritage conservation:

Advertising and Sponsorship (Italy) In the Code of the Cultural and Landscape Heritage, Article 49 (Advertising Bill and Hoardings) and Article 120 (Sponsorship of Cultural Property) provide that sponsorship of cultural property for the purpose of advertising may be authorized by Soprintendenze. The Code also provides regulations related to the patterns of advertising and sponsorship contracts, the core of which is that advertising shall be compatible with the appearance, decorous aspect or public enjoyment of the property. There is a possible link between such regulations and the encouragement of various indirect financial sources.

Require the State to Purchase Property (Singapore, Britain) The regulation of purchasing heritage provided by most main laws often emphasizes the purchasing power of relevant authorities, like using rights of pre-emption and expropriation to purchase heritage from the owner for the purpose of conservation. However, in Singapore and Britain, if the heritage owner objects to the conditions of granting the Conservation Permission (Singapore) or Listed Building Consent (England, Britain), the owner also has the right to serve on a notice requiring the relevant authorities to purchase his property.

III. Administration of Architectural Heritage Conservation in East Asian and European Countries

A - East Asian Countries

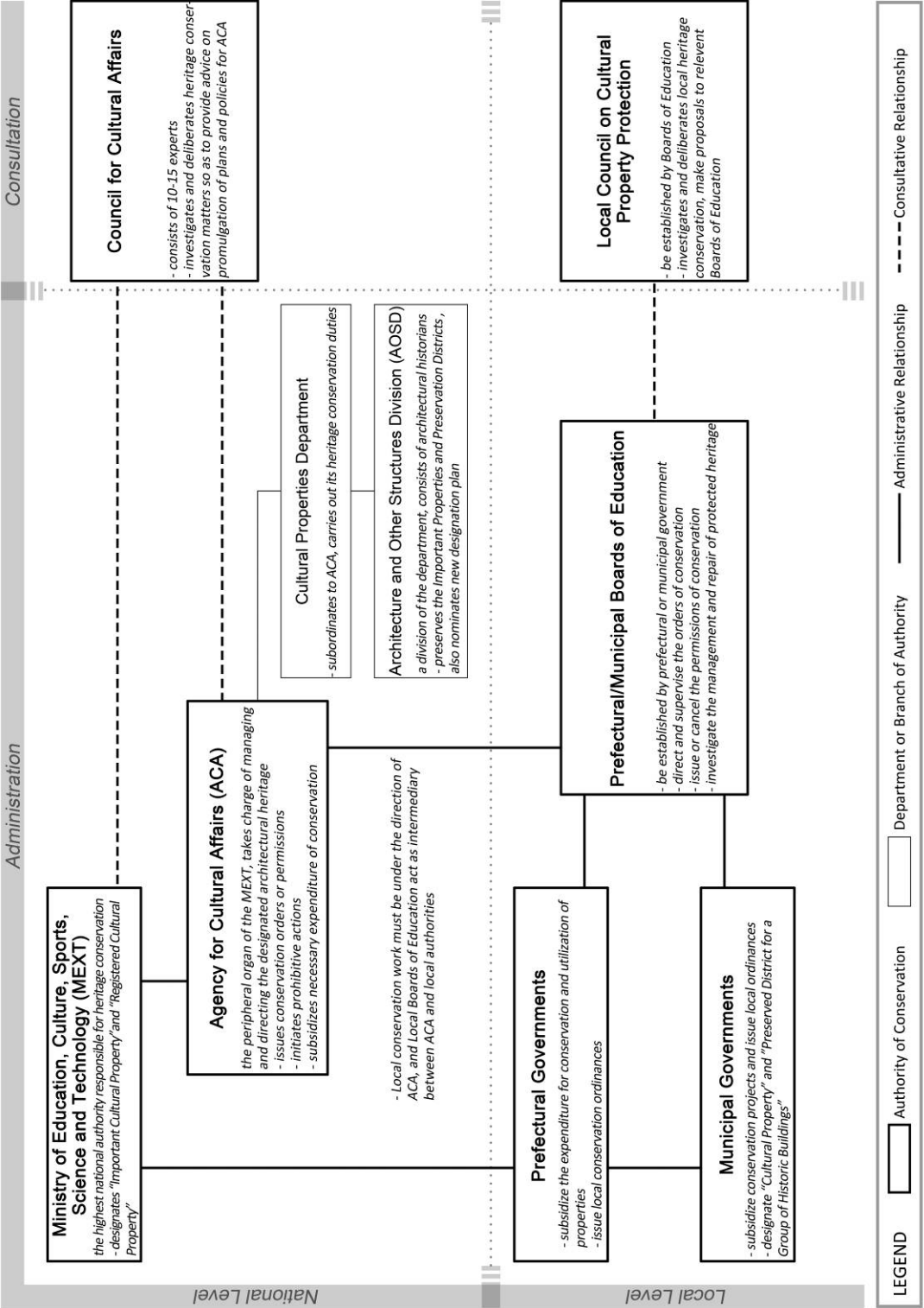
3.1 Japan

The Ministry of Education, Culture, Sports, Science and Technology (MEXT) is the highest national authority responsible for the conservation of architectural heritage. The majority of its conservation responsibilities are delegated to the Agency for Cultural Affairs (ACA), which is the single peripheral organ of this ministry and plays a primary role in architectural conservation. The MEXT and the municipal governments undertake the duty of designating cultural properties together, and the ACA is mainly in charge of administering and guiding the conservation works on designated architectural heritage. The boards of education within prefectural and municipal governments also have an important role in building conservation. They act as an intermediary between the Commissioner for Cultural Affairs and the citizens, i.e. the documents and report of the citizens or civic societies need to be submitted to the MEXT via the boards of education rather than to local governments. In addition, the boards of education play an advisory role in the designation of local cultural properties and the formulation of local conservation ordinances.

Local authorities can act autonomously in the management and legislation of local conservation; however, the national authorities have still retained some powers over architectural heritage. For example, the development of all the local matters, including conservation work, depend on financial assistance from the central government.¹⁴⁸ In return, the central government and national authorities maintain control over the supervision of local conservation work. (Figure 1)

¹⁴⁸ Horie, 1996, p. 64.

Figure 1 - Administrative Structure of Architectural Heritage Conservation in Japan



3.1.1 Administration at the National Level

Emerging Structure since the 19th Century

"From the Nara period and until the Meiji Restoration in 1868, the responsibility for the construction and repair of official buildings, including the most important Buddhist temple, was in the hands of government agencies".¹⁴⁹ In the 1850s, the Tokugawa Shogunate¹⁵⁰ signed a series of unequal treaties with America, Britain and the Russian Empire as well as other European countries in order to prevent Japan from falling into decay as China did during the late Qing dynasty; as a result, these Western powers were authorized to enter Edo Bay. The signing of these unequal treaties lessened the authority and influence of the Tokugawa Shogunate. In 1863, the forces against the Tokugawa Shogunate launched a civil war under the banner of "supporting the emperor, fighting Westerners", lasting nearly five years. Eventually, on January 3, 1868, the court issued a decree to formally announce the restoration of power to the emperor, which resulted in the collapse of the Tokugawa Shogunate that had governed Japan for about 250 years. The new Meiji government was established and simultaneously the Meiji Restoration¹⁵¹ started.¹⁵²

In 1868, the emperor initiated a religious reform with efforts to have Shintoism¹⁵³ become the national religion, which led to violent attacks on many Buddhist temple buildings. In this reform, nearly 18,000 Buddhist buildings were forced to close.¹⁵⁴ Meanwhile, at the beginning of the Meiji era¹⁵⁵, the Japanese tended to neglect native culture and traditions gradually because of the appearance of the trend to favor learning from the West.¹⁵⁶ Such political and social upheavals had a direct influence on the fate of Japanese architectural heritage, and many buildings of historic interest, especially the Buddhist temple buildings, were destroyed to different degrees in the period of the early Meiji.¹⁵⁷ In the subsequent years, the fate of Japanese architectural heritage was reversed following the political reform of Meiji government. The initial political reforms were implemented between 1868 and 1873, which affirmed the central authority and control over local administration. Similar to the earlier religious reform, this political reform

¹⁴⁹ Larsen, 1994, p. 31.

¹⁵⁰ Tokugawa Shogunate (1603-1867) was the last feudal Japanese military government.

¹⁵¹ Meiji Restoration was the political revolution in 1868 of Japanese history.

¹⁵² Meyer, 2009, pp. 128, 132-134.

¹⁵³ Shinto is an ethnic religion of Japanese, focusing on ritual practices.

¹⁵⁴ Gibbon, 2005, p. 331.

¹⁵⁵ The Meiji era is a Japanese era starting from 1868 to 1912.

¹⁵⁶ Larsen, 1994, p. 31.

¹⁵⁷ Henrichsen, 1998, p. 12.

also attempted to strengthen the authority of the emperor. Eventually, the Meiji government established a centralized system led by the central government.¹⁵⁸

Within this system, the Interior Ministry (later known as the Ministry of Home Affairs) was responsible for heritage conservation during the early Meiji period.¹⁵⁹ The ministry was established in 1873 as a result of the Iwakura Diplomatic Mission. The Meiji government sent the mission to visit fifteen European countries and the United States from 1871 to 1873, with the principal objective of negotiating the revision of the aforementioned unequal treaties with the Western countries, and the mission also hoped to advance their own country by learning from the Western world.¹⁶⁰ After the completion of this mission, Japan created an Interior Ministry within the Daijō-kan¹⁶¹, which was modeled after similar ministries in European countries.¹⁶² In 1888, the ministry set up an office for inventories of national treasures. Between 1888 and 1897, a broad survey was carried out by this office and 210,000 cultural properties were investigated. From 1892 to 1893, there was another inventory conducted listing all of the temple and shrine buildings throughout Japan. Such intensive investigations aroused the public interests in traditions, history and native culture. Thus, the social and cultural climates in Japan of that time changed greatly compared with the beginning of the Meiji era. This tradition for conservation had existed in Japan for a long time. Even during the Second World War, Japan still did not abandon it. When Japan joined the war, the central government protected many architectural heritage with camouflage. One such example was the castle of Himeji¹⁶³. Some buildings, however, did not escape destruction from war. There were total of 206 designated buildings ruined by the bombing campaigns in the late period of this war (May to August, 1945).¹⁶⁴

After the World War II, the responsibilities for heritage conservation were gradually transferred to the Ministry of Education. The disastrous fire of Hōryū-ji¹⁶⁵ in 1949 was a turning point in the history of Japanese heritage conservation. This is one of the most integral and ancient timber structures in the world and its wall paintings were tragically destroyed in the fire. This loss of

¹⁵⁸ Failla, 2004, p. 73.

¹⁵⁹ Yamamoto, 2006, p. 1.

¹⁶⁰ Scott, 2003, p. 326.

¹⁶¹ Daijō-kan was the highest organ of Japan's pre-modern Imperial government.

¹⁶² Beasley, 2000, p. 66.

¹⁶³ The castle of Himeji is a hilltop Japanese castle, the best surviving example of prototypical Japanese castle architecture.

¹⁶⁴ Henrichsen, 1998, p. 12.

¹⁶⁵ Hōryū-ji is a Buddhist temple, one of the oldest wooden buildings.

cultural heritage prompted an appeal for promulgating comprehensive preservation law and the establishment of a systematic administration for Japanese heritage was launched in the society. In 1950, the Law for the Protection of Cultural Properties (1950 Law) was issued. The enforcement of this law was granted to the Ministry of Education, making this ministry the main national authority for heritage conservation.¹⁶⁶ The ministry classified the management of cultural and artistic matters into several specific duties, which were operated by bureaus subordinate to the ministry, including the Cultural Affairs Bureau, the Social Education Bureau, the Elementary and Secondary Education Bureau, the National Commission for UNESCO and the Higher Education and Science Bureau.¹⁶⁷

Establishment of New Supreme Authority after WWII On June 15, 1968, the bureaus of the Ministry of Education reorganized to become the Agency for Cultural Affairs (ACA). It aims to improve the effective implementation of cultural policies and consolidate the administration of heritage conservation in Japan.¹⁶⁸ Since its establishment, the ACA has begun to play a primary role in heritage conservation,¹⁶⁹ and is overseen by the Commissioner for Cultural Affairs.¹⁷⁰ In 2001, the Ministry of Education merged with the Science and Technology Agency to become the Ministry of Education, Culture, Sports, Science and Technology (MEXT), which is the main national ministry responsible for heritage conservation in Japan today.¹⁷¹ Following the reorganization of the MEXT, the ACA also was integrated into the ministry and became an independent peripheral branch of the MEXT.

The majority of MEXT's heritage conservation responsibilities are delegated to the ACA, particularly the duties involving the management and guidance of preservation work. However, in addition to other powers, the ministry retained the right to designate resources as cultural properties. In fact, the 1950 Law provides that cultural properties include the buildings of historical and artistic value i.e. architectural heritage;¹⁷² therefore, the ministry can protect architectural heritage mainly through the use of its designation power.

ACA's Duties As a peripheral branch of the MEXT, the ACA takes charge of managing and

¹⁶⁶ Gibbon, 2005, p. 332.

¹⁶⁷ Shikaurni, 1970, p. 10.

¹⁶⁸ Ministry of Education, Culture, Sport, Science and Technology (MEXT), 1993, chapter 1.2.2.

¹⁶⁹ Kawasaki, 1996, p. 196.

¹⁷⁰ Agency for Cultural Affairs (ACA), 2014, p. 1.

¹⁷¹ Pekkanen & Kallender-Umezu, 2010, p. 59.

¹⁷² Law for the Protection of Cultural Properties 1950 (2007 Amendment), Art. 2.

directing the conservation of this designated architectural heritage.¹⁷³ The ACA's main duties are three-fold: the promotion and dissemination of culture, the performance of religious matters, and the protection and management of heritage. The heritage conservation duties are carried out by the Cultural Properties Department, which is subordinate to the ACA.¹⁷⁴ The Cultural Properties Department is under the direction of the Director General, and the Councilor for Cultural Properties assists the director.¹⁷⁵

As a division of the Cultural Properties Department, the Architecture and Other Structures Division (AOSD) is responsible for the conservation of the Important Cultural Properties and Important Preserved District for a Group of Historic Buildings designated by the 1950 Law, and also has the power to nominate new designation plans. This division undertakes the majority of the conservation work of architectural heritage in Japan, but it only has a small staff of twenty architectural historians and clerks, therefore, it often needs to cooperate with relevant agencies.¹⁷⁶ The cooperation process is described in the following subsection.

3.1.2 Administration at the Local Level

Establishment of the Local Government System During the Tokugawa Shogunate period (1603-1867), the Bakuhan system¹⁷⁷ was implemented in Japan. Within this system, the highest central powers were controlled by the bakufu, meaning military government, and the feudal domains were governed by the daimyo, meaning feudal lords. In this medieval governing system, these lords had absolute autonomy for all territorial matters without bakufu intervention, so people were not likely to have the impression of a united nation. After the establishment of the Meiji government in 1868, the new government hoped to build a modern united country; therefore, this government attempted to curb the old localized system that existed under the former Bakuhan system. In this case, because the experiences of the West, adopted as a result of the Iwakura Diplomatic Mission made the Meiji government believe that Germany was the most developed country in the whole world. Japan at this time established a local system that was modeled on the local government system of Bismarck's Germany. In 1889, the Meiji

¹⁷³ Asakawa & Nishiura, 1995, p. 5.

¹⁷⁴ Park, 2013, p. 494.

¹⁷⁵ Agency for Cultural Affairs (ACA), 2014, p. 1.

¹⁷⁶ Larsen, 1994, p. 33.

¹⁷⁷ Tokugawa system was a government structure combined of bakufu (military government during Tokugawa Shogunate) and daimyo (feudal lords).

government issued the imperial constitution that affirmed the establishment of a constitutional monarchy, thus, the centralized government structure was formed. In the process of pre-preparation of this constitution, the Meiji government also established the city, town, and village systems in 1888, and the prefecture and municipality systems were built in 1890.¹⁷⁸

Although the Japanese local government system was built, the governors of the local governments were appointed by the central government, who often represented the causes and wishes of the central government, thus, the local governments had limited governing powers at this time.¹⁷⁹ Such a structure clashed with the actual situation in Japan, so a civil rights movement was launched in Japan of 1874. This movement lasted nearly fifty years, and resulted in a gradual expansion of the local autonomy. However, the assassination of Inukai Tsuyoshi¹⁸⁰, a famous Japanese politician, and the outbreak of the Manchurian incident of 1931 (also known as the Incident of 18th September)¹⁸¹ destroyed the democratic achievements of this movement. From then on, Japan began to move to a wartime regime, and the central government gradually enhanced the central authorities, in return the local autonomous powers were lessened.¹⁸²

After World War II, Japan promulgated the Constitution in 1947, which is the basic legal document of postwar Japan and also known as the Peace Constitution.¹⁸³ Chapter VIII (articles 92-95) provides that the governors of local governments should be selected by the citizens instead of appointed by the central government, and that the local governments are autonomous for all the territorial internal matters and can issue relevant ordinances.¹⁸⁴ Thus, the relationship between the central and local governments in Japan gradually moved towards decentralization through the enforcement of this constitution. In the postwar period, Japan's economy rapidly recovered and developed and the country conducted an administration reform in 1981 which attempted to enhance its economic vitality. Under this reform, the public services were devolved to local governments.¹⁸⁵ Until the issue of the Decentralization Promotion Law of 1995, the

¹⁷⁸ Horie, 1996, pp. 50-52.

¹⁷⁹ Ikawa, 2008, p. 5.

¹⁸⁰ The assassination of Inukai Tsuyoshi was also named as the May 15 Incident, which was an attempted assassination aiming to strengthen the power of Japanese militarism.

¹⁸¹ The Manchurian incident was a staged event by Japanese military personnel, which was regarded as a pretext for the Japanese invasion of China in 1931.

¹⁸² Horie, 1996, pp.51, 54-55.

¹⁸³ Meyer, 2009, p. 236.

¹⁸⁴ Constitution of Japan 1947, art.92-95.

¹⁸⁵ Kamo, 2000, p. 110.

relationship between the central and local governments had been formally changed from a top-down hierarchy to equal cooperation.¹⁸⁶

At present, there is a two-tier local government system in Japan, consisting of 47 prefectures and about 1,800 municipalities. The prefectures are composed of the municipalities, and the prefectural governments undertake more local responsibilities than the municipal governments. The municipal governments are on the same fundamental level as the local government system and have direct and close connection with the local residents.¹⁸⁷ Under this decentralized system resulting from the administration reform, the local governments on the individual level began to have more influences upon architectural conservation.

Conservation Duties of Local Governments The prefectural and municipal governments have distinct tasks and duties, the 1950 Law outlines their responsibilities for architectural conservation. According to this law, the conservation duties of prefectural and municipal governments are similar, i.e. they are equal bodies in territorial architectural conservation. They both are responsible for subsidizing the necessary expenditures for the conservation and utilization of cultural properties. If the prefectural and municipal governments need to promulgate, amend or abolish their local ordinances they must notify the Commissioner for Cultural Affairs through their local boards of education.¹⁸⁸

The prefectural and municipal governments have exhibited competence in passing Local Ordinances for the Protection of Cultural Properties. As of 1987, all of the 47 prefectures and 92 percent of municipalities passed local conservation ordinances. The 1950 Law grants local governments the power to designate; the prefectural governments designated approx. 1,900 historic buildings, and the municipal governments designated approx. 5,600 historic buildings.¹⁸⁹

Conservation Duties of Local Boards of Education In addition to local governments, there are boards of education sitting in prefectures and municipalities. In accordance with the 1950 Law, the prefectural and municipal boards of education need to cooperate with their local governments to perform duties towards heritage conservation. The prefectural and municipal boards of education can set up advisory committees to guide conservation work. The advisory committees are responsible for inspecting the status quo of protected buildings and providing instructions and

¹⁸⁶ Ikawa, 2008, pp. 7-10.

¹⁸⁷ Schmidt, 2009, p. 14.

¹⁸⁸ Law for the Protection of Cultural Properties 1950 (2007 Amendment), art. 182.

¹⁸⁹ Larsen, 1994, p. 35.

advice for the owners of protected buildings.¹⁹⁰ In practical architectural conservation, the prefectural and municipal boards of education are responsible for carrying out the following duties:¹⁹¹

- (1) to provide direction and supervision for the subsidy, appoint a managerial body, issue orders or advice on repair, manage the sale or purchase concerning local cultural properties;
- (2) to issue permission for the alteration of the status quo or for any actions affecting heritage conservation, and also to be capable of cancelling such permission and issue orders on suspension of the aforesaid actions;
- (3) to investigate the management and repair of protected heritage or take necessary measures to secure the implementation of such investigations; and
- (4) to act as an intermediary between the Commissioner for Cultural Affairs and the citizens, including submitting documents to the Commissioner, accepting instructions and direction from the Commissioner, and advising the Commissioner, etc.

Cooperation of Conservation Authorities The practical conservation work of prefectural and municipal governments and their boards must be under the direction of the Agency for Cultural Affairs (ACA).¹⁹² Thus, in the whole process of Japanese architectural conservation local authorities must cooperate with national authorities. Their cooperative work adheres to the following steps:¹⁹³

(1) As the buildings are designated Cultural Properties and their owners or relevant managerial bodies want to conduct repair actions on them, the owners or relevant managerial bodies must notify the board of education in their prefectures or municipalities that the repair requires local authorities' custody. These boards will submit the requests to the ACA. Then, the Architecture and Other Structures Division (AOSD) should allocate an inspector, who is required to investigate the building and prepare a basic plan concerning the proposed repair project in cooperation with the owner or relevant managerial bodies. The AOSD is also required to prioritize these repair projects and then to submit a budget recommendation to the Ministry of Finance.

(2) Because a subsidy can be granted by the Ministry of Finance, the owner or relevant

¹⁹⁰ Cultural Properties Department & Agency for Cultural Affairs (ACA), 2015, p. 9.

¹⁹¹ Law for the Protection of Cultural Properties 1950 (2007 Amendment), art. 184.

¹⁹² Asakawa & Nishiura, 1995, p. 5.

¹⁹³ Larsen, 1994, pp. 127-128.

managerial bodies must submit a formal application for the subsidy. The preparation of this application needs to be based on a detailed inspection and survey of the building, which should be completed by the staff of the Japanese Association for Conservation of Architectural Monuments or conservation architects of the prefectures. In addition to this, the AOSD needs to investigate the building again, so as to stipulate the percentage of the requested subsidy based upon the owner's income.

(3) After specifying the conservation plan and the percentage of subsidy, the AOSD should set up a project team consisting of one representative of the AOSD and a supervisor. The supervisor should be a conservation architect with adequate specialized practical experience, either working with the Japanese Association for Conservation of Architectural Monuments (JACAM) or being a university professor. In the phases of construction or half dismantling, as well as in requiring special repair techniques, the AOSD should cooperate with the association to jointly appoint a chief architect who should be responsible for formally reporting to the ACA in writing project progress reports at the end of each month.

(4) During the process of implementing the projects, if the practical work deviates from the outline of the projects, the detailed information and causes must be reported to the ACA. If there is a need to change the original budget plan, the ACA will negotiate with the Ministry of Finance.

(5) If the implementation period of the projects is beyond one fiscal year, the owner or relevant managerial bodies must submit a financial report to explain the current status of the projects at the end of year. After completion, the owner or relevant managerial bodies must submit a final financial report to the prefectural boards of education via the municipal boards of education in ten days, and then the prefectural boards need to make an appraisal of the results of the projects and report it to the ACA.

3.1.3 Consultation Commissions

National Advisory Body As a primary authority in Japanese architectural conservation, the ACA performs conservation responsibilities mainly depending on the Council for Cultural Affairs. This council generally consists of five members appointed by the Ministry of Education, Culture, Sports, Science and Technology (MEXT), plus ten to fifteen specialists with extensive knowledge in architecture, conservation and history.¹⁹⁴ These specialists will investigate and deliberate

¹⁹⁴ Park, 2013, p. 494.

matters concerning heritage conservation and promotion of culture so as to provide advice on promulgation of plans and policies regarding heritage conservation and to enhance the performance of the ACA. The council is composed of seven subdivisions - among them the Subdivision on Cultural Properties serves as investigator and decision maker for securing the conservation and utilization of cultural properties.¹⁹⁵ This structure strengthens the administration of the advisory council; in return, the advisory role of this council is consolidated through the performances of such subdivisions.

Prior to the implementation of architectural conservation policies, the ACA must consult with the council in order to evaluate whether the building merits conservation or not.¹⁹⁶ Throughout the process of architectural conservation, based on the situation of the buildings, the ACA will issue conservation orders or relevant permissions, initiate prohibitive actions to stop behaviors adversely affecting conservation, and subsidize necessary expenditures of building conservation. The Commissioner for Cultural Affairs must consult with this council prior to making decisions about such matters, and make final decisions based on their advice.¹⁹⁷ In the process of performing designation powers by the MEXT, including the designation of cultural properties and annulment of such designation, the ministry also will consult with this council.¹⁹⁸

Local Advisory Body The local authorities of Japan also set up advisory bodies to offer advice for the local architectural conservation. According to the 1950 Law, the prefectural and municipal boards of education can install the Local Councils on Cultural Property Protection by their local conservation ordinances. Upon consulting with the prefectural and municipal boards of education, the councils are mainly responsible for investigating and deliberating important matters concerning the conservation and utilization of local architectural heritage. In addition, they also need to make plans regarding these matters and submit them to relevant boards of education.¹⁹⁹

3.1.4 Civic Organizations

Encouragement of Public Participation The citizens and civic societies of Japan make efforts to win their right to speak in matters concerning architectural heritage conservation. Following the passing of a series of decentralization policies, the Japanese government, especially local

¹⁹⁵ Agency for Cultural Affairs (ACA), 2014, p. 6.

¹⁹⁶ Gibbon, 2005, p. 332.

¹⁹⁷ Law for the Protection of Cultural Properties 1950 (2007 Amendment), art. 153 (2).

¹⁹⁸ Law for the Protection of Cultural Properties 1950 (2007 Amendment), art. 153 (1).

¹⁹⁹ Law for the Protection of Cultural Properties 1950 (2007 Amendment), art. 190.

governments, began to put more attention and support into public participation. The development of public participation is an ongoing process, which requires long-term effort and adjustment.²⁰⁰ As for this, the Agency for Cultural Affairs (ACA) follows the principle that adequate public participation is the prerequisite for the coordination of actions of various authorities and prevents conflicts from occurring in the process of performing conservation duties. Therefore, the ACA makes effort to build a climate beneficial for public participation with the hope of strengthening public awareness about cultural policies. The ACA's official website introduces relevant policy information to the public and offers other various pieces of information for conservation practitioners, such as the latest conservation activities and events, presentations of the latest designation of cultural properties, online magazines issued monthly, and relevant information for children.²⁰¹

The 1950 Law provides both the obligations and powers of citizens in the process of heritage conservation. The law prescribes that the citizens shall cooperate with such conservation measures carried out by central and local governments. The owners of cultural properties and the citizens shall also realize that cultural properties are precious for the nation and need to be protected and utilized well by people. The law also states that ownership and other property rights of the citizens should be respected by the central and local governments in the process of enforcing this law.²⁰² The ACA also provides that the citizens should cooperate with building conservation carried out by the central and local authorities, and they must notify the relevant superior authorities of any actions affecting conservation work.²⁰³

All of these efforts make the citizens form a better understanding about the importance of heritage conservation; their passion for participating in conservation has been increasing gradually year by year. For example, more than 7,000 specialists are employed each year in conducting field surveys of historic buildings. Such fieldwork provides regular employment to 20,000 to 30,000 citizens and the majority of them are middle-aged housewives.²⁰⁴

Participation of Civic Societies Besides the work of individual citizens, civic societies also play an important role in building conservation in Japan. In the 1950s, the Ministry of Education began to lessen the control over local governments and, following the trend towards decentralization of

²⁰⁰ Issarathumnoon, 2005, p. 1.

²⁰¹ Agency for Cultural Affairs (ACA), 2014, p. 13.

²⁰² Law for the Protection of Cultural Properties 1950 (2007 Amendment), art.4.

²⁰³ Agency for Cultural Affairs (ACA), 2014, p. 36.

²⁰⁴ Gibbon, 2005, p. 335.

that time, attempted to decentralize the administration of conservation work. To some extent, the positive outcome of this was the establishment of local conservation societies. In most cases, such societies were established either for the promotion of the designation of cultural properties or for the promotion of conservation of cultural properties.²⁰⁵ For specifying the role of such societies in practical conservation work, the ACA prescribes that such societies shall notify the central and local governments of matters about architectural conservation, including the transfer of building ownership, building protection and management.²⁰⁶

(1) *Japanese Association for Conservation of Architectural Monuments (JACAM)* Among the Japanese civic societies, the JACAM is a significant society. The association was established in 1971, it is mainly in charge of teaching and training of architectural conservators.²⁰⁷ Thus, this association provides professional development workshops specializing in the restoration of architectural heritage sites and a training center for architects and craftsmen with specialized restoration techniques. At present, this association is "the single most important resource center for traditional architectural techniques".²⁰⁸ Its specialized staff secures the quality of Japanese architectural conservation and has a crucial role in the implementation of conservation projects. For example, the aforesaid cooperation work, jointly carried out by the Architecture and Other Structures Division (AOSD) and other organs, requires that the application documents for subsidies must be based on a detailed inspection and survey of the building, which should be completed by the staff of JACAM. As for the practical implementation of projects, the supervisor of the project team also must be either a conservation architect and member of the association or a university professor. The initial purpose of this association is to manage the restoration of Important Cultural Properties and national treasures; however, today the restoration of locally designated cultural properties, historic sites, and places of scenic beauty are also the duties of JACAM. Thus, this association has become a nationwide civic society.²⁰⁹

(2) *Association for Corporate Support of the Arts* In 1990, this association consisting of various enterprises was established for the support and promotion of the artistic and cultural activities of Japan. Its core activity is to encourage donations from business enterprises to fund such activities. The sponsorship from these companies is invested in the management of cultural matters, including projects concerning heritage conservation. For example, this association set

²⁰⁵ Siegenthalte, 2004, p. 133.

²⁰⁶ Agency for Cultural Affairs (ACA), 2014, p. 36.

²⁰⁷ Park, 2013, p. 494.

²⁰⁸ Larsen, 1994, p. 44.

²⁰⁹ *Our history and present*, n.d., retrieved 20 May 2015.

up the GB Fund after the Great East Japan Earthquake in order to fund the rebuilt areas destroyed in the disaster, in particular to fund the revival of damaged or destroyed heritage.²¹⁰

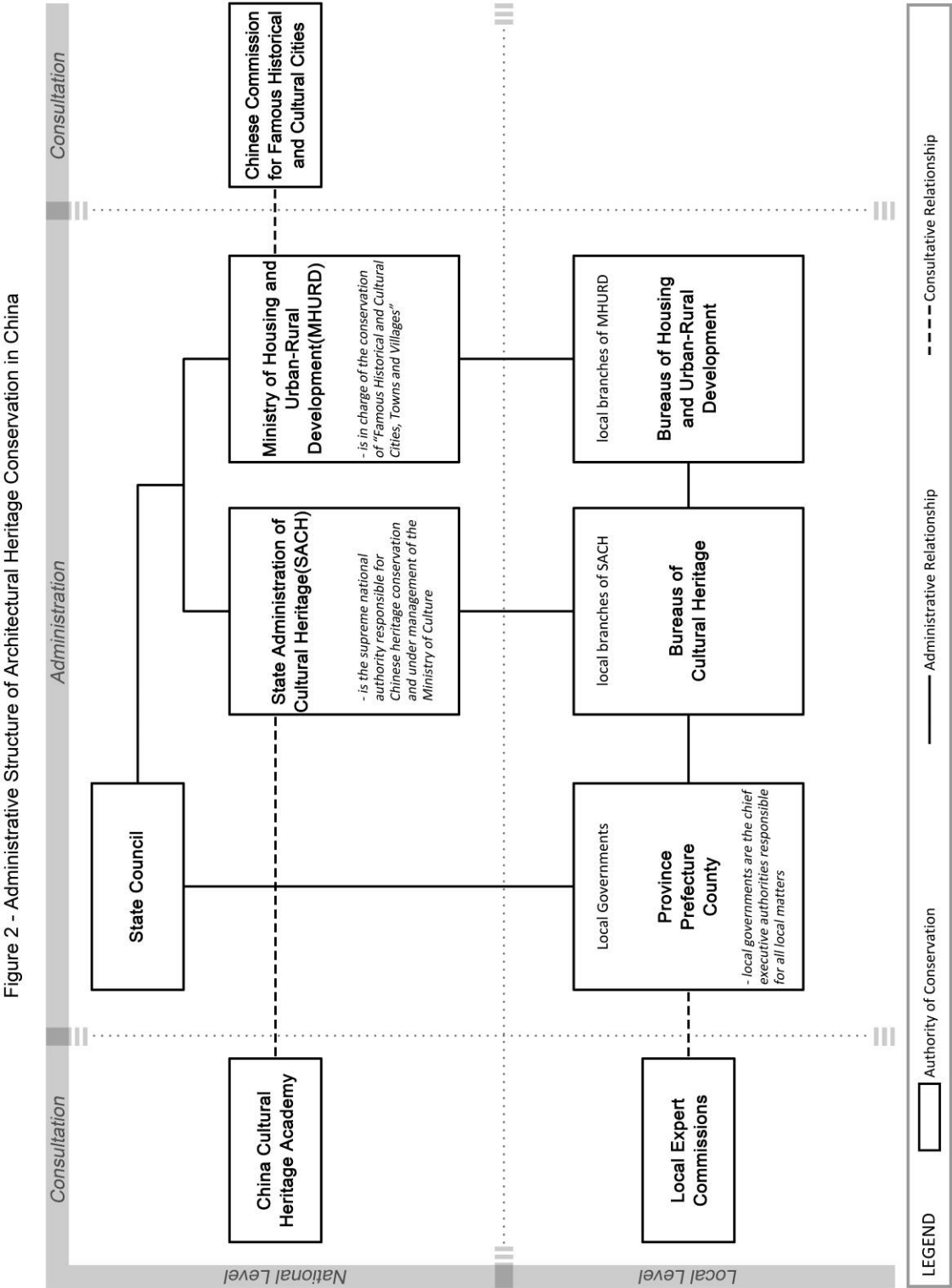
3.2 People's Republic of China

The State Administration of Cultural Heritage (SACH) is the supreme national authority responsible for Chinese heritage conservation, and is subordinate to the State Council. The Council delegated management power over the SACH to the Ministry of Culture. In return the SACH is under direct control and management of the ministry. The SACH is in charge of the conservation of all nationwide heritage. Meanwhile, the Ministry of Housing and Urban-Rural Development (MHURD) also is granted some responsibilities concerning architectural conservation, in particular the conservation, management and supervision of Famous Historical and Cultural Cities, Towns and Villages. The ministry is also the key national authority responsible for architectural heritage conservation. Thus, the SACH and the MHURD have become two main national authorities for building conservation, and the administrative structure of Chinese architectural conservation can be thought of as having two heads of power.

The SACH and MHURD devolve the conservation responsibilities to their local branches, which play a crucial role in local conservation practices. These local branches are under the direction and management of the superior national authorities and local governments involved in practical conservation work. The national authorities can control the local conservation work to some extent through direction and supervision over their local branches. A top-down hierarchical relationship exists among the local governments on each level, and the local governments need to report work concerning all local matters to the superior governments or central government, including conservation work. Thus, the central government can also influence the local conservation practices to some extent through its control of powers over local governments.

(Figure 2)

²¹⁰ Agency for Cultural Affairs (ACA), 2014, p. 14.



3.2.1 Administration at the National Level

The Central Government is at the center of the administrative structure of architectural heritage administration in China, so too is the political administration system, which is modeled upon the former Soviet Union. Since 1937, China had experienced nearly 12 years of war, including the Second Sino-Japanese War (1937-1945) and the Second Chinese Civil War (1945-1949). On October 1, 1949, the People's Republic of China was born. In the early years of its establishment as a new socialist country, the new Government attempted to introduce some successful experiences of social development. At that time, there were two models that would be studied among the industrialized countries, the capitalist model and the former Soviet Union model. It is widely known that the Chinese government was modeled on the Soviet Union's centralized system to build Chinese socialism.

In this centralized system, the Chinese government set up a national authority to take charge of united management of cultural matters. In 1949, the Central Government established the Ministry of Culture, which is the highest national authority for cultural matters.²¹¹ The ministry is mainly responsible for the formulation of cultural policies as well as developmental plans, the promulgation of relevant laws, and the direction and promotion of cultural activities.²¹²

Establishment and Duties of SACH The State Administration of Cultural Heritage (SACH) was established in 1949, it is the administrative department for cultural heritage subordinate to the State Council even though it is under the supervision of the Ministry of Culture.²¹³ In accordance with the Law of the People's Republic of China on the Protection of Cultural Heritage, immovable heritage such as architectural heritage is owned by the State,²¹⁴ and the conservation of all national heritage is the duty of the SACH.²¹⁵ Therefore, the SACH becomes the supreme national authority responsible for the conservation of Chinese architectural heritage.

²¹¹ 国家部委 60 年: 历数机构改革中被撤销和新组建的部委 [60-years development of China ministries: Ministries revoked and new-built], 2009.

²¹² 文化部主要职责 [Main duties of Ministry of Culture], 2005.

²¹³ 国家文物局工作规则 [Rules on Management for State Administration of Cultural Heritage (SACH)] 2008, chapter 1.

²¹⁴ 中华人民共和国文物保护法 [Law of the People's Republic of China on the Protection of Cultural Heritage] 1982 (2015 Amendment), art.5.

²¹⁵ 中华人民共和国文物保护法 [Law of the People's Republic of China on the Protection of Cultural Heritage] 1982 (2015 Amendment), art.8.

Between 1949 and 1952, the social condition of China was in a mess, and the Central Government put less attention on architectural conservation, therefore, the Ministry of Culture and the SACH found it difficult to promulgate comprehensive conservation laws and to implement significant conservation programs in this environment. However, their early efforts to advance architectural heritage conservation occurred during this period. The central government at this time took a series of measures to protect and enhance social harmony and to revive the national economy destroyed in the war. In this context, the central government had adequate resources to operate the first five-year plan (1953-1957) for stimulating the national economy, with the objective being to promote the industrialization of China.²¹⁶ As a result, a movement to promote agricultural production was initiated to be the focal point of this plan, and many historic buildings, ancient monuments and sites were destroyed. To prevent further examples of architectural heritage from being destroyed, the State Council issued the Notice on Conservation of Ancient Antiques in the Process of Agricultural Production. This notice provided that agricultural production must consider the conservation of heritage involved in farming, and also specified the basic criterion of selection for national heritage. According to this notice, the Ministry of Culture and the SACH conducted a heritage survey throughout the country in 1956.²¹⁷ With cooperation from local governments, the first list of protected heritage located in the provinces was issued in 1956. And from this, the first list of 108 valuable nationally protected heritage buildings was published in 1961.²¹⁸

Such early achievements towards architectural conservation suffered two heavy crises during the 1960s and 70s, which required the relevant authorities to suspend the nationwide conservation work. The first crisis resulted from the Great Leap Forward²¹⁹, which focused all efforts to promote the steel industry. In this Great Leap, people collected construction materials by demolishing historic buildings in order to build traditional furnaces to produce steel and supply fuels. This led to the massive destruction or demolition of numerous historic buildings. The second crisis originated in the Cultural Revolution²²⁰. In this revolution, numerous historic buildings were arbitrarily demolished and destroyed under the banner "destruction of the Four Olds (old customs, culture, habits and ideas)".

²¹⁶ Wang, 2001, pp. 28-30.

²¹⁷ Li, 2006, pp. 29-30.

²¹⁸ Gu & Yuan, 2005, p. 133.

²¹⁹ The great Leap Forward (1958-first half of 1960) was an economic and social campaign of P.R. China, which was led by the Communist Party of China.

²²⁰ The Cultural Revolution was a sociopolitical movement of P.R. China, which occurred from 1966 to 1976, which affected the country's economy and society negatively.

After nearly twenty years of upheaval, Chinese conservation work recovered. The Law of the People's Republic of China on the Protection of Cultural Heritage was issued in 1982 (1982 Law), which states that the SACH is the administrative department for cultural heritage under the State Council and takes charge of the conservation of all national heritage. The statutory role of the SACH still remains today. In the field of architectural conservation, its main responsibilities can be listed as follows.²²¹

- (1) to make plans for the development of heritage conservation, and to formulate relevant regulations towards the designation of heritage, as well as to conduct heritage inventories;
- (2) to direct and coordinate the heritage conservation work;
- (3) to organize and review the applications for a listing as World Cultural Heritage, and to supervise the protection and management of such World Cultural Heritage, as well as to cooperate with the Ministry of Housing and Urban-Rural Development in the conservation and supervision of Famous Historical and Cultural Cities;
- (4) to organize and coordinate the implementation of important heritage conservation projects, and to undertake the designated work on important national heritage; and
- (5) to direct the dissemination of heritage conservation, and to make proposals for the establishment of staff concerning heritage conservation.

Relevant Ministries Involving Conservation The SACH has a leading role in Chinese architectural heritage conservation. The Ministry of Public Security, State Administration for Industry and Commerce, General Administration of Customs, Ministry of Housing and Urban-Rural Development (MHURD), and other relevant ministries shall be responsible for protecting cultural heritage in their jurisdictions,²²² i.e. besides the Ministry of Culture and the SACH, other ministries and relevant national authorities also have a role to play in the field of heritage conservation in their jurisdiction. For example, a) the MHURD is concerned with the conservation and supervision of the groups of historic buildings designated as "Famous Historical and Cultural Cities, Towns and Villages" in cooperation with the SACH;²²³ b) the Ministry of Education is concerned with the coordination of international cooperation in the fields of education, science

²²¹ 国家文物局主要职责[Main duties of State Administration of Cultural Heritage (SACH)], n.d., retrieved 18 May 2015.

²²² 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage]1982 (2015 Amendment), art.9.

²²³ 国务院办公厅关于印发住房和城乡建设部主要职责内设机构和人员编制规定的通知[Notice about duties, organizations and constitution of Ministry of Housing and Urban-Rural Development (MHURD) issued by the General Office of the State Council], 2008.

and culture between other relevant departments and UNESCO;²²⁴ c) the Ministry of Public Security can participate in conservation activities carried out by the SACH in its jurisdiction such as the formulation of relevant regulations towards security and prevention of crime towards heritage. In July of 2015, this ministry cooperated with the SACH to jointly promulgate the Rules on Fire-Safety Management of Historic Buildings, which provides that the extension or reconstruction of buildings, occupancy of separation distance and fire lanes are forbidden in the vicinity of historic buildings.²²⁵

In order to enhance cooperation among various ministries and national departments, the State Council also issued a Notice to Strengthen the Conservation and Administration of World Cultural Heritage of China, and the establishment of a Inter-ministerial Joint Conference is prescribed in this notice, i.e. the SACH can organize a Inter-ministerial Joint Conference in the case of heritage conservation projects involving the duties of distinct departments, in order to provide an appropriate way for the united management of such projects.²²⁶

Cooperation of MHURD and SACH It should be emphasized that the Ministry of Housing and Urban-Rural Development (MHURD) and the SACH jointly play a crucial role in Chinese architectural heritage conservation. The MHURD is in charge of urban planning and housing, and there is an inevitable conflict between urban construction and historic building conservation; therefore, the ministry needs to "preserve and supervise the Famous Historical and Cultural Cities, Towns and Villages with the cooperation of the SACH",²²⁷ in order to solve possible conflicts between conservation and urban construction. The Famous Historical and Cultural Cities are defined as "cities with numerous cultural heritage with significant historic and revolutionary relevance" in the 1982 Law.²²⁸ In such cities, there are many historic buildings and ensembles of historic buildings. For example, Beijing is a Famous Historical and Cultural City, where many historic buildings and ensembles of historic buildings like the Forbidden City exist.

²²⁴ 国务院办公厅关于印发教育部主要职责内设机构和人员编制规定的通知[Notice about duties, organizations and constitution of Ministry of Education issued by the General Office of the State Council], 2008.

²²⁵ Wang, 2015.

²²⁶ 国务院办公厅转发文化部、建设部、文物局等部门关于加强我国世界文化遗产保护管理工作意见的通知[Notice to Strengthen the Preservation and Administration of World Cultural Heritage of China], 2004.

²²⁷ 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage]1982 (2015 Amendment), art.14.

²²⁸ 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage]1982 (2015 Amendment), art.14.

Thus, like the SACH, the MHURD also can control the fate of historic buildings to some extent, and the two authorities often cooperate in the field of architectural conservation. At present, there are fifteen subdivisions within the MHURD, and among them, the Department of Urban Planning is the seat of executive authority responsible for the conservation and supervision of the Famous Historical and Cultural Cities, Towns and Villages, and the ministry mainly performs its building conservation duties via this department.²²⁹

3.2.2 Administration at the Local Level

Changing Relationship between the National and Local After the Cultural Revolution, the social environment of that time was not beneficial for the practice of an egalitarian and balanced development strategy. Based on this understanding, Deng Xiaoping, Chairman of the Chinese People's Political Consultative Conference and Vice Premier of China, initiated the Chinese economic reform in the 3rd Plenary Session of the 11th Central Committee of the Communist Party of China of 1978, thus the relationship between the central and local governments was moving toward decentralization. In support of a strategy "allowing some households and some regions to be prosperous first", advocated by Deng, many measures were implemented in this reform to decentralize administration powers to the local governments. In the late 1970s, China moved towards a system of local self-government.²³⁰ In this context, the administrative structure of heritage conservation also began to decentralize. According to the 1982 Law, the local governments are responsible for conservation of territorial heritage.²³¹ Under the Chinese economic reform, the national authorities set up local branches and devolved conservation responsibilities to these branches. In this way, local branches and local governments began to manage local heritage conservation together.

Prior to the early 1980s, a highly centralized fiscal system existed in China, within this system the local governments needed to remit all taxes and profits to the central government, and then the central government transferred some of them back according to their fiscal conditions and need for funds. But the decentralized structure resulting from the Chinese economic reform left the

²²⁹ 国务院办公厅关于印发住房和城乡建设部主要职责内设机构和人员编制规定的通知[Notice about duties, organizations and constitution of Ministry of Housing and Urban-Rural Development (MHURD) issued by the General Office of the State Council], 2008.

²³⁰ Zuo, 2009, pp. 85-86.

²³¹ 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage]1982 (2015 Amendment), art.8.

local governments with a certain amount of fiscal autonomy, which allowed the local governments to share revenues with the central government based on their negotiated proportion.

The fiscal decentralization resulted in the reduction of central revenues, and in 1994 the central government launched a new tax sharing system in order to reverse the undesired situation. Under this system, the central government makes different grants to different areas according to their conditions. For example, China can be generally divided into the east, middle, and west areas. The central government gives more grants to the west than the middle area based on the economic development.²³² The central revenue had been expanded gradually through the new re-centralized fiscal system, but the local governments still retained their local autonomy, including the autonomy over local architectural conservation.²³³

Local Authorities for Territorial Conservation In practice, the Chinese local government system is composed of five main levels: province, prefecture, county, township, and village.²³⁴ The local governments on each level should undertake the conservation of cultural heritage in their territories, and the relevant local authorities for heritage conservation above the governments' prefectural level are responsible for supervising the implementation of the territorial conservation and for undertaking some conservation work.²³⁵

Although the Chinese local authorities and governments on each level have autonomy over territorial heritage conservation, the aforesaid national authorities still can control territorial conservation work through their local branches that are the local authorities for heritage conservation within local governments mentioned in the 1982 Law. For example, a) the MHURD branches at the provincial level often are called: Offices of Housing and Urban-Rural Development and the branches on other local levels are usually called: Bureaus of Urban-Rural Development; b) as for the SACH, its set of local branches is as similar as the MHURD, and its branches on each local level are usually called: local Bureaus of Cultural Heritage, which administer the local conservation work on behalf of the SACH; c) the Ministry of Culture, responsible for unifying functions towards cultural matters, also sets up branches at the local level, which are normally called: Offices/Bureaus of Culture, and they often cooperate with local

²³² Cheng, 2015.

²³³ Zuo, 2009, pp. 86-87.

²³⁴ 中华人民共和国行政区划[Administrative divisions of P. R. China], n.d., retrieved 19 May. 2015.

²³⁵ 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage]1982 (2015 Amendment), art.8.

Bureaus of Cultural Heritage in territorial conservation work.

The aforesaid local branches are under the direction of the superior national authority, in the meantime they also are subordinate to their local governments and administered by their local governments. The local governments on each level are the chief executive authority responsible for the management and control of all local matters, therefore, they have powers over the organization of local branches. In general, these local branches have a vertical relationship with their superior national authority while being under the control of local governments. Moreover, there exists a top-down hierarchical relationship among the local governments on each level. The local governments have autonomy over territorial conservation matters, but they also need to report their work to the superior governments or central government. This weakens the autonomous degree of Chinese local authorities for architectural conservation to some extent.

3.2.3 Consultation Commissions

Expert Consultation System In the 3rd Plenary Session of the 11th Central Committee of the Communist Party of China of 1978, the central government proposed that the Chinese economic reform was the focus of the State at this time. Because of this, the progress of heritage conservation work that had stagnated in the Cultural Revolution had recovered and developed. In 1982, the State Council promulgated the 1982 Law and signed the Convention Concerning the Protection of the World Cultural and Natural Heritage in 1985. As a result, the concepts and methodology of Chinese heritage conservation began to approach the international criterion.²³⁶

While urbanization and industrialization were fueled by economic reform, the conflicts between the unprecedented scale of urban construction and historic building conservation emerged only gradually.²³⁷ In fact, the Chinese architectural conservation is always jointly carried out by the central and local governmental authorities, and decisions regarding conservation projects often are made by their directors and staff who have little specialized knowledge. Such decisions are likely to neglect the significance of historic building conservation, they may even aggravate the conflicts between urban construction and conservation work. In order to resolve this predicament, the Ministry of Housing and Urban-Rural Development (MHURD) and the State Administration of Cultural Heritage (SACH) established the Chinese Commission for Famous Historical and Cultural Cities in March of 1994. They employed experts to intensify the supervision of executive

²³⁶ Zhang & Liu, 2012, pp. 99-105.

²³⁷ Gu & Yuan, 2005, p. 135.

actions and to consult in the practice of conservation techniques for Famous Historical and Cultural Cities. This is significant because it was the first time that expert governmental consultants were formally introduced to promote conservation work.²³⁸

In 2003, the Enforcement Ordinance for the 1982 Law was issued, which provides that administrative departments for heritage conservation at every level shall improve the quality of conservation work.²³⁹ In 2007, the SACH issued the Administrative Ordinance for Appraisal of Quality of Scientific Techniques and Expert Consultation of Heritage Conservation, which prescribed specific principles pertaining to the expert consultation system in heritage conservation.²⁴⁰ Such laws and regulations provide a better environment for the establishment of such specialized commissions, thus, the central and local authorities began to set up advisory commissions to enhance practical conservation work. The consultation commissions established by the Ministry of Culture, the SACH and the MHURD are described below.

Expert Commission of the Ministry of Culture The China Cultural Heritage Center was established in 2008, it is under the direct control of the Ministry of Culture and acts as the consultation commission of this ministry. This center is the single nationwide non-profit agency responsible for the conservation of tangible and intangible cultural heritage. A board of 30 experts at the Center is responsible for providing advisory service for relevant governmental authorities. The Center has cooperated with many authorities concerning heritage conservation and plays an active role in the field of Chinese architectural conservation. In addition, the Center also manages academic research about heritage conservation and formulates conservation policies to relevant authorities.²⁴¹

Expert Commission of SACH The SACH performs its conservation duties depending on the advice from the Chinese Cultural Heritage Academy and its expert commissions. The academy was founded in 1984 and is under the direction and administration of the SACH. It mainly consists of conservators, experts in the field of heritage conservation, and other interested groups.²⁴² The academy has 24 expert commissions,²⁴³ who advise the SACH and relevant

²³⁸ Zhang, 2009, p. 30.

²³⁹ 中华人民共和国文物保护法实施条例[Enforcement Ordinance for Law of the People's Republic of China on the Protection of Cultural Heritage] 2003, art. 5.

²⁴⁰ 文物保护科学和技术评审与咨询专家管理办法[Administrative Ordinance for Appraisal of Quality of Scientific Techniques and Consultation of Heritage Conservation]2005, retrieved 20 May 2015.

²⁴¹ 华夏文化遗产保护中心简介[Introduction of China Cultural Heritage Center], n.d., retrieved 20 May 2015.

²⁴² 中国文物学会章程[Regulations for Chinese Cultural Heritage Academy] 2012, art. 2 & 4.

authorities involving heritage conservation under the guidance of the academy. Among these commissions, some mainly play an advisory role for historic building conservation:

- a) the Chinese Traditional Architecture and Garden Commission established in 1994 is concerned with the conservation and study of architectural heritage of China;²⁴⁴
- b) the Historical and Cultural Quarters Commission established in 2013 is responsible for advising conservation projects of buildings in historic districts;²⁴⁵
- c) the Restoration of Cultural Heritage Commission established in 2003 mainly plays an advisory role in the techniques of conservation and restoration of historic buildings;²⁴⁶
- d) the 20th-Century Architectural Heritage Commission was founded in May of 2014 and mainly provides advice on the conservation, study, appraisal, identification, and use of architecture built in 20th century;²⁴⁷
- e) the Campus Historic Building Commission established in June of 2014 is concerned with the investigation and conservation of historic buildings on the campuses of Chinese universities.²⁴⁸

Expert Commission of MHURD The MHURD also plays a crucial role in historic building conservation of China. In order to improve the quality of its practical conservation work, the ministry hired experts to lead a consultation commission. As mentioned above, the ministry cooperated with the SACH to set up the Chinese Commission for Famous Historical and Cultural Cities in 1994, with the dual objective of establishing proper relationships between historic building conservation and urban construction, and of eradicating the demolition or damage of historic buildings resulting from illicit construction actions. The main tasks of this commission are vast, including: conducting research on Famous Historical and Cultural Cities and providing relevant advisory service, helping with the review of conservation plans, and implementing and monitoring important projects and conservation plans, and solving specific technique problems in conservation practices.²⁴⁹ In addition, this commission often cooperates with local authorities in order to provide advice for local conservation work.

²⁴³ 中国文物学会分支机构名录[List of branch organizations of Chinese Cultural Heritage Academy], n.d., retrieved 20 May 2015.

²⁴⁴ Zhao, 2014.

²⁴⁵ Chen, 2013.

²⁴⁶ 中国文物学会文物修复专业委员会工作规则[Rules for Chinese Commission of Restoration of Cultural Heritage] 2013, art.3.

²⁴⁷ Lu, 2014.

²⁴⁸ Feng, 2014.

²⁴⁹ Jiang, 1994, p. 6.

Local Advisory Bodies The aforementioned national expert commissions often act as local consultation commissions in local conservation practice; however, the local governments have also begun to focus on the establishment of consultation commissions in recent years. For example, the Shanghai municipal government set up the Conservation Commission for Historical and Cultural Areas and Significant Historic Buildings in 2004. This organization acts as a mediator for historic building conservation administered by the municipal government, i.e. this commission is capable of advising the territorial conservation practices.²⁵⁰ On October 21, 2010, the Beijing municipal government set up the Conservation Commission for Famous Historical and Cultural Cities, which also is a mediator organization of historic building conservation of Beijing municipality. This commission is mainly responsible for the formulation, implementation and consultation regarding conservation planning for Beijing Famous Historical and Cultural Cities.²⁵¹ In January of 2015, Chengdu city established the Commission for Historic Building Conservation, which is responsible for the designation of historic buildings, the annulment of such designations, conservation of such designated buildings, and advisory council for conservation decisions made by the local authorities.²⁵²

3.2.4 Civic Organizations

The authority responsible for heritage conservation shall establish public societies for heritage conservation, and the departments for heritage conservation must provide the necessary direction and assistance for activities carried out by such societies.²⁵³ The right of the citizens and civic societies to participate in architectural conservation is prescribed by this provision. Thus saying, the architectural heritage is owned by the State,²⁵⁴ and the central and local authorities for cultural heritage take charge in nationwide architectural conservation under the advice of expert commissions. However, the conditions of participating in architectural conservation are limited for the citizens and civic societies within the present Chinese administration system, and they often meet various hurdles when they attempt to participate.

²⁵⁰ 上海市历史文化风貌区和优秀历史建筑保护条例[Ordinance for the preservation of Historic and Cultural Areas and Significant Historic Buildings in Shanghai] 2010, art.7.

²⁵¹ 北京历史文化名城保护委员会成立[Establishment of Beijing Conservation Commission for Famous Historical and Cultural Cities], 2010.

²⁵² 成都市政府办公厅[General Office of Chengdu municipal government], 2015.

²⁵³ 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage]1982 (2015 Amendment), art.12.

²⁵⁴ 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage]1982 (2015 Amendment), art.5.

Contributions of SSCA At present, there is no well-developed policy for the promotion of public participation in historic building conservation, but in the early stages of the development of Chinese architectural conservation, civic societies made profound influences indeed. As mentioned above, a group of Chinese architects and patriots composed the Society for the Study of Chinese Architecture (SSCA) in 1929, which is the first Chinese society for architectural conservation and can be thought of as the starting point of modern historic building conservation in China. This society conducted a lot of inventories, measured drawings, studies and the restoration of historic buildings in China. It also issued the *Proceedings of the SSCA Journal* and *Qing Structural Regulations*, whose influence is crucial for Chinese architectural conservation today. One of its major figures was Liang Sicheng, a Chinese architect and historian, who co-edited the *Proceedings of SSCA Journal* (1930-1945) with the staff of this institution. The main content of this journal consists of inventories of Chinese historic buildings. In the process of conducting inventories, they also used modern surveying and measured drawing techniques to formulate a great number of architecture documents with scale drawings

In 1943, Liang described the features of Chinese historic buildings and their development. These were compiled in the *History of Chinese Architecture* issued in 1981. It was the first time architecture history was introduced as a focus of systematic academic research, and thus Chinese Architecture History became its own discipline.²⁵⁵ As a result of the upheaval of the Second Chinese Civil War, the society had to stop its activities. During the nineteen years of its existence, its staff discovered many significant historic buildings and made measured drawings of them. These valuable architectural documents are still protected today and provide a wealth of information for academic research concerning historic building conservation. An example of this is the restoration program of Prince Gong Mansion²⁵⁶. This society made measured drawings for the Prince Gong Mansion in 1937 and 1947. These documents: the floor plan of the main buildings, and a few section and scale drawings, provide important original data for the restoration of buildings in the Prince Gong Mansion.²⁵⁷ With such work, the SSCA, a private society, made many significant contributions to the conservation and research of historic buildings in China.

Under the broad influence of the SSCA, a group of Chinese architects made up the Architecture Theory and History Institution in 1958, which was the core organization concerned with the study

²⁵⁵ Guo & Su, 2007, p. 119.

²⁵⁶ The Prince Gong Mansion is a museum located in Beijing, and was built in 1777 for Heshen, who was a prominent court official in the reign of the Qianlong Emperor during the Qing dynasty.

²⁵⁷ Guo, 2009, pp. 78-79.

of Chinese architecture history. It conducted many inventories towards historic buildings throughout the country. Because of the Great Leap Forward and the Cultural Revolution, this institution was closed in 1964. It was rebuilt and renamed the Architecture History Institution in 1983, and in the following years it underwent several cycles of restructuring. In 1994, the central government formally introduced expert consultation into heritage conservation, thus, this institution began to provide advisory service for conservation projects gradually, forming an interactive relationship between academic study and advisory service concerning conservation.²⁵⁸

On-Going Public Participation As a result of development in Chinese architectural conservation in recent years, further provisions for public participation in conservation have been prescribed. On August 10, 2009, the Ministry of Culture issued the Management Rules for Heritage Designation, which provides that each authority for cultural heritage shall remove some of the hurdles blocking public participation. By this regulation, the citizens and civic societies are capable of submitting request in writing to their local authorities if they have opinions for heritage designation, at which point the authorities should hold a public hearing to voice these opinions and give a specific response.²⁵⁹ This provision secures the power of the citizens and civic societies to speak about heritage designation, but it is unfortunate that the procedures of public hearings are not included in that provision, as this leads to a dilemma about how to foster the participation of the public or societies genuinely passionate about conservation.

The Ruan Yishan Heritage Foundation was established by Professor Ruan, a specialized conservator, in 2006. The Diaohua Lou²⁶⁰ was protected by a farmer in Hangzhou city of China in 2008. The voices of participating in conservation continue to exist in China.²⁶¹ There are a few well-established civic societies in China, such as the Beijing Cultural Heritage Protection Center. This center was established in 2003, it attempts to disseminate conservation policies and laws to the public for enhancing their realization and interest of heritage conservation, and to help the public protect their legal rights concerning heritage conservation through feasible and proper ways. By these means, the center has participated in many practical architectural conservation

²⁵⁸ 研究建筑历史,保护文化遗产-中建院建筑历史研究所[Research architectural history, preserving cultural heritage- Architecture Theory and History Institution, China Architecture Design & Research Group], 2009.

²⁵⁹ 文物认定管理暂行办法[Management Rules for Heritage Designation] 2009, art.5 & 12.

²⁶⁰ Diaohua Lou prevailed in the Qing dynasty. It was the ensemble of buildings with numerous exquisite wood and brick carvings.

²⁶¹ Liu, 2007.

programs.²⁶² As there are not enough laws to protect their rights to participate, the center attempts to influence the government by making their voices heard via the domestic or international media. So far, they have successfully participated in the conservation of GuLou Historic Quarters²⁶³, Kashgar's Old City²⁶⁴, and Beijing Ke Yuan²⁶⁵, and prevented some illicit or overexploitative actions which would have impacted historic buildings.

In addition to this, the local authorities for cultural heritage also attempt to enhance the public participation system of architectural conservation. Tianjin municipality introduced a "leading by government, with expert consultation and public participation" model for historic building conservation. Within this model, prior to the implementation of each conservation program, the government must hold an expert meeting requiring attendance of public representatives as a prerequisite. This model makes the voices of experts and the public heard by the government, and thus so secures the quality of conservation programs and satisfies the public needs as much as possible. The Tianjin model has set a good example for architectural conservation in other areas, and other local governments have also begun to explore a new administrative model with the wish to promote quality architectural conservation.²⁶⁶

3.3 Singapore

In Singapore, the cabinet consists of fifteen ministries, among them, the Ministry of National Development (MND) and the Ministry of Culture, Community and Youth (MCCY) are the supreme

²⁶² 北京文化遗产保护中心简介[Introduction of Beijing Cultural Heritage Protection Center], retrieved 23 May 2015.

²⁶³ GuLou Historic Quarters is the most significant historic quarter of Beijing. Numerous architectural heritage consisting of drum-tower, belfry and Hutong buildings are located in the quarters, so the GuLou quarters can be thought as an important composition of Beijing Shichahai Historical and Cultural Conservation Area. Source: 北京文化遗产保护中心保护案例[Projects of Beijing Cultural Heritage Protection Center], retrieved 23 May 2015.

²⁶⁴ Kashgar's Old City, with more than two thousand years of history, are located in the south-west of Xinjiang, and many ancient buildings of the city are more than four hundred years. So the UN experts have appraised the city as the most composition of remains of the ancient Silk Road. Source: 北京文化遗产保护中心保护案例[Projects of Beijing Cultural Heritage Protection Center], retrieved 23 May 2015.

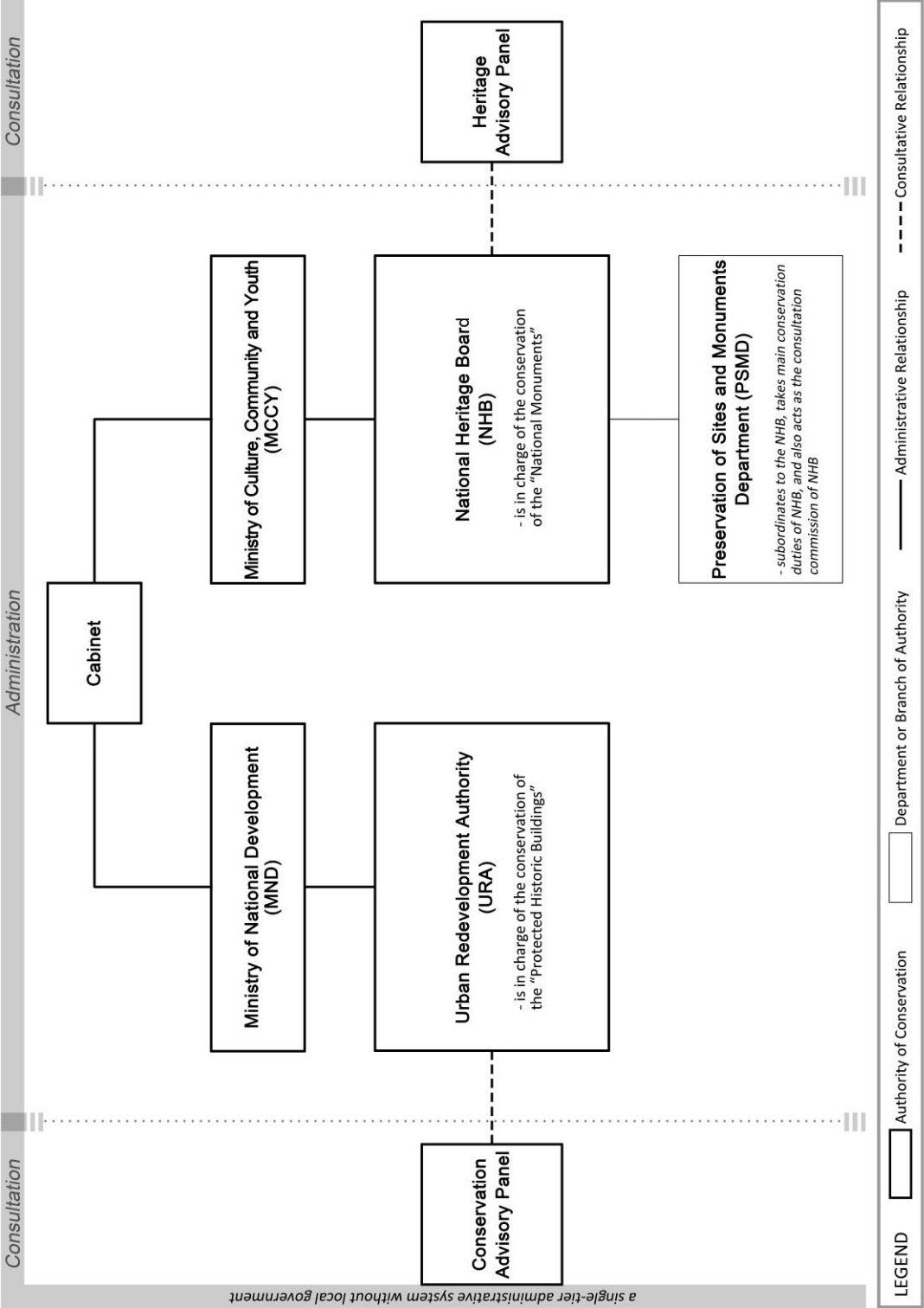
²⁶⁵ Beijing Ke Yuan was built in the mid-19th century, which is a large-scale courtyard for residence. The courtyard has five connected yards, and is more than 10,000m² in total. A great number of traditional garden buildings are located in this courtyard. Source: 北京文化遗产保护中心保护案例[Projects of Beijing Cultural Heritage Protection Center], retrieved 23 May 2015.

²⁶⁶ Song, 2013.

national authorities responsible for the conservation of architectural heritage. In the 1980s, the Singapore government began to set up statutory boards. The MND set up the Urban Redevelopment Authority (URA) and the MCCY set up the National Heritage Board (NHB). It should be emphasized here that the statutory boards have more flexible and independent executive powers than other governmental departments, but their chairpersons and staff members are appointed by the central government.

As one national authority, the URA is mainly in charge of preserving some architectural heritage identified and designated in the process of urban renewal. The NHB also is another national authority responsible for architectural conservation in Singapore, but the NHB delegated its responsibilities for building conservation and practical conservation work to the Preservation of Sites and Monuments Department (PSMD) . In Singapore today there are two crucial national authorities responsible for architectural conservation, the URA and the PSMD (a subdivision of the NHB). (Figure 3)

Figure 3 - Administrative Structure of Architectural Heritage Conservation in Singapore



3.3.1 Administration at the National Level

Generally, there are two ways for the conservation of Singapore's architectural heritage. The first way is to list them as Protected Historic Buildings by the Urban Redevelopment Authority (URA). There are over 7,000 protected historic buildings located in more than one hundred areas,²⁶⁷ such as the Ensemble Building of Bukit Timah Campus²⁶⁸. Another way is to list them as National Monuments by the Preservation of Sites and Monuments Department (PSMD) subordinate to the National Heritage Board (NHB) according to the Preservation of Monuments Act of 1971. There are 64 National Monuments, such as Thian Hock Keng²⁶⁹ (1839-42, gazetted in 1973) and Hong San See²⁷⁰ (1908-13, gazetted in 1978).

The URA is concerned with the architectural heritage of folk culture and the historical values of structures like shophouses²⁷¹ and residences, as well as the design, craft and style of architecture, since the URA believes that such buildings are invested with contemporary information and are one essential part of the history of Singapore. Comparatively, the PSMD is concerned with architectural heritage with national historical and cultural values. The purpose of this subsection is to respectively analyze the two national authorities of architectural conservation of Singapore.

1. MND and URA

The URA is the statutory board subordinate to the Ministry of National Development (MND). The ministry was established in 1959, this is a crucially important ministry of the Singapore government as it is responsible for the planning required for the utilization and development of national land. There are six statutory boards within the ministry and the URA is one of them.²⁷² Between the 1970s and mid-80s, the civil service of the Singapore government moved towards

²⁶⁷ *A Brief History of Conservation*, n.d., retrieved 01 March 2015.

²⁶⁸ The ensemble of historic building of Bukit Timah Campus is composed of five colonial bungalows built in the 1920s and the former Raffles Hall founded in 1958, which are conserved and within the Singapore Botanic Gardens Conservation Area. Source: *Former University of Singapore*(Bukit Timah Campus), n.d., retrieved 01 March 2015.

²⁶⁹ The Thian Hock Keng is the oldest and most important temple in Singapore.

²⁷⁰ The Hong San See is a Chinese temple in Singapore, erected by migrants from Fujian province of China.

²⁷¹ A shophouse is a vernacular architectural building type, which are two or three stories high and with a shop on the ground floor.

²⁷² *Introduction of Ministry of National Development (MND)*, n.d., retrieved 28 March 2015.

instrumentalization where the whole society focused attention upon new values such as meritocracy, discipline, and achievement. In this era, intergovernmental statutory boards were established beginning in the mid-1980s, due to the instrumentalization of the civil service. With this plan, the Singapore government intended to implement decentralization. The statutory boards were more flexible and exercised more independent executive powers than other governmental departments, thus their efficiencies were higher than other departments in the process of enforcing policies.²⁷³ As one statutory board, the URA plays a crucial role in architectural heritage conservation of Singapore.

Unbalanced interests between historic building conservation and urban redevelopment often appear in the process of redevelopment. Urban redevelopment depends on a large number of land resources, but for the purpose of building conservation, less resources can be made available for redevelopment. A country with scarce land resources like Singapore can easily meet such a situation than other countries. The government of Singapore has entrusted the responsibility of solving such unbalanced situations to the URA.²⁷⁴ As mentioned above, the URA is an important statutory board of the MND and architectural conservation is one of its main responsibilities.²⁷⁵

Development of URA The URA originated from the Urban Renewal Unit established in 1964. After Singapore gained independence in 1965, the newly established Singapore government wanted to rebuild the central area in order to make it a commercial centre, which required the government to provide new homes for residents and adequate urban areas for economic development. In this case, the aforesaid unit was reorganized into the Urban Renewal Department in 1966. In 1974, the department was renamed the URA and became an independent statutory board of the MND. The URA of that time was mainly responsible for rebuilding the urban central areas and helping affected residents find new places to live and work. In 1989, the URA merged with the former Planning Department and the Research & Statistics Unit of the MND to establish the new URA.²⁷⁶ Its functions further extended to covering national land use and conservation of built heritage, since then it has become the main national authority for architectural conservation in Singapore.²⁷⁷

²⁷³ Francesch-Huidobro, 2008, pp. 112-136.

²⁷⁴ Kong, 2011, p. 7.

²⁷⁵ Saunders, 2005, p. 164.

²⁷⁶ *History of Urban Redevelopment Authority*, n.d., retrieved 01 March 2015.

²⁷⁷ Francesch-Huidobro, 2008, p. 187.

In accordance with the Urban Redevelopment Authority Act, the URA consists of one chairman and not less than four and no more than 12 other members, who are appointed by the Minister of National Development.²⁷⁸ The current URA is composed of one chairman and eight members, who are in charge of distinct departments referring to specific responsibilities, including the Physical Planning Group, Development Control Group, Professional Development Group, Conservation & Urban Design Group, Land Sales & Administration Group, Strategic Planning Group, Information System & Geospatial Group, and Corporate Development Group.²⁷⁹

Duties of URA Since its reorganization in 1989, the URA has initiated extensive physical research in conservation areas, and has designed a set of designation criteria for conservation areas and protected historic buildings, the foundation of which were the buildings' merits, historical value, rarity and contribution to the surrounding environment. Within these criteria, architectural heritage became the main area worthy of conservation.²⁸⁰ As of 2011, the statistics of URA show that over 7,000 buildings have been designated as protected historic buildings.²⁸¹

As the national planning and conservation authority, URA performs its duties concerning the designation and conservation of historic buildings in the process of urban planning and redevelopment, thus, the building conservation work carried out by the URA mainly depend on three planning instruments: a) the Concept Plan that is a ten year, long term plan; b) the Statutory Master Plan that is the result of five years of planning blueprint; c) the Urban Design and Conservation Plan is more specific compared to the former two plans, which needs to cover the planning of each conservation area.²⁸²

In 1989, the URA formulated the Conservation Master Plan, in which the city's historic areas were divided into four types: "historic, historic residential, secondary settlements, and bungalows".²⁸³ Such types of historic areas and corresponding conservation principles for buildings remain and are valid today. In each type of area, the architectural conservation principles are distinguished.²⁸⁴

²⁷⁸ Urban Redevelopment Authority Act 1989, art. 4 of Part II & First Schedule.

²⁷⁹ *Organization Chart of Urban Redevelopment Authority*, n.d., retrieved 01 March 2015.

²⁸⁰ Boey, 1998, p. 138.

²⁸¹ Urban Redevelopment Authority(URA), 2011, part 1.

²⁸² Francesch-Huidobro, 2008, p. 188.

²⁸³ Boey, 1998, p. 137.

²⁸⁴ Urban Redevelopment Authority(URA), 2011, chapter 2.2.

- a) the buildings located in the historic area require the strictest conservation;
- b) the historic residential types are first developed as residences, so the buildings there need to be preserved for sustainable residence purposes;
- c) the conservation of buildings located in the secondary settlements need to consider the image of streetscape; the owners of historic buildings in the vicinity of the secondary settlements can either preserve the entire building or extend a new rear up to the maximum height;
- d) the buildings in the bungalows represent architectural styles of various periods; the owners can preserve the entire building or restore and renew the buildings to suit needs.

2. NHB and PSMD

In 1993, the Ministry of Information and the Arts and the Singapore Tourist Board joined with the National Museum, National Archives and the Oral History Department to form the National Heritage Board (NHB).²⁸⁵ At present, the NHB is a statutory board subordinate to the Ministry of Culture, Community and Youth (MCCY). The MCCY was founded in November of 2012 and is in charge of enhancing the development of arts and heritage.²⁸⁶

The NHB's mission is to promote public understanding about national culture through the heritage conservation.²⁸⁷ The NHB also undertakes some responsibilities for architectural heritage conservation which are prescribed by the following points set out in the Preservation of Monuments Act:²⁸⁸

- (1) to identify the monuments' values, including: historic, cultural, traditional, archaeological, architectural, as well as the artistic, symbolic and national significance, in order to make recommendations for their conservation;
- (2) to implement, assign, fund or facilitate research concerning protected monuments;
- (3) to formulate and publish guidelines benefitting the restoration and conservation of protected monuments;
- (4) to determine the most feasible plans for the conservation of national monuments and to direct or facilitate the implementation of such plans;
- (5) to promote the participation of civic societies and enhance the public awareness, conservation willingness and understanding of national monuments

²⁸⁵ Saunders, 2005, p. 164.

²⁸⁶ Chin, 2012.

²⁸⁷ National Heritage Board Act 1993, art. 6.

²⁸⁸ Preservation of Monuments Act 1971 (2009 Amendment), art. 4.

- (6) to record and spread relevant information concerning the national monuments; and
- (7) to provide advice for the government on matters concerning the restoration and conservation of protected monuments.

Development and Duties of PSMD Because of its vast functions and duties, the NHB set up subdivisions to take charge of specific duties mainly consisting of the conservation of national monuments and national museums. As a subdivision of the NHB, the Preservation of Sites and Monuments Department (PSMD) has a crucial role to play in national monument conservation. The NHB performs its responsibilities for architectural conservation and is dependent upon this department. In addition to its regular duties, it is responsible for designating and conserving National Monuments; therefore, the PSMD has a significant role among the other subdivisions of NHB.²⁸⁹

This department originated from the Preservation of Monuments Board (PMB) and has been known since 2013 as the PSMD.²⁹⁰ The PMB was mainly responsible for identifying, inspecting and supervising the national monuments of Singapore.²⁹¹ The Preservation of Monuments Act in 1971 provides that any building can be protected as a national monument with the prerequisite that the PMB recognize the historic, traditional, archaeological, architectural and artistic values of such buildings.²⁹² The important role of the PMB in Singapore's early conservation work can be demonstrated well by this provision. From 1971 to 1997, the PMB was a statutory board subordinate to the MND. Until 1997, the PMB was transferred to the Ministry of Information and the Arts (now the Ministry of Communications and Information), and merged with the NHB on July 1, 2009, and then was renamed the PSMD and made a division of the NHB on July 1, 2013.²⁹³

Today, PSMD is responsible for (1) conducting studies and publications to spread relevant knowledge concerning important national monuments and sites; (2) providing guidance and support in order to secure the quality of the conservation and restoration of national monuments and sites; (3) enhancing the public interest and awareness in national monuments and sites; (4) providing advice on matters regarding the conservation of important national monuments and

²⁸⁹ *Preservation of Monuments Board is Established*, n.d. retrieved 18 March 2015.

²⁹⁰ *Preservation of Monuments Board is Established*, n.d. retrieved 18 March 2015.

²⁹¹ Boey, 1998, p. 136.

²⁹² Preservation of Monuments Act 1971, art.2.

²⁹³ *Preservation of Monuments Board is Established*, n.d., retrieved 18 March 2015.

sites.²⁹⁴

Cooperation of URA and PSMD In practical conservation work, the URA and the PSMD are jointly responsible for the architectural heritage conservation of Singapore. They have different principles of designation and conservation of architectural heritage; however, they often seek to build cross departmental cooperation so as to secure the successful implementation of important development plans. For example, in May of 2015, the NHB announced the initiative to form a nationwide inventory of buildings, constructions, monuments and landscapes with architectural, historic or traditional values. The inventory was carried out by the PSMD with an attempt to reinvestigate the historic buildings and monuments of Singapore and to review their status. When this inventory is completed, the concept plan, statutory master plan, and the urban design and conservation plan formulated by the URA will be based on this information. Similar future cooperation projects can help the URA consider cultural, historic and other values of architectural heritage in each stage of planning, thus, the conflicts between architectural conservation and urban development could be avoided as much as possible.²⁹⁵

3.3.2 Administration at the Local Level

Singapore is a republic with a single-tier administrative system; therefore, the heritage conservation work concentrates authorities at the national level. Singapore was a former British colony, and after its independence in 1965, it adopted the Westminster model to establish a parliamentary republic, in which the national government is composed of Executive, Legislative and Judicial branches. As a city-state, Singapore's governmental structure is simple. In the vertical hierarchy, the Cabinet takes charge in all of the affairs of the country, and is responsible collectively to Parliament. In the horizontal hierarchy, the cabinet consists of fifteen ministries that take charge of specific matters.²⁹⁶

Since there is no local government, the Singapore government set up five Community Development Councils based on their geographic situation in March of 1997: the Councils of central Singapore, North East, North West, South East and South West. These councils are responsible for local administration and service. Each council has a board consisting of one mayor and not less than twelve and no more than twenty members to manage the performance

²⁹⁴ *About Preservation of Sites and Monuments*, n.d., retrieved 18 March 2015.

²⁹⁵ Liu, 2015.

²⁹⁶ *About Singapore government*, n.d., retrieved 20 March 2015.

of each council.²⁹⁷ These councils are civic organizations sponsored by the government,²⁹⁸ therefore, the mayor of each council is not selected by the public, which is different from the mayors of other countries. As civic organization, these councils often cooperate with conservation authorities in matters concerning heritage conservation. For example, the Central Singapore Community Development Council worked with the NHB jointly to preserve historic buildings located in Balestier Community Trail and Jalan Besar Trail.²⁹⁹ In practical conservation work, the councils mainly provide as much assistance and support as possible, but without statutory conservation duties and functions.

3.3.3 Consultation Commissions

As Singapore had few conservation experts in the 1980s, the Urban Redevelopment Authority (URA) had to operate using trial and error and learn through practice with architects, contractors and their staff. After many years of experimentation, they reached a common understanding about how to preserve historic buildings. Such common understanding was reflected in the Conservation Master Plan of 1989, in which the types of historic areas and corresponding principles of architectural conservation were prescribed. In addition to these behind-the-scenes efforts, the URA also began to put its attention into enhancing and raising the standards of conservation work in the 1990s. It employed three British experts to appraise its conservation practices and conservation methods, including Professor Malcolm Grant as a legal consultant, Brian Morton as an engineering consultant, and Roy Worskett as an architectural consultant. These appointments helped the URA and the Singapore government to benchmark the domestic conservation achievements against world standards, and also to identify other aspects that needed to be improved.³⁰⁰

Consultation Commissions of URA In this case, the URA set up the Conservation Advisory Panel in 2002 so as to enhance the quality of conservation practices of Singapore. The advisory service of this panel is independent; the seventeen members are appointed by the Minister of National Development. These members come from different backgrounds including the building industry, arts and heritage etc. This body helps the URA first collect and then disseminate public opinion, which contributes to a more transparent process of the designation of historic buildings

²⁹⁷ *Country profile: Singapore*, 2011, p. 183.

²⁹⁸ Francesch-Huidobro, 2008, p. 95.

²⁹⁹ *Overview of heritage trails*, n.d., retrieved 18 March 2015.

³⁰⁰ Kong, 2011, pp.43-64.

and to raise the level of public support.³⁰¹ In addition, the panel also acts as a main consultation entity to advise the conservation performance of the URA.

Besides the aforesaid body, the performance of URA mainly depends on the work of its three consultation commissions.³⁰² (1) The International Panel of Experts consisting of famous national architects, urban economists and planners. It is concerned with providing practical experiences from other countries to improve urban planning and conservation; (2) The Design Advisory Committee advises Singapore's urban design and architecture projects in order to promote creative developments in domestic urban planning and architecture; (3) The Design Guidelines Waiver Committee appraises creative initiatives as alternatives to existing planning, design programs and urban design guidelines. These advisory commissions are not exclusive advisory entities of conservation work, but they wield important influence over urban design and planning in Singapore. Their influence also affects architectural heritage conservation in Singapore to some extent.

Consultation Commission of PSMD In accordance with the Preservation of Monuments Act, the National Heritage Board (NHB) should establish the National Monuments Advisory Committee for providing advice about the performance of conservation duties.³⁰³ In practical work, however, the NHB did not set up such committees, and the Preservation of Sites and Monuments Department (PSMD) acts as an advisory body in the architectural conservation work carried out by the NHB. The PSMD has dual roles to play in NHB's conservation practices; therefore, for the release of working pressures and the improvement of the quality of conservation work, the Minister of MCCY formally announced that the NHB will establish a Heritage Advisory Panel at the Committee of Supply 2015 Debate. The panel will invite experts from different backgrounds, civic societies, and conservation practitioners to join, and will be responsible for advising the government concerning the conservation practices and implementation of conservation policies.³⁰⁴

3.3.4 Civic Organizations

Conservation work in Singapore has always functioned under the direction and management of

³⁰¹ Teh, 2011, pp. 6-7.

³⁰² *Advisory Committees of Urban Redevelopment Authority*, n.d., retrieved 01 March 2015.

³⁰³ Preservation of Monuments Act 1971 (2009 Amendment), art. 7.

³⁰⁴ *Proceeding of Committee of Supply 2015: New announcements for the heritage sector*, n.d., retrieved 22 March 2015.

the national government. Following the increase of public awareness and interests in conservation work, the voices of the public are being heard. Since the 1980s, Singapore's government has launched a series of initiatives to promote the participation of citizens and civic societies in conservation work.

URA's Measures to Stimulate Private Conservation

In 1987, the URA carried out Singapore's first shophouse conservation project in the Tanjong Pagar area in which there are 220 shophouses which have fallen into disrepair. The URA restored 32 shophouses so as to provide examples of good restorations in the private sector, they sold another 188 shophouses which were sold to the private sector. It was the first time that the Sale of Sites Program was introduced in practical conservation. Since the mid-1980s, more than 900 historic buildings were sold to the private sector via this program. The government also initiated a series of measures to attract private sector involvement in conservation work, including phasing out rent control, permitting rezoning, and investing substantial amounts into the infrastructure. This aforesaid initiative can be thought of as a turning point in Singapore's conservation work mainly led by the national authorities. Since then, the participation of private sectors and citizens has become extensive.³⁰⁵

In 1991, the URA launched another program "Conservation Initiated by Private Owners' Scheme", which allows owners of buildings to volunteer their buildings for conservation, if such buildings are of architectural, historical and traditional value. In return, the owners are also able to enjoy development incentives,³⁰⁶ such as bonus gross floor area³⁰⁷.

In 1994, the URA and the PSMD jointly organized an exhibition concerning architectural conservation to share their conservation experiences with interested citizens and civic societies, and to show examples of public and private sector cooperation with the government. Its final purpose was to illustrate to the public that successful conservation depends upon a close

³⁰⁵ Kong, 2011, p. 229.

³⁰⁶ Kong, 2011, pp. 44-57, 229.

³⁰⁷ URA's bonus gross floor area (GFA) incentives are to encourage the provision of specific building features or uses (eg. balconies in residential and hotel developments; lighting in Central Business District and Marina Centre). These bonus GFA incentives are given to help realize various planning objectives. But as such bonus GFA are allowed over and above the Master Plan Gross Plot Ratio (GPR) control for a site, they add to the development bulk and intensity beyond what was planned for. Source: *Framework for managing Bonus Gross Floor Area incentives*, 2009.

partnership between the public and private sectors.³⁰⁸

Participation of Civic Societies Some civic societies were established to participate in conservation work, an example of this is the Singapore Heritage Society. This society was founded in 1987 as a non-profit and non-governmental organization with the goal to enhance public awareness and encourage interest in Singapore's history and culture. It conducts various activities concerning the "preservation, dissemination, and promotion of Singapore's history, heritage and identity". Such activities are mainly concerned with the research, evaluation, documentation, publication, conservation and restoration of heritage. The society's remit is wide and not only concerned with historic building conservation. It also often works in concert with conservation authorities to guide public opinion about conservation and to raise public support for conservation projects carried out by conservation authorities.³⁰⁹ One example of this work is a program launched in 1998 to conserve and rebuild Chinatown³¹⁰.

In recent years, some newly founded civic societies were established, My Community is an example of such a society. It was founded in 2010 with the objective of championing "the preservation and propagation of historic and heritage in communities and civic spaces [of Singapore]". It conducts monthly activities called "Walking Trails" to raise public awareness of historic buildings, traditional culture and identity.³¹¹ Such walking trails also are one important part of the annual Singapore Heritage Festival. The Festival is held by the NHB aiming to present Singapore's heritage to the citizens. It began in 2003 and today has become an official festival in Singapore. At such festivals, people are free to join walking tours to visit many historic buildings, sites and monuments.³¹² With these efforts, these new societies like My Community are beginning to affect the architectural conservation of Singapore to different degrees.

B - European Countries

3.4 Italy

The supreme national authority responsible for architectural conservation in Italy is the Ministry

³⁰⁸ Boey, 1998, pp. 138-139.

³⁰⁹ Kong, 2011, pp. 50-53.

³¹⁰ The Chinatown is a subzone and ethnic enclave located in the central area of Singapore.

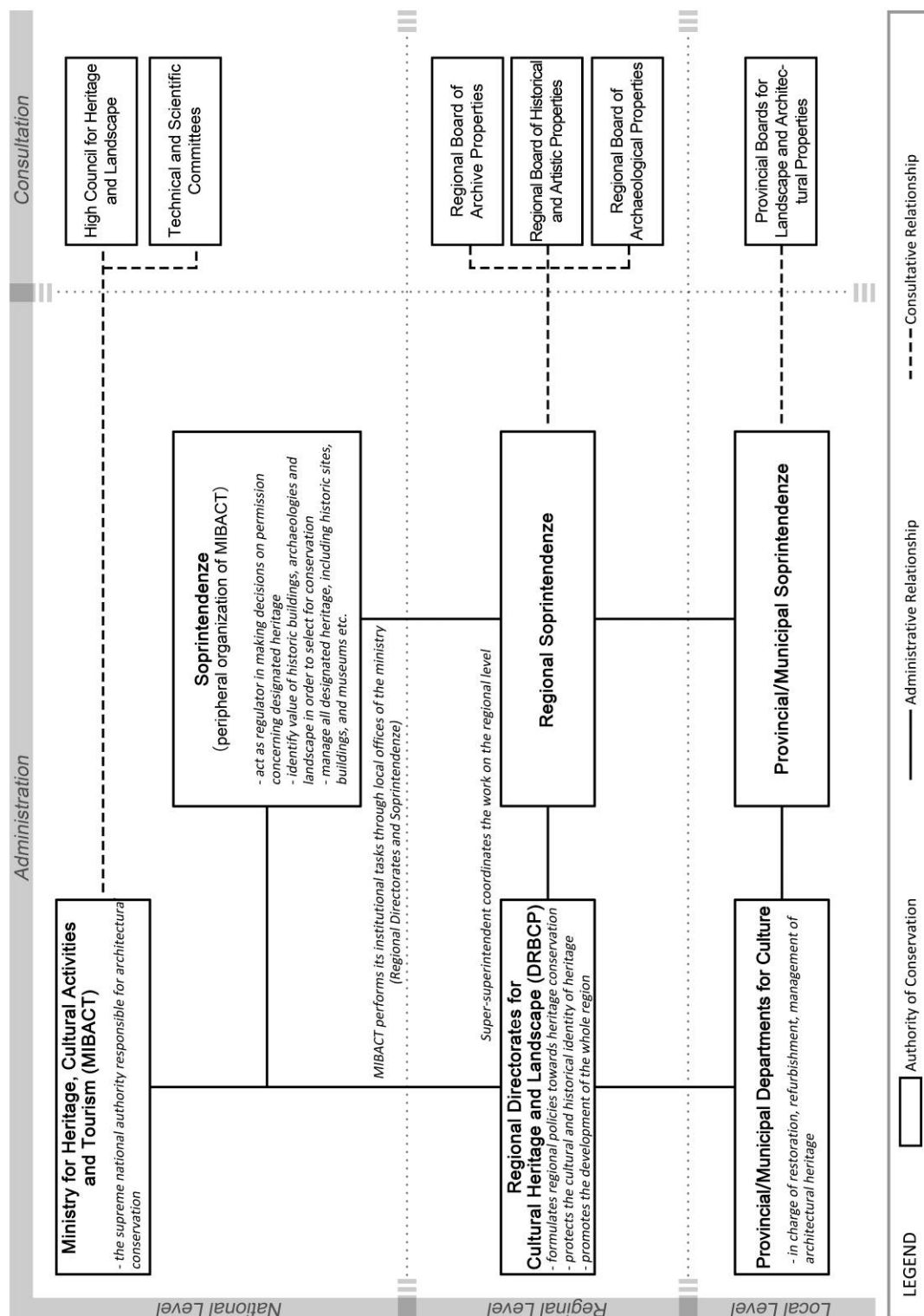
³¹¹ Singapore Heritage Society, 2015.

³¹² You, 2015.

for Heritage, Cultural Activities and Tourism (MIBACT), and the ministry operates through the Regional Directorates for Cultural Heritage and Landscape (DRBCP) and Soprintendenze. The DRBCP and Soprintendenze have branches at the regional, provincial and municipal levels. The former is responsible for the unified protection and management of heritage in the regions, and the latter is in charge of protecting and managing specific heritage. The Italian administrative structure of architectural conservation in Italy consists of the MIBACT on the top level, the regional authorities for heritage conservation on the middle level, and other local authorities for heritage conservation on the lower level.

The regional and local authorities have adequate self-governing powers and independent financial autonomy over the conservation of heritage. However, according to the Constitution of the Italian Republic, the regions and the State shall cooperate in the conservation of Italian heritage and the devolution of power to the local authorities needs to be in accordance with the national or regional legislation. Moreover, the Soprintendenze have a hybrid function in architectural conservation in Italy. On the one hand these local Soprintendenze are under the supervision of the MIBACT, on the other hand they often cooperate with the regional and local authorities so as to jointly conserve local heritage. Thus, it can be implied that regional and other local authorities are controlled by the MIBACT via the Soprintendenze system to some extent. (Figure 4)

Figure 4 - Administrative Structure of Architectural Heritage Conservation in Italy



3.4.1 Administration at the National Level

Emerging the Contemporary Administrative Structure

“Since state cultural goods constitute the majority of Italian cultural heritage in terms of importance, historic and artistic interest, it is not difficult to imagine the enormous resources and range of skills needed for their conservation, stewardship and management. What developed was a notably centralized organizational model [in architectural conservation in Italy]”.³¹³ The crucial role played by the State in architectural conservation is demonstrated in the Constitution of the Italian Republic.³¹⁴ In the process of the unification of the Kingdom of Italy (1860-70), there were various initiatives of national legislation regarding conservation of ancient monuments. In 1872 the Ministry of Education established the first General Directorate responsible for the protection of ancient monuments, and nine years later it transformed into the General Directorate responsible for the protection of ancient monuments and works of art. In 1889, twelve General Commissioners of Fine Arts successfully established the Regional Offices for Preservation of Monuments. They were reorganized into separate Soprintendenze in 1891. Since then, the government offices on a national level have been in charge of administration and conservation of historic buildings, art galleries, excavations and museums.³¹⁵

The Protection of Objects of Artistic and Historical Interest Act issued in 1939 prescribed detailed provisions about how to preserve, protect, sell heritage objects. This law accorded the Ministry of Education the supreme national authority responsible for heritage conservation, which included all the necessary powers intended to preserve historic buildings, monuments, and other cultural objects. Furthermore, any work carried out on national or private cultural properties were under its jurisdiction. This centralized model has undergone piecemeal changes since the 1970s. The legislative power for urban planning matters was transferred to the regional governmental authority which resulted in an expedited process of approval for planning in general and conservation planning in particular.³¹⁶ In a gradual way, the administration of heritage conservation in Italy moved toward decentralization as a result of the constitutional reform initiatives of 1999 and 2001,³¹⁷ however, the administrative structure for the conservation of historic, architectural and archaeological properties in Italy still can be thought of as a centralized

³¹³ Zan, Baraldi & Gordon, 2007, p. 52.

³¹⁴ Constitution of the Italian Republic 1947, art.9.

³¹⁵ Jokilehto, 2006, p. 198.

³¹⁶ Gianighian, 2001, pp. 190-197.

³¹⁷ Steytler, 2005, p. 2.

model as the State retains direct functions in the conservation of national cultural heritage.³¹⁸

Establishment and Duties of MIBACT At present, the supreme national authority of Italy is the Ministry for Heritage, Cultural Activities and Tourism (Ministero dei Beni e delle Attività Culturali e del Turismo; MIBACT). This Ministry originated from the Ministry for Cultural Property and Environment (Ministero per i Beni Culturali ed Ambientali; MBCA), established in 1975, and was mainly responsible for conservation of environmental, architectural, archaeological, artistic property, archives, and libraries, etc.³¹⁹ In 1975, under Article 1 of Presidential Decree 805, the MBCA became the single national authority capable of systematically managing the conservation and promotion of heritage, but with the issuance of Decree 368 in 1998, a new Ministry for Cultural Heritage and Activities was instituted which maintained the duties inherited from the MBCA, but expanded jurisdiction to include new duties relating to the promotion of business and sport as well as recreational activities.³²⁰ Since then, this new ministry has been entrusted with the full range of core cultural functions. In 2013, the ministry was renamed the MIBACT.³²¹

"In order to ensure the unified exercise of the functions of protection, the same functions are attributed to the Ministry for Cultural Heritage and Activities[MIBACT], which shall exercise the [conservation] functions directly. It may also confer their exercise on the Regions through forms of agreement and co-ordination; [meanwhile] the ministry shall exercise the functions of protection of cultural property belonging to the State even when such property has been placed under the care of or granted in use to administrations or subjects other than the ministry".³²² Some important conservation duties of MIBACT are prescribed by the Code of the Cultural and Landscape Heritage 2004.³²³

- a) to supervise the conservation of heritage;
- b) to define guidelines, technical regulations and criteria for heritage conservation;
- c) to finance the heritage conservation with various initiatives;
- d) to permit the reconstruction as well as the works concerning utilization of heritage;
- e) to ensure the safety of heritage in their jurisdiction;
- f) to oblige the owner, possessor or holder to carry out work necessary to ensure heritage

³¹⁸ Larsson, 2006, p. 191.

³¹⁹ Agostino, 1984, pp. 75-76.

³²⁰ Landriani & Pozzoli, 2014, p. 56.

³²¹ Bodo & Bodo, 2016, chapter 3.2, para.3.

³²² Code of the Cultural and Landscape Heritage 2004, art.4.

³²³ Code of the Cultural and Landscape Heritage 2004, art. 18, 29, 30, 32, 35, 39, 57, 58, 107, 118.

- conservation or to take direct action for conservation;
- g) to supervise the situations of heritage conservation and to prepare for the conservation exigencies;
- h) to authorize the transfer and exchange of heritage;
- i) to promote the study and research towards heritage conservation.

The vastness of functions of the MIBACT led to the establishment of the General Bureaus, which are instituted with reference to the characteristics of specific heritage and distinct conservation duties. These bureaus undertake different conservation duties and provide corresponding services.³²⁴ According to the Prime Ministerial Decree of 2014, there are currently twelve Director Generals (Direzione Generale; DG), i.e. branch bureaus. The ministry also set up the Secretary General responsible for the direction and coordination of all of the ministerial matters, in order to ensure the operation of the DG under direct control of the ministry.³²⁵ In the process of performing their duties, the ministry and its subordinate DG perform their institutional tasks of architectural heritage conservation through local offices of the ministry (Regional Directorates and Soprintendenze).³²⁶

Role of CCTPC There is one special entity worthy of note here, the Carabinieri Headquarters for the Protection of Cultural Heritage (Comando Carabinieri Tutela Patrimonio Culturale; CCTPC) established in 1969. "In the particular sector of protection, the TPC[CCTPC] has been identified as the center of information and analysis for all Italian law enforcement agencies". On the national-level, CCTPC is comprised of a Centralized Staff Office and an Operational Department that is divided into three sections for Archaeology, Modern Art, and Counterfeiting, and on the local-level, CCTPC contains twelve branches with regional or interregional jurisdiction and a operations section.³²⁷ The CCTPC is a part of the MIBACT and plays a essential role in guaranteeing the safety of national heritage through the prevention and repression of criminal activities.³²⁸

3.4.2 Administration at the Regional/Local Level

Local Autonomy after WWII The desire for protecting the heritage destroyed or damaged in the

³²⁴ Landriani & Pozzoli, 2014, pp. 55-56.

³²⁵ *Struttura organizzativa*[Organization structure], n.d., retrieved 30 May 2015.

³²⁶ *Venice and its Lagoon*, n.d., retrieved 30 May 2015.

³²⁷ Nistri, 2011, pp. 183-184.

³²⁸ Brinkman, 2006, p. 66.

Second World War led to a postwar debate about heritage conservation. This debate was raised again in the process of drafting the Constitution of the Italian Republic in 1947, and there was strong support for allocating responsibility to the regions and establishing self-governing local authorities with the object of devolving power from the central government; however, the Constitution of 1947 retained the highest powers over heritage conservation for the central government.³²⁹

The Italian postwar economic miracle ended in the late 1960s, which resulted in an economic and social crisis. During this time of crisis, protest movements occurred among the university students and workers, such as the 'Hot Autumn' of 1969.³³⁰ In response, the government granted a few powers and limited legislative autonomy to the regions; however, the regions acquired legislative autonomy that was reduced to a minimum and moreover depended greatly on a transfer of power from the State. As a result of this slight shift of power, the functions and organizations of local governments also underwent some changes, and over the following two decades, the trend towards decentralization grew. In 1990 the new system of local autonomy was established through the issuance of Law No. 142 in 1990. Between 1990 and 1997, a series of measures increased the financial autonomy of the regional and the local governments.³³¹ Moreover, Law No. 112 in 1998 granted all administrative functions to the regions and local governments and prescribed the forms of cooperation between the regions and the State, in order to promote the implementation of more effective conservation policies.³³²

In a more piecemeal reform fashion, the constitution reforms of 1999 and 2001 significantly altered the relationship between the central government and the regional and local governments. Enough autonomous powers were devolved to the regions, and a series of basic control and management powers were delegated to the provincial and municipal governments, and thus the regional and local governments now had adequate powers over territorial matters.³³³ In return, the responsibilities over architectural heritage conservation also were delegated to the regional and local governments, thus moving the administration of Italian architectural conservation towards decentralization.

Authorities on Regional/Local Level

"[The local government system of Italy] is composed of the

³²⁹ Agostino, 1984, p. 75.

³³⁰ Duggan, 2011, pp. 261-272.

³³¹ Vesperini, 2009, p. 7.

³³² Barile & Saviano, 2015, pp. 77-78.

³³³ Di Toritto, 2005, p. 165.

municipalities, the provinces, the metropolitan cities, and the regions. Municipalities, provinces, metropolitan cities and regions are autonomous entities having their own statutes, powers and functions in accordance with the principles laid down in the Constitution, [and they are on a local level]".³³⁴ "The regions have legislative powers in all subject matters that are not expressly covered by State legislation", and "[the] State legislature shall provide for agreements and coordinated action between the State and the regions in the field of cultural heritage preservation",³³⁵ both of which are prescribed in the Code of the Cultural and Landscape Heritage issued in 2004.³³⁶ In addition, "municipalities, provinces and metropolitan cities carry out administrative functions of their own as well as the functions assigned to them by State or by regional legislation, according to their respective competences".³³⁷ After the aforesaid two constitutional reforms occurred in the late 20th century which resulted in the decentralization of Italian architectural heritage and conservation: many central functions were delegated to the regional and local governments, and over time a local autonomous institution was gradually formed. Based on Italy's present administrative system, four regional/local levels exist: regional, provincial, municipal, and metropolitan city. The subsection's function is to analyze the roles of local authorities at the individual levels of architectural conservation.

1. Regions

Of the twenty regions in Italy, five have an autonomous status. These regions are granted concurrent legislative powers and also have established their own regional authorities in charge of heritage conservation. In addition, there are three special autonomous regions (Valle d'Aosta, Sicily, and Trentino Alto Adige) which can exercise independent legislative and administrative powers for their own heritage assets through their own Soprintendenze. These Soprintendenze are under the direction and management of the regional department for heritage instead of the State, therefore, the administration of three regions are absolutely distinct from other regions.³³⁸ They have their own departments, separate budgets, special statutory provisions, and regional staffs in the field of heritage conservation, so the subsequent discussion does not relate to these three regions.³³⁹

³³⁴ Constitution of the Italian Republic 1947, art.114.

³³⁵ Constitution of the Italian Republic 1947, art.117 & 118.

³³⁶ Code of the Cultural and Landscape Heritage 2004, art.5.

³³⁷ Constitution of the Italian Republic 1947, art.118.

³³⁸ Bodo & Bodo, 2016, chapter 3.2.

³³⁹ Agostino, 1984, p. 78.

Tasks of DRBCP On the regional level (except in the aforesaid three special autonomous regions), the Ministry for Heritage, Cultural Activities and Tourism (MIBACT) set up the Regional Directorates for Cultural Heritage and Landscape (Direzione Regionale per i Beni Culturali e Paesaggistici; DRBCP) in which the peripheral organization linked to the Ministry is jointly functioned. Depending on the DRBCP, the Soprintendenze, the state archives, the state libraries, the museums and other autonomous institutions constitute the peripheral system of the MIBACT. It can be seen that the DRBCP is the core department within the peripheral system.³⁴⁰ The DRBCP are local offices of the MIBACT, which are responsible for formulating regional policies towards heritage conservation and exercising relevant administrative duties, with attention to the protection of the cultural and historical identity of territorial heritage and landscape and to the promotion of the development of the whole area.³⁴¹

The Regional Directors are in charge of DRBCP, and they are responsible for the unitary management and guidance over regional conservation work. Their main responsibilities can be summarized as follows:³⁴²

- (1) to formulate conservation proposals within their jurisdiction and communicate with the MIBACT;
- (2) to implement the conservation policies laid down by the MIBACT and to direct the specific implementation work;
- (3) to undertake some duties and responsibilities for specific conservation programs;
- (4) to provide necessary human, financial and material resources for the implementation of conservation programs.

Development of Soprintendenze The Soprintendenze act as intermediaries between the national, regional and local authorities. They are subordinate to the MIBACT and act as peripheral organizations of the MIBACT.³⁴³ The Italian Soprintendenze system originated in 1904. During this time, there were nearly fifty Soprintendenze throughout the country, but the organizational structure of the Soprintendenze system was destroyed in the first World War and damaged further by Mussolini's Fascist government. As a result, the number of Soprintendenze were reduced by more than half.³⁴⁴ This system suffered damages in the past but it remained and

³⁴⁰ Barile & Saviano, 2015, p. 75.

³⁴¹ *Venice and its Lagoon*, n.d., retrieved 30 May 2015.

³⁴² Landriani, & Pozzoli, 2014, p. 64.

³⁴³ Landriani & Pozzoli, 2014, p. 60.

³⁴⁴ Gianighian, 2001, p. 198.

continues to develop today. The present Soprintendenze are territorial administration units of the State, i.e. the Soprintendenze are established on regional, provincial, and municipal levels, which undertake responsibilities of protection and management of all heritage in their territories.³⁴⁵

The MIBACT set up Soprintendenze on a regional level, these are peripheral organizations of the ministry similar to the DRBCP. The regional Soprintendenze are administered by the superintendent. In the process of regional conservation, the regional Soprintendenze also are required to unify and coordinate heritage and landscape conservation, including conservation powers, using funds for the promotion of heritage conservation, and managing museums, monuments and archaeological sites.³⁴⁶

Duties of Soprintendenze The MIBACT performs conservation duties through the Soprintendenze located throughout the country.³⁴⁷ They were established on both the regional and local levels (the local Soprintendenze will be discussed in a later subsection). All Soprintendenze are classified into four types in reference to their duties as they pertain to specific heritage: the Soprintendenze for Archaeology, for Artistic and Historical Heritage, for Environmental and Architectural Heritage, and for Archival Heritage.³⁴⁸

Although the Soprintendenze and the MIBACT are hierarchical, the Soprintendenze are central to heritage conservation and their work "influences both the private and public professionals in their careers as conservators and restorers".³⁴⁹ The Soprintendenze are capable of securing the conservation not only of individual work, buildings, museums, and monuments, but also of all the heritage located in their territories, thus playing a crucial role in the whole conservation of Italian heritage.³⁵⁰ The Soprintendenze have some main duties:³⁵¹

- a) acting as regulators in making decisions regarding the granting of permission to intervene in the conservation of designated heritage;
- b) identifying the value of historic buildings and archaeological sites, as well as landscapes and

³⁴⁵ Zan, Baraldi & Gordon, 2007, p. 58.

³⁴⁶ Landriani & Pozzoli, 2014, p. 65.

³⁴⁷ Gianighian, 2001, p. 190.

³⁴⁸ Agostino, 1984, p. 77.

³⁴⁹ Gianighian, 2001, p. 204.

³⁵⁰ Landriani & Pozzoli, 2014, p. 61.

³⁵¹ Taylor, 2009, p. 34.

ethnography in order to select them for conservation;

c) managing all designated heritage, including historic sites, buildings, and museums etc.

Role of the Super-Superintendent

In addition to the regional Soprintendenze, a Super-superintendent is appointed in order to coordinate the work among the regional Soprintendenze. In practical conservation work, the Soprintendenze perhaps has the most complete control over heritage conservation in their jurisdiction. The whole work of heritage conservation, even the smallest alterations carried out on buildings or landscapes must receive previous permission from the Soprintendenze.³⁵² The Soprintendenze preserves and manages individual heritage categories respectively so as to maintain a high level of expertise in the treatment of specific heritage projects. The specialized Soprintendenze often have to delegate the preservation of other categories of heritage to other organizations, thus, they naturally have the tendency to be very different from each other in terms of the conservation methods, tools, and scientific knowledge they employ. Because there is no clear hierarchical orientation between the Soprintendenze and other organizations, conflicts occur and are not easily resolved. In such instances, "[the] legislator nominates a sort of 'super-superintendent' at the regional level, who acts as a coordinator of the Soprintendenze, a go-between with the regions, and would play a role of assessment and synthesis for the enforcement of the main protective actions".³⁵³ This is a potential cost saving measure for the reorganization of Soprintendenze and fulfills the purpose of streamlining governmental branches. The Super-superintendent is mainly responsible for setting priority procedures for expenditures, planning three year long conservation programs, monitoring the implementation status of directives laid down by the MIBACT, planning interventions, analyzing the working demands of the superintendents and organizing human resources.³⁵⁴

2. Provinces and Metropolitan Cities

There are 107 provinces in Italy, and the provincial heritage authorities mainly deal with the synergies between conservation and development of the territorial environment, with an overall aim toward increasing the values of their heritage assets.³⁵⁵ The provinces preserve and manage local heritage through ad hoc Provincial Departments for Culture. These departments coordinate in municipal public libraries as well as with intermediaries in order to allocate regional

³⁵² Fitch, 2001, p. 400.

³⁵³ Landriani & Pozzoli, 2014, p. 64.

³⁵⁴ Landriani & Pozzoli, 2014, p. 64.

³⁵⁵ *Venice and its Lagoon*, n.d., retrieved 30 May 2015.

funds for the municipalities by law.³⁵⁶ As mentioned before, the Soprintendenze are the main peripheral organization of MIBACT and local Soprintendenze exist on almost every local level. Therefore, the provinces and regions are similarly structured to include provincial Soprintendenze. In accordance with the Protection of Objects of Artistic and Historical Interest Act issued in 1939, the provincial Soprintendenze are responsible for the conservation, restoration and management of architectural heritage in their areas.³⁵⁷

There exists another local level closely related to the provinces, i.e. metropolitan city. With the aim of saving money on elections and elected officials, Italy initiated a reform for provincial and municipal territories in April of 2014 to establish a new institutional body, namely, metropolitan city. The metropolitan cities are established in the suburbs of large municipalities like Rome and Milan, and each city has a president, typically the same person who is mayor of the area's primary city. Such cities have an independent governing council and sufficient financial resources; therefore the creation of this body essentially weakens the administrative role of the provinces.³⁵⁸ Currently, heritage conservation has not been introduced as a responsibility of the metropolitan cities.³⁵⁹ The conservation of heritage in metropolitan cities still remains with the original procedures and institutions.

3. Municipalities

The municipal authorities are mainly responsible for the refurbishment and upgrade of the existing architectural heritage.³⁶⁰ There are 8,101 municipalities in Italy, and they preserve and manage local heritage through their internal Municipal Departments for Culture. Such municipal departments have a role to play in the direct management of municipal heritages, including museums and sites, archives, libraries, etc. In addition, the municipalities are also involved in restoration and conservation of local historic heritage under MIBACT's supervision.³⁶¹ Similar to the structure at the provincial level, municipal Soprintendenze have heritage conservation duties in municipalities. Moreover, the provincial departments of heritage and municipal departments of culture can coordinate their heritage conservation efforts, for example, the provinces and municipalities can make agreements on conservation functions and services like: financial

³⁵⁶ Bodo & Bodo, 2016, chapter 3.2.

³⁵⁷ Landriani & Pozzoli, 2014, p. 61.

³⁵⁸ d'Antonio, 2014.

³⁵⁹ Directorate of Communication, Press and Events of the Committee of the Regions, 2014, p. 29.

³⁶⁰ *Venice and its Lagoon*, n.d., retrieved 30 May 2015.

³⁶¹ *Organisations-Italy*, n.d., retrieved 23 February 2015.

relationships, reciprocal obligations, guarantees, and consultation patterns. In addition to this, the political heads of the provincial and municipal administrations concerned may make agreements to require some relevant measures from the counterparty for implementation of conservation programs.³⁶² Through such measures, the provinces and municipalities can unify useful resources to aid in their architectural conservation work.

3.4.3 Consultation Commissions

State, regional and other local authorities are required to consult with advisory bodies regarding the conservation of architectural heritage projects. The advisory bodies are appointed by the authorities of architectural conservation at the national, regional or local levels.

Advisory Councils for MIBACT As the supreme national ministry, the MIBACT exercises its conservation responsibilities mainly depending on the High Council for Heritage and Landscape, which exercises its advisory duty on the central level and is overseen by the MIBACT.³⁶³ This council is composed of the chairmen of the technical and scientific committees, eight eminent personalities in the field of heritage conservation appointed by the minister of MIBACT, and three representatives of the staff.³⁶⁴ The MIBACT also set up seven technical and scientific committees. In addition to these committees, the Technical and Scientific Committee for Architecture and Landscape and likewise for Architecture and Contemporary Art, are two main advisory bodies who consult in the area of architectural heritage conservation.³⁶⁵ It could be said that the primary national-level advisory bodies for architectural conservation consist of "the High Council for Cultural Heritage and Landscape with expertise in the technical scientific field of cultural heritage and landscape, and seven technical and scientific committees with other specific responsibilities".³⁶⁶

Advisory Board for Regional/Local Authorities The regional and local authorities for architectural conservation mainly depend on territorial boards in the process of exercising conservation functions.³⁶⁷ The regions set up the regional Boards of Archive Properties, of Historical and Artistic Properties, and of Archaeological Properties, which are responsible for advising the

³⁶² Council of Europe, 2000, p. 25.

³⁶³ Bodo & Bodo, 2016, chapter 2.

³⁶⁴ Landriani & Pozzoli, 2014, p. 56.

³⁶⁵ *Struttura organizzativa*[Organization structure], n.d., retrieved 30 May 2015.

³⁶⁶ Barile & Saviano, 2015, p. 75.

³⁶⁷ Levi, 2008, p. 118.

DRBCP over heritage conservation.³⁶⁸ In addition to these expert boards, other regional boards may also consult. For example, the regional Councils for Local Government were introduced by the Constitutional reform of 2001, which aimed to consolidate the institutional links of interregional cooperation between the relevant municipalities and sub-regional organizations. The Councils also play an advisory role in regional legislative matters, including the legislation for architectural heritage conservation.³⁶⁹ As for the Italian provinces, they set up the provincial Boards for Landscape and Architectural Properties in order to give advice over local heritage conservation.³⁷⁰ Meanwhile, according to the No.201 Ordinance of 2011, the Italian provinces are capable of guiding and coordinating the municipal cultural matters in their jurisdiction, so these provincial boards also can act as consulting bodies for the conservation of heritage in the municipalities.³⁷¹

3.4.4 Civic Organizations

The legal position of public and civic organizations is clearly stated in the Constitution of the Italian Republic. According to this law, "the state, regions, metropolitan cities, provinces and municipalities shall promote the autonomous initiatives of citizens, both as individuals and as members of associations, relating to activities of general interest, on the basis of the principle of subsidiarity".³⁷² Moreover, the code of the Cultural and Landscape Heritage as "the principal legislation governing heritage conservation in Italy"³⁷³ states that, "the Republic shall foster and sustain the participation of private subjects, be they single individuals or associations, in the enhancement of the cultural heritage".³⁷⁴

The Italian citizens' passion for heritage conservation corresponds to the legal position of public participation. They have established various civic organizations for participating in heritage conservation, "Italia Nostra" and "Fondo per l'ambiente Italiano" (the Fund for the Italian Environment) can be seen as two representative organizations. In 1955, the "Italia Nostra" was established. It is the premier non-profit civic organization in Italy, with the dual aim of stopping the destruction of Italian heritage and of arousing more public interests in the problems connected

³⁶⁸ Education and Culture DG, 2010.

³⁶⁹ Bilancia, Palermo & Porchia, 2010, pp. 154-155.

³⁷⁰ Education and Culture DG, 2010.

³⁷¹ *Division of Powers*, n.d., retrieved 01 June 2015.

³⁷² Constitution of the Italian Republic 1947, art.118.

³⁷³ Mariotti, 2010, p. 96.

³⁷⁴ Code of the Cultural and Landscape Heritage 2004, art.6.

with the heritage conservation. Today, this society actively engages in heritage conservation, including commissioning and publishing studies, holding conferences on heritage, and fighting for conservation of heritage at risk.³⁷⁵ The "Fondo per l'ambiente Italiano" was established in 1975 for protecting and managing Italian heritage for the public. It is also a non-profit public organization and operates along similar lines as Britain's National Trust. Today the society maintains hundreds of historic buildings and sites with the help from nearly 50,000 supporters and two hundred sponsors.³⁷⁶

In addition to these public organizations, some private societies participate in heritage conservation in Italy. The National Association for Historical and Artistic Centres has been responsible for promoting research about the conservation of historical urban centers in Italy with scholars, civil servants and politicians since its establishment in 1961. The National Institute of Planning consisting of the most important planners in Italy, also is involved in promoting conservation and development of historical towns.³⁷⁷

Encouragement of Sponsorship and Donation It is not unusual for some Italian enterprises to participate in heritage conservation via sponsorship, and in return, the State gives them fiscal incentives through a policy of tax relief. Until 1996, regulations concerning tax relief for sponsorship and patronage were opposed by the Ministry of Finance, and consequently the tax relief policies issued at that time could not be properly enforced.³⁷⁸ There were no obvious or clear fiscal incentives from the State, but "in Italy, sponsorship of the arts in the form of restoration of national heritage is regarded as a sign of good corporate management"; therefore, most Italian enterprises participate in heritage conservation so as to gain a good corporate prestige and image.³⁷⁹ For example, the amount of sponsorship by Italian enterprises in 1991 reached 200 million euro. Up until 2000, Law No.342 issued and provided tax relief for sponsorship and patronage for heritage conservation, which allowed enterprise sponsored heritage conservation to enjoy tax relief legally. In the following years, this measure further stimulated Italian enterprises to increase the amount of such donations or sponsorships of heritage conservation to reach a peak of 574 million euro in 2008.³⁸⁰

³⁷⁵ Gianighian, 2001, p. 199.

³⁷⁶ Stubbs & Makaš, 2011, p. 27.

³⁷⁷ Gianighian, 2001, p. 199.

³⁷⁸ Bacchella, 1998, p. 122.

³⁷⁹ Vanhaeverbeke, 1996, p. 84.

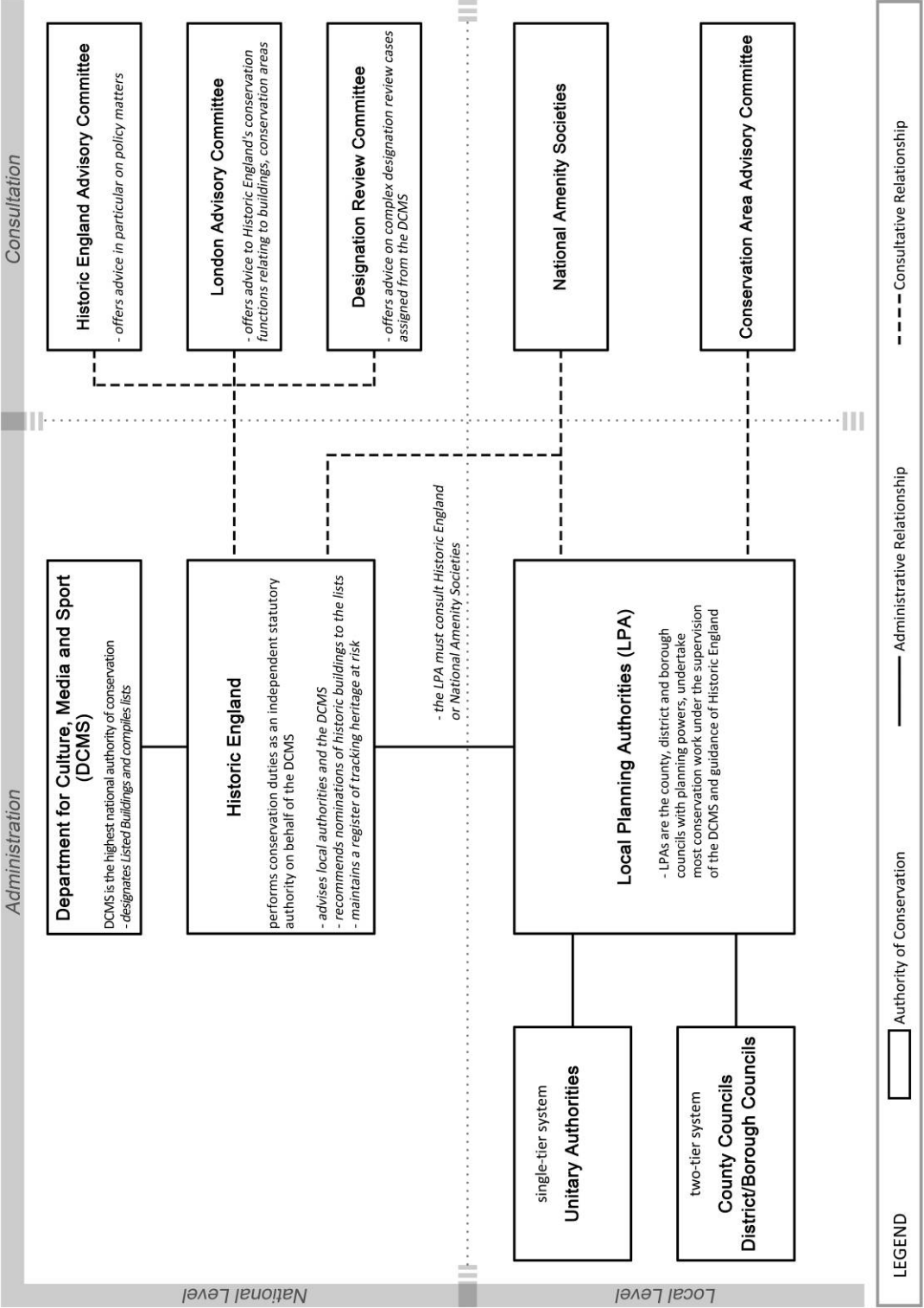
³⁸⁰ Bodo & Bodo, 2016, chapter 5.1.5, para. 2.

3.5 Britain (exemplified for England)

The highest national authority is the Department for Culture, Media and Sport (DCMS), and it is directly controlled by the Secretary of State for Culture, Media and Sport. The DCMS transferred the majority of responsibilities relating to heritage conservation to Historic England. As a sponsored agency, Historic England is at the core of conservation of architectural heritage in England, it is responsible for the practical conservation of architectural heritage and for advising the DCMS and the Local Planning Authorities (LPA).

England has a hybrid system of local administration. In some areas there is a single-tier system of unitary authorities and in other areas there is a two-tier system consisting of county councils and district councils. In this mixed local government system, the one common point is that most conservation planning work is undertaken by the LPA. As such, the LPA actually are the councils with planning powers, including county council, unitary authority, district council and borough council. The county council and unitary authority undertake some duties concerning architectural conservation at different degrees, but in most conservation practices, the majority of conservation planning matters are dealt with by district councils and borough councils. (Figure 5)

Figure 5 - Administrative Structure of Architectural Heritage Conservation in England



Britain consists of four constituent countries, England, Wales, Scotland and Northern Ireland. Among the different countries, the relationships between central and local government vary significantly, this is illustrated by the differences in devolution and in local governmental organs.³⁸¹ In England, Wales and Scotland, management of historic environment and cultural matters operate along a two-tiered central structure consisting of a governmental department and its corresponding agency. Specifically, in Wales, the National Assembly of Wales, the highest national authority in Wales, took over responsibilities of ancient monuments and historic buildings etc.³⁸² Its executive agency is the CADW which is Welsh Government's historic environment service. The assembly devolved conservation duties to the CADW, which is similar to Historic England.³⁸³ In Scotland, the Scottish Government is also the supreme national authority in charge of architectural heritage conservation.³⁸⁴ Meanwhile there is a similar agency, Historic Environment Scotland, which is the executive agency of the Scottish Government and responsible for the conservation of architectural heritage located in Scotland.³⁸⁵ The structure in England is described in the subsection, which is similar to the structure in Wales and Scotland. However, Northern Ireland offers a special case as it has a structure distinct from the aforesaid three constituent countries. Northern Ireland's "national government has performed, either directly or through agencies, virtually all governmental functions".³⁸⁶

As Stephen W. Jacobs noted, "In contrast to the organized and somewhat doctrinaire approach to architectural conservation used on the continent, English practices seem both complex and permissive".³⁸⁷ However, the essence of the system of architectural conservation is similar throughout Britain.³⁸⁸ The focus of this section is on England. England is the most populous part and constitutes over half of the total territory of Britain; it has also had profound influence around the world and stands out among the four constituent countries.³⁸⁹ Moreover, a much greater number of historic buildings and conservation areas are located in England, thus naturally, more conservation projects happen here than anywhere in Britain.³⁹⁰ Therefore, it can be said that the

³⁸¹ Cullingworth, et al., 2015, p. 51.

³⁸² Cullingworth, et al., 2015, p. 58.

³⁸³ *About CADW*, n.d., retrieved 19 May 2016.

³⁸⁴ Cullingworth, et al., 2015, p. 46.

³⁸⁵ *About Historic Environment Scotland*, n.d., retrieved 19 May 2016.

³⁸⁶ Cullingworth, et al., 2015, p. 58.

³⁸⁷ Stubbs & Makaš, 2011, p. 59.

³⁸⁸ Pendlebury, 2001, p. 290.

³⁸⁹ William, 2010, pp. 15-16, 27-28.

³⁹⁰ Mynors, 2006, p. 7.

administration of architectural conservation in England is significant and representative.

3.5.1 Administration at the National Level

Three Categories of Protected Heritage The contemporary framework for the administration of architectural conservation in England is provided by the Ancient Monuments and Archaeological Areas Act of 1979 together with the Listed Buildings and Conservation Areas Act of 1990.³⁹¹ There are three categories of statutory protected heritage:³⁹² (1) *Scheduled Monuments* are defined as the archaeological sites designated by the central government including the ruins that are no longer inhabited. This category of heritage is deemed to be of national value and reflects the development process of human history; (2) *Listed Buildings* are buildings of architectural and historic interests that are put on the statutory protection list. There are three grades of Listed Buildings to reflect degrees of value and protection: listed buildings of Grade I, II* and II. Grade I are "of exceptional interest", Grade II* are "particularly important buildings of more than special interest", Grade II are "of special interest warranting every effort to preserve". As of 2012, the total number of listed buildings in England was approximately 375,588, and among them 2.5 percent belong to Grade I, 5.5 percent are Grade II*, 92 percent are Grade II; (3) *Conservation Areas* are areas that are of special architectural and historic interests and warrant particular conservation and enhancement. As of 2011, there were about 9,800 conservation areas listed.

Development of DCMS As described in the classification of heritage, the three grades of listed buildings almost cover the majority of buildings of outstanding architectural and historic value in Britain. Naturally, the historic buildings and quarters in conservation areas are also to be preserved by law. Therefore, it can be said that conservation of architectural heritage in Britain is exercised through the conservation framework of listed buildings and conservation areas. In this framework, the Department for Culture, Media and Sport (DCMS) becomes the highest national authority for architectural conservation; it is controlled and administered by the Secretary of State for Culture, Media and Sport (Secretary of State).³⁹³

The DCMS originates from the Department of the Environment established in 1970. The Department of the Environment had wide reaching authority, including the control and direction of the planning system, environmental protection, management of national lands and heritage,

³⁹¹ Stubbs & Makaš, 2011, p. 60.

³⁹² *Identification and designation of heritage assets*, n.d., retrieved 10 June 2015.

³⁹³ Mynors, 2006, p. 23.

etc.³⁹⁴ In 1992, the responsibilities for heritage issues were transferred to the new Department for National Heritage, specifically, conservation of buildings with architectural or historic interest.³⁹⁵ In May of 1997, the Department of National Heritage was renamed the DCMS.³⁹⁶ Since then, the DCMS has become the supreme national authority responsible for architectural conservation in all of Britain. The DCMS performs its duties for the conservation of the artistic and cultural heritage and for the enhancement of cultural communication between Britain and other countries.³⁹⁷

As the head of the DCMS, the Secretary of State undertakes some responsibilities in the process of building conservation, such as the compilation of lists of protected buildings. In accordance with the Planning (Listed Buildings and Conservation Areas) Act of 1990, "the Secretary of State shall compile lists of such buildings, or approve, with or without modifications, such lists compiled by [other organizations]".³⁹⁸ According to the Principles of Selection for Listed Buildings issued in 2010, the Secretary of State needs to take the following criteria into account while compiling lists of listed buildings:³⁹⁹

- (1) general principles such as "age and rarity, aesthetic merits, selectivity, national interest, and state of repair";
- (2) special architectural values including "the importance of architectural design, decoration or craftsmanship of individual buildings";
- (3) special historic values including "the importance to the nation's social, economic, cultural or military history, and/or the historical relationship with nationally important people";
- (4) the extent of contribution to the architectural or historic interests of surrounding ensembles of buildings;
- (5) the desirability to conserve the buildings.

Agency of DCMS: Historic England In order to guarantee the quality of conservation work, the DCMS and the Secretary of State needs to exercise duties delegated to some agencies. For example, the designation of scheduled monuments and listed buildings are decided by the Secretary of State based on the advice of Historic England, which is one agency of the DCMS. In

³⁹⁴ Carter & Lowe, 2014, pp. 22-23.

³⁹⁵ Badman, 2013, p. 59.

³⁹⁶ Mynors, 2006, pp. 23-24.

³⁹⁷ *Department for Culture, Media & Sport*, n.d., retrieved 05 June 2015.

³⁹⁸ Planning (Listed Buildings and Conservation Areas) Act 1990, part 1, chapter 1(1).

³⁹⁹ Department for Culture, Media & Sport (DCMS), 2010.

fact, "architectural conservation in [Britain] originated with and is still regulated by legislation and is guided by government-sponsored agencies";⁴⁰⁰ therefore, such agencies have a crucial role to play in architectural conservation in Britain. The DCMS is a ministerial department whose operation depends on forty agencies.⁴⁰¹ An important one of these agencies is Historic England, it acts as an independent statutory adviser, heritage champion and funder.⁴⁰² Historic England takes charge in almost all conservation responsibilities of the DCMS; for example, Historic England must supervise scheduled monuments and listed buildings and advise changes to listed buildings, as well as register scheduled monuments, listed buildings, and conservation areas at risk.⁴⁰³

The establishment of Historic England needs to be clarified here. English Heritage (the official full name is Historic Buildings and Monuments Commission for England) may be familiar to people, whereas Historic England is unfamiliar. In fact, Historic England is a new entity that was formally split off from the former English Heritage in 2015, and has taken charge of all statutory conservation responsibilities that had been carried out by English Heritage. The former English Heritage had undertaken the majority of conservation duties of the DCMS as the chief executive non-government body, but it had no direct departmental voice. The unbalanced relationship between duties and powers gradually led to the decline of spending power in the budget of this organization.⁴⁰⁴ It lost a third of its budget in 2010 alone.⁴⁰⁵ In this context, the former English Heritage began to explore a new model for its sustainable development, and proposed a restructuring plan in 2013. On April 1, 2015, English Heritage was divided into two parts: Historic England, which has inherited all of the conservation functions of the former English Heritage, and the new English Heritage Trust, which is in charge of operating the historic properties and has taken on the old English Heritage operating name and logo.⁴⁰⁶

Duties of Historic England Historic England has inherited the statutory conservation functions of the former English Heritage, the duties of which were prescribed in the National Heritage Act of

⁴⁰⁰ Stubbs & Makaš, 2011, p. 59.

⁴⁰¹ *Agencies of Department for Culture, Media & Sport*, n.d., retrieved 05 June 2015.

⁴⁰² Great Britain Parliament House of Commons Culture, Media and Sport Committee, 2006, p. 184.

⁴⁰³ Stubbs & Makaš, 2011, p. 60.

⁴⁰⁴ Great Britain Parliament House of Commons Culture, Media and Sport Committee, 2006, p. 334.

⁴⁰⁵ Lean, 2015.

⁴⁰⁶ *English Heritage to be split into two organizations*, 2015.

1983. Thus, the main duties of Historic England can be summarized as follows:⁴⁰⁷

- (1) to guarantee the conservation of ancient monuments and historic buildings located in England.
- (2) to promote the protection and enhancement of the character and appearance of conservation areas in England.
- (3) to enhance the citizens' enjoyment and knowledge of ancient monuments and historic buildings situated in England and their conservation.
- (4) to advise the Secretary of State regarding his exercise of functions related to the conservation of ancient monuments, historic buildings, and archaeological sites.
- (5) to act on behalf of the Secretary of State by carrying out his/her conservation functions for ancient monuments and historic buildings under his/her direction.

Moreover, Historic England is responsible for all of the conservation duties of the former English Heritage. After the reorganization of 2015 it will no longer depend on financial assistance from the central government, and will instead be funded by the new English Heritage Trust.⁴⁰⁸ The former English Heritage's funding consisted of Self-generated income, a one off capital grant (originating from other foundations), and Government funding. The target of the new English Heritage Trust is to help the Historic England simplify its funding structure by 2023, i.e. all the funding of Historic England will come from self-generated income, and will not involve funding from government or other foundations.⁴⁰⁹ If this measure can come into force successfully, Historic England will become an independent autonomous organization, instead of the semi-autonomous executive agency entrusted by the central government, a situation that can further enhance the decentralization of architectural conservation in Britain.

3.5.2 Administration at the Local Level

England has a hybrid system of local administration. In a number of areas there is a single-tier system of unitary authorities, and in other, mostly rural, areas there is a two-tier system consisting of county councils and district councils.⁴¹⁰

Emerging Local Government System since the 19th Century

The British system of local government

⁴⁰⁷ National Heritage Act 1983, section 33(1), 33(4) & 34(2).

⁴⁰⁸ *How we[Historic England] are funded*, n.d., retrieved 10 June 2015.

⁴⁰⁹ *How we[English Heritage Trust] are funded*, n.d., retrieved 10 June 2015.

⁴¹⁰ Cullingworth, et al., 2015, p. 67.

has a long history. During the industrial revolution, increasing urbanization problems challenged the administration of local governments in Britain.⁴¹¹ Until the late 19th century, the central government attempted to establish a uniform system of local government. The Local Government Acts issued in 1888 and 1894 provided some of the building blocks for the local administrative system we see today, including government for London, counties and some unitary authorities. Between 1939 and 1945, the process of developing the local government system had to be suspended, but after the Second World War, the British government still made efforts to establish a unitary local government system. Until the 1970s, some essential progress was achieved by such efforts. In the early 1970s, there was economic stagnation in European countries. In order to enhance the efficiency of local governments for the rising demands of social and economic development, the Thatcher government issued the Local Government Act in 1972 and established a two-tier system of local government in England consisting of county councils and district councils. The county councils of that time were composed of metropolitan county councils and non-metropolitan county councils.⁴¹²

But in 1986, the Thatcher government abolished the Greater London Council and seven metropolitan county councils under the banner of streamlining the cities put an end to the unitary local government system of England.⁴¹³ This measure forced the government to conduct a further review of the local government system in the 1990s, which resulted in the birth of unitary authority. In areas where the Greater London Council and metropolitan county councils were abolished, the system of unitary authority was established. In such areas of unitary authority, there is a single-tier system of local government, i.e. the unitary authority is responsible for all local matters. In the meantime, other areas retain the aforesaid two-tier local government system. Since then, the single-tier and two-tier local system have co-existed in England.⁴¹⁴

In this hierarchical system, unitary authority is the highest local government of the areas with a single-tier system, and the authority is responsible for all local matters, including the planning, application and architectural conservation. The counties and districts have their own councils, for example the county council, district council or borough council. The Local Authorities (Historic Buildings) Act 1962 provides that such councils of counties, districts and boroughs are local authorities for local architectural conservation.⁴¹⁵ As such local authorities are granted planning

⁴¹¹ Local Government Association Public Affairs and Campaigns Team, 2011, p. 2.

⁴¹² Cullingworth, et al., 2015, p. 65.

⁴¹³ 1986: *Greater London Council abolished*, n.d., retrieved 11 June 2015.

⁴¹⁴ Cullingworth, et al., 2015, pp. 65-66.

⁴¹⁵ Local Authorities (Historic Buildings) Act 1962, section1(4).

powers at different degrees, they often are called Local Planning Authorities (LPA). It should be emphasized here, "most conservation planning work in the United Kingdom is, however, undertaken by local planning authorities".⁴¹⁶ Under the supervision of the Secretary of State and the guidance of Historic England, the LPA undertake many conservation duties, for example, determining applications for planning permission and listed building consent, implementing conservation plans, serving a Building Preservation Notice to repair the historic building which is not listed, giving grants and loans for conservation plans. They play a leading role in architectural conservation.⁴¹⁷ The followings are to respectively analyze the roles of different local authorities in England's architectural conservation.

1. County Council

According to the Town and Country Planning Act of 1990, the county councils take charge of planning county matters. In this Act, county matters were defined as minerals and waste planning, i.e. because these county matters involve projects of land use and building conservation, etc., the county council exercises planning and protection powers over buildings.⁴¹⁸ It is obvious that today the county councils have only a limited role to play in architectural conservation of England.

Nevertheless, the county councils have historically been involved in local architectural conservation. In some cases, they are able to give district councils expert advice. Their consultation is not statutory; therefore, their consultation services may sometimes overlap with those provided by the district councils themselves.⁴¹⁹ In fact, prior to 1974, the county council was the main authority responsible for building conservation.⁴²⁰ At that time, many county councils established specialist teams consisting of architects, town planners, surveyors, archaeologists, historians and archivists to handle their conservation work, such as the designation of conservation areas, consultation and conservation of historic buildings, development plans of listed buildings, and grant application. At present, the aforesaid conservation responsibilities have been transferred to the district councils. However, the former expert teams still exist in the county councils and are in charge of conservation planning work

⁴¹⁶ Pendlebury, 2001, p. 309.

⁴¹⁷ Mynors, 2006, p. 26.

⁴¹⁸ Town and Country Planning Act 1990, sch.1.

⁴¹⁹ Grover, 2003, p. 1.

⁴²⁰ Local Authorities (Historic Buildings) Act 1962, section1(4).

concerning county matters.⁴²¹

2. Unitary Authority

The unitary authorities essentially refer to the areas where a single-tier local government system was established. Today, many large towns and cities and some small counties are unitary authorities. It does not matter whether these areas county, district or borough, if their structure is a single-tier system, they will have a single level of local government, thus, unitary authority. Such unitary authorities can be city councils, borough councils, county councils, or district councils. They are in charge of all local matters, including historic building conservation and planning matters.⁴²² As the remit of unitary authority is wide, they usually cooperate with other authorities in the process of building conservation for securing the quality of such conservation work.⁴²³

The unitary authorities essentially are councils of the areas with a single-tier local government system; thus, the roles of county councils, district councils or borough councils in conservation work also apply to the unitary authorities.

3. District Council/Borough Council

In the administrative hierarchy of England, the London boroughs and non-metropolitan districts and metropolitan districts are at the district level, and they have their own district or borough councils. The districts are styled as boroughs, cities, or royal boroughs, but these are just honorific titles without any alteration of their status. Thus, the district and borough council described here are similar.⁴²⁴ As the district and borough councils are granted planning powers, "the local planning authority is in general the district or borough council".⁴²⁵ In conservation practices, the majority of conservation and planning issues are handled by district and borough councils;⁴²⁶ therefore, it can be said that the district or borough councils are principal entities responsible for local architectural conservation. They play a crucial leading role in securing the conservation of historic buildings in their areas, and their main tasks can be concluded as

⁴²¹ Haskell, 2006, introduction part.

⁴²² Local Government Association Public Affairs and Campaigns Team, 2011, pp. 9-10.

⁴²³ Mynors, 2006, p. 27.

⁴²⁴ *Country profile: The United Kingdom of Great Britain and Northern Ireland*, n.d., retrieved 20 May 2016.

⁴²⁵ Mynors, 2006, p. 26.

⁴²⁶ Harwood, 2013, p. 2.

follows:⁴²⁷

- (1) to integrate the conservation and planning policies for their areas, and designate conservation areas;
- (2) to control and manage the works concerning listed buildings;
- (3) to approve the demolitions in conservation areas;
- (4) to guarantee the restoration and repair of listed buildings which have fallen into disrepair;
- (5) to make grants for the repair work of listed building;
- (6) to subsidize repair expenditures for buildings that are not listed.

The county councils and district or borough councils work closely together in the process of building conservation, for example, the conservation policies formulated by the district or borough councils are based on the development planning guidelines of the county councils. The county councils plan for the entire development of the counties, so in their development plans the conservation and promotion policies on architectural heritage need to stand alongside other development policies. Because of this, as the district or borough councils make specific architectural conservation plans in the process of formulating district or borough development planning, they often take the development planning guidance of the county councils into account for securing the whole development of the counties.⁴²⁸ Additionally, in some cases, the district or borough councils transfer their responsibilities to the county councils. When the district or borough councils are not capable of preserving architectural heritage in their areas because they lack the necessary knowledge and experience, they can transfer the conservation duties to the county councils by law,⁴²⁹ who are able to provide expert teams with appropriate specialist skills.⁴³⁰

4. Parish Councils

The parish is the smallest administrative division in England, and a very old form of territory originally represented by both a civil and ecclesiastic administration. The scales of parish vary from area to area, and also not every parish has a council. In some cases, the parish council can be called a town council, because there is no difference in powers between parish and town

⁴²⁷ Planning Policy Guidance 15: Planning and the Historic Environment 1994, A.4 of Central and Local Government.

⁴²⁸ Haskell, 2006, introduction part.

⁴²⁹ Local Government Act 1972, section 101.

⁴³⁰ Mynors, 2006, p. 26.

councils, and both of them cover similar areas, normally smaller than district like villages and small towns.⁴³¹ The parish councils are not statutory LPA, having only minimal influence on architectural conservation, however, they must be notified of all planning applications concerning their parishes, and need to be consulted on the formulation of certain bylaws.⁴³²

5. Conservation Specialists in Local Planning Authorities (LPA)

According to the Planning Policy Guidance 15: Planning and the Historic Environment, issued in 1994, the LPA i.e. the councils with planning powers should hire conservation experts with adequate specialist expertise or establish a conservation specialist team in order to secure the conservation of listed buildings and conservation areas.⁴³³ In other words, the LPA, like the councils of counties, districts and boroughs, should perform their responsibilities through conservation specialists, including listed building consent applications, control of works to listed buildings, notification to the Secretary of State of applications for listed building consent, consultation with Historic England and National Amenity Societies, and designation and appraisal of conservation areas.⁴³⁴

Role of Conservation Specialists In fact, the LPA do consult with Historic England or National Amenity Societies in the process of performing conservation duties, but because the LPA deal with day-to-day casework and with long-term conservation planning and relevant policies, the advice from Historic England or National Amenity Societies cannot always answer their practical needs, therefore, the quality of their performance also depends on the advice from their full-time conservation specialists. It is possible that their efficiency could be increased as a result of this.⁴³⁵ For example, planning applications are appraised by special conservators employed by the LPA of England. If an investor or holder of a listed building wishes to alter or restore it, they need to apply for consent or permission from the LPA. Prior to the approval of such applications, conservation specialists are usually involved who can advise the applicant as to whether the proposed plan is likely to be approved or not.⁴³⁶ Societies like Historic England do provide

⁴³¹ *What is the structure of UK local government?*, n.d., retrieved 19 May 2016.

⁴³² *Administrative-England*, n.d., retrieved 10 June 2015.

⁴³³ Planning Policy Guidance 15: Planning and the Historic Environment 1994, A.5 of Central and Local Government.

⁴³⁴ Institute of Historic Building Conservation, n.d., retrieved 15 June 2015, p. 3.

⁴³⁵ Planning Policy Guidance 15: Planning and the Historic Environment 1994, A.5.

⁴³⁶ Pickard, 2008, p. 165.

advice, but the LPA are able to decide for themselves upon the best plan of action.⁴³⁷

At present, 70 percent of county councils in England have established conservation specialists, 86 percent of other types of authorities like district or borough councils have specialists. As the main part of the LPA, the district and borough councils mostly employ one or more conservation specialist. The data show that there is a high proportion of conservation specialists employed; therefore, the LPA are able to draw on in-house advice.⁴³⁸ In practical work, the conservation specialists also undertake some other duties in addition to consultation:⁴³⁹

- (1) to appraise the character of conservation areas and advise on the formulation of conservation policies in local development plans, in order to secure the conservation of heritage;
- (2) to investigate historic buildings at risk;
- (3) to advise the applicant for listed building consent and to make recommendations concerning the approval or rejection of an application;
- (4) to supervise the alteration or reconstruction work of the aforementioned applicant so as to assure that their actions are in accordance with the consent;
- (5) to advise the decision makers on the need to implement coercive measures, such as: compulsory purchase of buildings in cases of noncompliance of obligations to carry out required repairs, or enforcement action to stop unauthorized work including requirements for reinstatement where illegal alteration have been made;
- (6) to supervise the conservation and repair work financed by the central government with officers from Historic England.

Cooperation between National and Local Authorities

In the process of building conservation, the LPA and the national authorities (Historic England and the Secretary of State) cooperate. If the holder of a listed or registered historic building wants to alter or demolish the building, he/she can arrange for a preliminary consultation with the LPA in order to prepare the application documents. Then, the applicant can submit a planning application to the LPA for the Listed Building Consent. If the actions of such an application affect the development of land surrounding the building, the applicant also needs to apply for a planning permission. After receiving the application, the LPA will allocate a conservation specialist to manage this application. The responsible specialist then needs to communicate and consult with the applicant in order to make a recommendation to either approve or deny the application. Prior to the decision of the application, the applicant

⁴³⁷ Planning Policy Guidance 15: Planning and the Historic Environment 1994, A.5.

⁴³⁸ Grover, 2003, p. 51.

⁴³⁹ Pickard, 2008, p. 166.

should also provide further information and documents for the LPA, such as, a Design and Access Statement or a Heritage Statement about the potential influence of such planning actions on the building and its vicinity. In some cases, the applicant can be required to submit a specialist assessment to state the significances of the building and results of relevant examinations. Finally, the LPA will make a decision based on the information and documents from the applicant. If the applicant is not satisfied with the result, he/she can appeal to the LPA.⁴⁴⁰ Moreover, in the aforesaid process, the LPA should notify Historic England and the Secretary of State, meanwhile the LPA should consult with Historic England, and the application decisions should be made based on such advice.⁴⁴¹

3.5.3 Consultation Commissions

Central Advisory Committee As the highest national authority responsible for heritage conservation, the performance of Department for Culture, Media and Sport (DCMS) mainly depends on Historic England, which advises the DCMS on the formulation of conservation policies.⁴⁴² One of the responsibilities of the Secretary of State is to compile a list of listed buildings; for this he/she is required to consult Historic England. After fulfilling this consultation requirement, expert advisers appointed by Historic England normally visit areas where the buildings are located, meanwhile they communicate with the LPA and then make their own recommendations.⁴⁴³

As the DCMS's chief executive organization, Historic England has taken on the majority of responsibilities of the DCMS. In the process of performing their duties, Historic England mainly depends on three non-executive advisory bodies:⁴⁴⁴ a) the Historic England Advisory Committee, which is responsible for offering expert advice in particular on policy matters; b) the London Advisory Committee, which works on providing expert advice to Historic England's staff functions relating to individual buildings, monuments, conservation areas, parks and gardens in London, as well as to policy matters and casework; c) the Designation Review Committee, which is to advise the Historic England staff on complex, contentious and high profile designation review

⁴⁴⁰ Gould, 2012.

⁴⁴¹ *Consultation and notification requirements for heritage related applications*, n.d., retrieved 20 June 2015.

⁴⁴² *Historic England*, n.d., retrieved 15 June 2015.

⁴⁴³ Planning Policy Guidance 15: Planning and the Historic Environment 1994, A.6.8 of Identification of Buildings for Listing.

⁴⁴⁴ *How we are run: Committees and panels*, n.d., retrieved 10 June 2015.

cases assigned from the DCMS.

Local Advisory Committees The LPA often consults with Historic England, conservation specialists, and National Amenity Societies (it will be described in the subsection for Civic Organizations). For example, Historic England is a statutory consultant of the LPA for drafting conservation plans. Historic England provides expert advice to the LPA both at the draft and preparation stages. In conjunction with the Countryside Commission and English Nature, Historic England is also able to issue guidance in the formulation of local conservation policies.⁴⁴⁵

Some LPA have set up Conservation Area Advisory Committees so as to offer advice on the conservation of local architectural heritage. The Planning Policy Guidance 15: Planning and the Historic Environment provides that the LPA should establish such advisory committees in order to give advice on policy formulation of policies, planning work and relevant consent applications for conservation areas. The members of such advisory committees should consist mainly of people who can represent the interests of local residents and local chambers of commerce, as well as local historical, civic and amenity societies, instead of members of LPA.⁴⁴⁶ The central government proposed to set up conservation areas since 1967, and from then on the government began to asked the LPA to establish Conservation Area Advisory Committees, which are responsible for helping with the formulation of policies towards conservation areas and for providing advice on the plans that would affect the conservation and development of conservation areas. But only 23 percent of the local authorities responded to this request, and as of 2003 most of them have not set up such committees.⁴⁴⁷ Instead, the LPA are only able to consult with Historic England, conservation specialists, and National Amenity Societies.

In addition to this, the Commission for Architecture and the Built Environment at the Design Council also is an advisory body of the LPA.⁴⁴⁸ This commission mainly provides expert advice for the design and renewal of historic buildings and for conservation projects implemented by the LPA. There are various services provided by this commission.⁴⁴⁹

⁴⁴⁵ Planning Policy Guidance 15: Planning and the Historic Environment 1994, A.2 of Development Plans and Development Control.

⁴⁴⁶ Planning Policy Guidance 15: Planning and the Historic Environment 1994, A.4.1.3 of Local Information and Consultation.

⁴⁴⁷ Grover, 2003, p. 45.

⁴⁴⁸ Cullingworth, et al., 2015, p. 325.

⁴⁴⁹ *Built environment and Cabe*, n.d., retrieved 17 June 2015.

- a) appointing multidisciplinary design experts to meet the needs of each city;
- b) providing design support at an early stage of the design and planning process; selecting strategic experts to help formulate local conservation planning;
- c) enlarging the impact of policy implementation based upon expert advice;
- d) providing training projects, and building a database to improve the quality of services provided by the local authorities.

3.5.4 Civic Organizations

The Planning Policy Guidance 15: Planning and the Historic Environment states that the responsibility of protection and management of historic buildings should be shared by everyone and that public support and understanding is the prerequisite for successful implementation of the conservation policies.⁴⁵⁰ In Britain, the government focused much attention into the role of public participation in architectural conservation, and "in official guidance, concerning both the listing of buildings of architectural or historical importance by the central government and the designation of conservation areas by local authorities. It has increasingly emphasized the need for public consultation and participation".⁴⁵¹ This higher level of public support gained by consulting the public about projects is directly proportional to a higher level of voluntary implementation of conservation policies, and this success was achieved without the need for additional statutory controls.⁴⁵² Therefore, the LPA encourages the public's participation in the formulation and implementation of conservation policies.

National Amenity Societies The citizens are interested in the conservation of historic buildings, and they devote much effort to support conservation. The establishment of the National Amenity Societies are an example of what can happen as a result of broad public participation in conservation.⁴⁵³ The establishment of such societies has a history of more than one hundred years. They are voluntary associations aiming to protect many aspects of the built heritage and to enhance the public enjoyment of this heritage. At present, there are several representative

⁴⁵⁰ Planning Policy Guidance 15: Planning and the Historic Environment 1994, A.1.7 of Planning and Conservation.

⁴⁵¹ Townshend & Pendlebury, 1999, p. 313.

⁴⁵² Planning Policy Guidance 15: Planning and the Historic Environment 1994, A.4.7 of Local Information and Consultation.

⁴⁵³ Jokilehto, 2006, p. 156.

societies which play an important role in historic building conservation:⁴⁵⁴

- a) the Ancient Monuments Society, which is concerned with historic buildings of all ages and types with a special interest in churches;
- b) the Council for British Archaeology, which focuses on protecting all historic buildings with a particular focus on protecting the archaeology of subterranean and standing structures;
- c) the Society for the Protection of Ancient Buildings, which mainly includes structures built before 1700, but also the philosophical and technical aspects of conservation;
- d) the Georgian Group, which mainly protects the buildings and relevant arts between 1700 and 1840;
- e) the Victorian Society, which mainly protects the Victorian and Edwardian architecture and relevant arts between 1840 and 1914;
- f) the Twentieth Century Society (formerly named as the Thirties Society), which mainly preserves the architecture of the twentieth century in all but the first decade.

Among them, the Society for the Protection of Ancient Buildings is significant. This society was established in 1877 by William Morris. Influenced by Ruskin's idea of conservative repair, Morris argued that the value of the building, its authenticity, is closely connected with its material fabric, and that little physical alteration should be made to historic buildings. In the formation of this society of 1877, Ruskin's ideas and protests were codified by a Manifesto drafted by Morris. This document became the principle text in the field of building conservation; it secured a crucial and significant position in history for the society.⁴⁵⁵

These amenity societies are concerned with historic buildings of almost all ages and types, they also act as statutory advisory bodies in architectural conservation. In England, the LPA must consult with these societies on building consent applications if they seek the total or partial demolition of any listed building.⁴⁵⁶ Such societies acting as statutory advisory entities are an important part of the English conservation system's process in conservation planning decisions.⁴⁵⁷

Local Amenity Societies

There are some local amenity societies that were established since the

⁴⁵⁴ Planning Policy Guidance 15: Planning and the Historic Environment 1994, A.15.

⁴⁵⁵ Cullingworth, et al., 2015, p. 318.

⁴⁵⁶ *Consultation and notification requirements for heritage related applications*, n.d., retrieved 20 June 2015.

⁴⁵⁷ Pendlebury, 2001, p. 309.

19th Century in many areas. As a result of a wave of civic interest in environmental and conservation issues, the development of local amenity societies reached a peak between the 1950s and 1970s. The local amenity societies have been criticized for being representative of only the middle-class values and attitudes instead of representing the interests of all local residents. In addition, there are some organizations adjunct to the local amenity bodies such as building conservation trusts and local charitable bodies. These organizations are mainly concerned with finding new uses for historic buildings.⁴⁵⁸

Other Foundations and Civic Societies In 1895, the National Trust was established under Ruskin's call for the foundation of a society to buy threatened buildings and land. This can be seen as the most important voluntary heritage initiative at the turn-of-the-century.⁴⁵⁹ This foundation's purpose is to promote the conservation of historic buildings and landscape and has 3.7 million members. In the early twentieth century, the number of its members was not high. But after the Second World War, a lot of domestic buildings became an important part of the national heritage, and the peoples' desire to improve their quality of life forced them to care about the appearance of these buildings, therefore, more people joined in this foundation and its members began to grow rapidly. As a result of this development, this foundation became the largest civic society in Western Europe.⁴⁶⁰

There are two other societies which play a crucial role in architectural conservation. The Ancient Monuments Society was established in 1924 and has made many contributions "for the study and conservation of ancient monuments, historic buildings and fine old craftsmanship".⁴⁶¹ The SAVE Britain's Heritage, founded in 1975, mainly consists of architects, journalists and planners.⁴⁶² This organization is less concerned with aesthetic quality or historic value of historic buildings but rather focuses on their practical uses, which is illustrated by this organization's argument, "[all buildings] represent energy, labor, and materials, which either cannot be replaced or can only be replaced at high cost. The fight to save particular buildings is not the fancy of some impractical antiquarian. It is part of the battle for the same use of all our resources".⁴⁶³

⁴⁵⁸ Cullingworth, et al., 2015, p. 326.

⁴⁵⁹ Glendinning, 2013, pp. 159-160.

⁴⁶⁰ Cullingworth, et al., 2015, p. 327.

⁴⁶¹ *Our work of Ancient Monuments Society*, n.d., retrieved 18 June 2015.

⁴⁶² *Campaigning for threatened historic buildings*, n.d., retrieved 18 June 2015.

⁴⁶³ Stubbs & Makaš, 2011, pp. 66-67.

3.6 Federal Republic of Germany (exemplified for Bavaria)

As similar as many European countries are, the conservation responsibilities are not centralized in the federal government of Germany. Instead, according to the Constitution of the Federal Republic of Germany, the sixteen federal states have autonomy for historic building conservation in individual states. The state government and the territorial authorities cooperate with each other in the conservation and care of historic buildings.

On the whole, there is a ministry for culture and the arts and one for buildings and town planning in each state, and either one of these ministries is in charge of the state conservation issues. As for Bavaria, the supreme state authority is the Bavarian State Ministry of Sciences, Research and the Arts (StMUK). In addition, each state government also has a State Conservation Office, which is subordinate to the relevant ministry of each state. For example, the Bavarian State Conservation Office (BLfD) is subordinate to the StMUK. These offices mainly are responsible for advising conservation projects and making inventories of state monuments and listing them. They often coordinate with the Local Monument Protection Authorities, which mostly make up the building offices of the counties and self-governing cities that undertake the majority of work for historic building conservation.

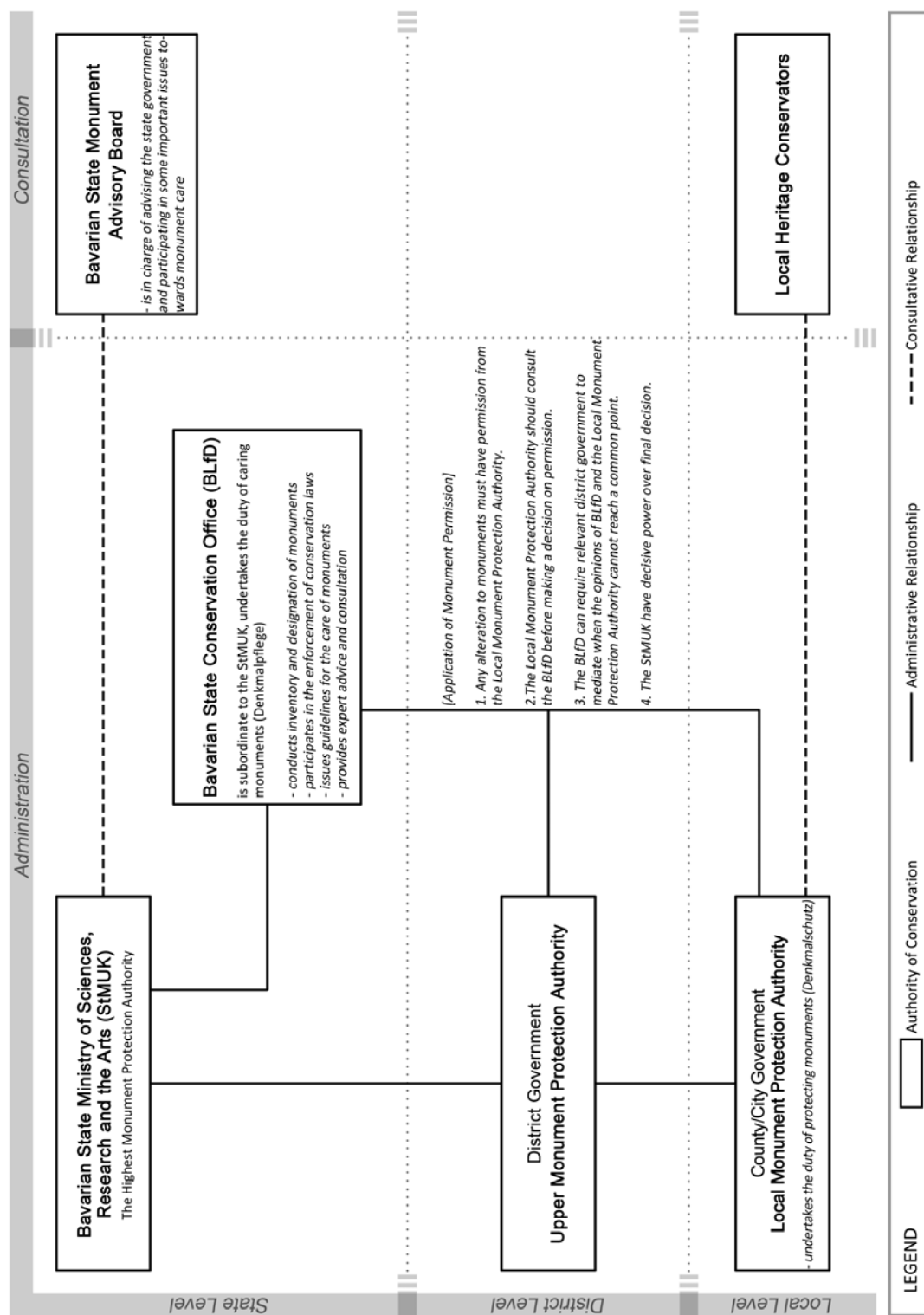
Generally, as the highest Monument Protection Authority at the state level, the ministry in each state often has decisive power over final decisions, the structure continues downward with middle-level authorities in the district governments, and the Local Monument Protection Authorities at the lower level. There is a hierarchical relationship among the three levels of authority, thus, the administrative structure for architectural conservation in Germany is "centralized on the level of the individual states".⁴⁶⁴ On the national level, as the implementation of these matters mainly depend on the funding of the state and relevant local authorities, the federal government only supplies a small percentage of financial assistance,⁴⁶⁵ thus the administrative structure for architectural conservation of Germany is "decentralized on the national level".⁴⁶⁶ (Figure 6)

⁴⁶⁴ Von Trützschler, 1987, p. 1060.

⁴⁶⁵ Cultural Finance Report 2012 showed that a total of approx. EUR 9.1 billion of public spending goes to culture whose 13.4 percent is provided by the Federal government, 42.2 percent is provided by the Lander, 44.4 percent is provided by local authorities (data referring to 2009). Source: *The culture and media policy of the German federal government*, 2014, p. 4.

⁴⁶⁶ Von Trützschler, 1987, p. 1060.

Figure 6 - Administrative Structure of Architectural Heritage Conservation in Bavaria



The federal states of Germany have autonomy for cultural matters, each state has its own conservation legislation and administrative structure. Compared with the individual state government, Germany's federal government has less control over architectural heritage conservation. The federal government contributes to heritage conservation on a broader scale by participating in international cultural heritage treaties. Each state has independent and autonomous management powers over architectural heritage in their areas, thus, the corresponding administration of each individual state is distinct. However, there also are some similarities in many aspects of administration of heritage conservation, for example, each state established similar conservation offices in the field of heritage conservation.⁴⁶⁷

It is not easy to analyze the situation pertaining to the conservation of architectural heritage in Germany as a whole in this context, therefore, the focus of this section about the administration of heritage conservation in Germany is based on the state of Bavaria. Bavaria is the largest federal state in Germany, with approximately 110,000 historic buildings and 40,000 monuments.⁴⁶⁸ It is possible that the high number of monuments in Bavaria leads to many conservation practices occurring there. This is a result of its long tradition of organized protection of historic buildings and monuments.⁴⁶⁹ Thus, it can be said that Bavaria has a significant heritage conservation administration and by describing the situation in Bavaria one can better understand the administration of heritage conservation in the other German states.

3.6.1 Administration at the Federal Level

The federal government plays a role in conservation work in Germany mainly through participation in international cultural heritage treaties. The Ministry of Foreign Affairs is the crucial department of the federal government for Germany's cooperation with UNESCO. The Ministry maintains communication with various organizations through Germany's Permanent Delegation to UNESCO in Paris, in order to secure the exchange of information between UNESCO and the corresponding German government ministries. The Ministry of Foreign Affairs leads the German delegation in the yearly conference of the UNESCO-World Heritage Committee. Other ministries also participate in the World Heritage Convention, including the Federal Government Commissioner for Culture and Media, the Federal Ministry of Transport, Building and Urban Affairs, the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, the

⁴⁶⁷ Stubbs & Makaš, 2011, p. 214.

⁴⁶⁸ *Monument*, n.d. retrieved 25 June 2015.

⁴⁶⁹ Will et al., 1987, preface.

Federal Ministry of Economics and Technology, and the Federal Ministry for Economic Cooperation and Development.⁴⁷⁰ It can be stated that the Federal government's main influence is in macroscopic aspects and has no specific responsibilities concerning heritage conservation in each state.

As for conservation legislation, the federal government of reunified Germany has retained some laws issued by the former FRG, and these laws are still in force and exert distinct influence on architectural conservation. For example, the Federal Building Law of 1960 requires local authorities to take cultural properties into account while proceeding with building projects, and permits federal intervention in local development and building disputes. The Urban Development Promotion Act of 1971 provides that parties disputing local building projects need to hear the opinions of the federal government and state authorities and that the influence of such projects on historic buildings, sites, and districts should be publicly presented.⁴⁷¹

In 1980, the federal government promulgated a federal law for the protection of historic conservation (*Gesetz zur Berücksichtigung des Denkmalschutzes im Bundesrecht*). This Act requires that federal authorities should particularly consider the conservation matters in their jurisdiction. While implementing some federal projects that might affect historic monuments, the branches of the federal government such as the post office, the railroad or highway departments must consult with the relevant State Conservation Offices. However, the permission from these State Conservation Offices is not a statutory prerequisite, and decisions made by federal authorities cannot be appealed by the state authorities.⁴⁷²

In addition, the federal government also launched some programs for the promotion of conservation work. Because it is estimated that there are approximately 1.3 million heritage sites in Germany, including individual monuments and historical city centers, the programs of the federal government aim to help the conservation work of each state. One such program, which began in 1950, is the Nationally Treasured Cultural Monuments (National Wertvolle Kulturdenkmäler) program. The conservation of numerous monuments located in different states has achieved financial support through this program. Meanwhile, the federal government also launched an investment program, the Special Investment Program for Special Measures (*Sonderinvestitionsprogramm für besondere Maßnahmen*), which provides financial support for

⁴⁷⁰ *World heritage in Germany: Who is who*, n.d., retrieved 25 June 2015.

⁴⁷¹ Stubbs & Makaš, 2011, p. 214.

⁴⁷² Will, 1984, p. 41.

special measures to enhance the conservation of heritage.⁴⁷³

3.6.2 Administration at the State/Local Level

Federalism "Few would query the proposition that German federalism has deep historical roots", and the history of the development of Germany's Federalism originates in the medieval Holy Roman Empire. The Thirty Years War that began in 1618 finally resulted in the Peace of Westphalia in 1648, and ultimately changed the relationship between Emperor and Estates, whereas Estates began to gain autonomy. This treaty offered the constitutional framework for the development of these German lands until the Empire was dissolved in 1806.⁴⁷⁴ "While the impact on Germany of the French Revolution, through the Napoleonic Wars of expansion, was quite profound, it was by no means simply a catalyst propelling a sleepy Germany rapidly into the modern world of the nineteenth century".⁴⁷⁵ During this period, the Kingdom of Prussia gradually became stronger and in 1871 the Second Reich was established and led by Prussia. The constitution of the Second Reich was promulgated by Bismarck and named the Bismarck Constitution. The constitution emphasized central control, but also provided that the Second Reich be a federal empire, so the constituent states retained their monarchies and considerable powers over internal issues. In the following decades, the fact that Germany lost the First World War in 1918 caused the collapse of Prussia's Second Reich, and the fact that Germany lost the Second World War in 1945 divided Nazi Germany, also referred to as the Third Reich, into East Germany (GDR) and West Germany (FRG).⁴⁷⁶

The GDR's states had no autonomous conservation authorities responsible for heritage conservation in individual states, instead GDR mirrored the centralized administrative system of the Soviet Union to manage and preserve their heritage. Comparatively, the FRG chose a decentralized system, i.e. a federal system, that devolved many powers that had been centralized in the central government, including protection and management of heritage, to the FRG's individual states, thus these states in West Germany became autonomous. Each state in West Germany had its own conservation legislations and shared conservation responsibilities with local cities and towns, meanwhile the State Conservation Offices had been established in these states so as to carry out a wide range of conservation activities with assistance from

⁴⁷³ *Denkmalschutz und Baukultur*[Conservation and building culture], n.d., retrieved 20 May 2016.

⁴⁷⁴ Whaley, 2002, pp. 15-17.

⁴⁷⁵ Fulbrook, 2004, p. 71.

⁴⁷⁶ Fulbrook, 2004, pp. 128-129, 153, 205.

relevant local branches. Obviously, from its origins in the 17th century to its established strength in the 19th century, Federalism has a long history of development in Germany.

Germany reunited in 1990 after the end of the Cold War: East Germany joined the West and adopted its legal and administrative system. Thus, the former GDR's centralized system with its Institut für Denkmalpflege was abolished. Since then, according to the Constitution of the Federal Republic of Germany, cultural matters are the responsibility of individual state,⁴⁷⁷ and the sixteen federal states of Germany received autonomous powers for heritage conservation in their areas.⁴⁷⁸ At present, each state still maintains its control and management powers over heritage conservation.

1. State level

The highest authority of monuments conservation is the Bavarian State Ministry of Sciences, Research and the Arts (Bayerisches Staatsministerium für Bildung und Kultus, Wissenschaft und Kunst; StMUK).⁴⁷⁹ This Ministry is responsible for the promotion and improvement of all matters pertaining to education, the arts and culture in Bavaria.⁴⁸⁰ Because the Bavarian Law for the Protection and Preservation of Monuments (Bavarian Law) provides that the StMUK is the highest monuments conservation authority, it has the decisive power over conservation projects of Bavaria.⁴⁸¹ In addition, the law also provides that the Bavarian State Conservation Office (Bayerisches Landesamt für Denkmalpflege; BLfD) is the specialized state office directly subordinate to the StMUK, and is in charge of dealing with matters concerning conservation and care of monuments.⁴⁸²

BLfD and Its Duties The BLfD originated in 1868. King Ludwig II established the Royal General Conservator of Art Monuments and Antiquities in the Kingdom of Bavaria, and in the subsequent forty years, the General Conservator also took charge of the management of the Bavarian National Museum. In 1908, the conservation office of the National Museum split into an

⁴⁷⁷ Reichstein, 1984, p. 39.

⁴⁷⁸ Stubbs & Makaš, 2011, p. 214.

⁴⁷⁹ Bavarian Law for the Protection and Preservation of Monuments 1973 (2009 Amendment), art.11(3).

⁴⁸⁰ *Regional innovation monitor plus*, n.d., retrieved 30 June 2015.

⁴⁸¹ Will et al., 1987, p. 3.

⁴⁸² Bavarian Law for the Protection and Preservation of Monuments 1973 (2009 Amendment), art.12(1).

independent authority - BLfD.⁴⁸³ At present, the office operates through five departments:⁴⁸⁴

- (1) Department for the Inventory of Historic Buildings and Art Monuments, which is concerned with the inventories of historic buildings and art monuments and the compilation of relevant lists.
- (2) Department for the Care of Historic Buildings and Art Monuments, which acts in an advisory capacity to promote conservation and restoration work on historic buildings and art monuments;
- (3) Department for Building Research, Building Technology and Conservation Planning, which is concerned with providing plans for solving special problem so as to meet the needs of practical conservation work;
- (4) Restoration Workshops, which is concerned with offering advice for the framework of conservation work and provides advisory services for restorers, craftsmen and specialized firms as well as professional development through training and publishing; and
- (5) Department for Archaeology, which is concerned with the protection and care of archaeological monuments.

The BLfD has a wide remit. It participates in the conservation and care of historic buildings, as well as guides the performance of local authorities. The office's main responsibilities can be described as follows:⁴⁸⁵ a) to participate in the enforcement of laws and other relevant regulations; b) to cooperate with local authorities so as to issue guidelines for the care of monuments; c) to prepare the inventories of monuments and secure their sustainable progress as well as to compile monument lists; d) to protect and restore monuments insofar as their work is not in the jurisdiction of other responsible state offices; e) to provide expert advice and consultation pertaining to conservation and care of monuments.

Separation of Caring and Protecting of Monuments In Bavaria, the protection and care of historic buildings are two different work responsibilities. The aforesaid duties reveal that the BLfD focuses more attention upon the care of historic buildings rather than on their protection. In Bavarian conservation practices, the duty of caring for monuments (Denkmalpflege) is delegated to this office, whereas the duty of protecting monuments (Denkmalschutz), i.e. the practical conservation of historic buildings, is delegated to other local authorities with jurisdiction over building issues. These entities are known as the Local Monument Protection Authorities.⁴⁸⁶

⁴⁸³ Will et al., 1987, p. 3.

⁴⁸⁴ Will et al., 1987, pp. 4-19.

⁴⁸⁵ Bavarian Law for the Protection and Preservation of Monuments 1973 (2009 Amendment), art.12(1).

⁴⁸⁶ Will, 1984, pp. 27-28.

In accordance with the Bavarian Law, "the Local Monument Protection Authorities are part of the county government. Local governments that assume the functions of the county Local Building Authority are also required to assume the functions of the Local Monument Protection Authority".⁴⁸⁷ The Local Monument Protection Authorities are in charge of granting permits for building restoration and rehabilitation projects, and also for issuing certificates of deduction of income tax. In order to performing their decision making duties, they must first off consider the relevant economic and social factors that impact local residents. In some cases, subjective factors can influence their decisions. Thus, the BLfD is obligated to supervise the protection aspect of the work. Because the BLfD staff is made up of specialists in the fields of history, architecture and archaeology, their professional training enables them to reach more objective decisions about a project. Caring and protecting monuments are two very different types of work, but the programs' success lie in the fact that they are inherently linked and work very closely together. In fact, it can be said that the cooperative relationship between the BLfD and the Local Monument Protection Authorities can secure the effectiveness of historic building conservation in Bavaria.

2. Local level

Bavaria has a three-tiered administrative system comprising: the state, district, and the county/city levels. There are seven governmental districts (Regierungsbezirke): Upper Bavaria, Lower Bavaria, Swabia, the Upper Palatinate, and Upper, Middle and Lower Franconia. These districts consist of counties (Landkreise) and some larger self-governing cities (kreisfreie Städte). The district governments are upper Monument Protection Authorities, an inferior governmental organ of the StMUK.⁴⁸⁸ The building offices of the counties and self-governing cities have assumed the functions found at the local building authorities, these include issuing building consent and securing building matters in compliance with the state and federal building codes. These building offices also can perform functions similar to those performed at the Local Monument Protection Authorities in practical conservation work.⁴⁸⁹

The application for restoration, alteration and demolition of historic buildings should be submitted in writing to the proper local government agency. The local government will then submit its opinion to the relevant Local Monument Protection Authorities, and then, following the approval

⁴⁸⁷ Bavarian Law for the Protection and Preservation of Monuments 1973 (2009 Amendment), art.11(1).

⁴⁸⁸ Bavarian Law for the Protection and Preservation of Monuments 1973 (2009 Amendment), art.11(2).

⁴⁸⁹ Will et al., 1987, p. 3.

process, the authorities should consult with the BLfD.⁴⁹⁰ If their opinions about the approval of such applications cannot reach a common consensus, the Local Monument Protection Authorities can require relevant district governments to mediate and solicit advice. If three authorities involved still are unable to reach a common opinion, the StMUK has the authority to make a final decision over such applications.⁴⁹¹

The system consisting of the Local Monument Protection Authorities, local government and StMUK can insure that the authorities involved exert their influence and operate independently in conservation projects. In the whole process of implementing conservation projects, the BLfD exercise a strong influence on conservation projects in an advisory capacity, and the Local Monument Protection Authorities undertakes most of the regulatory functions. The BLfD also has the power to force disputed conservation projects on the ministerial level. Although the final decision will be made by the StMUK, the BLfD can provide some advice that could affect the ministry's decisions to some extent.⁴⁹² Such three-tier operational structures also apply to other states besides Bavaria.

3.6.3 Consultation Commissions

Advisory Board on State Level "[In Germany], in all cases there is a two-track system consisting of consultative specialized bodies on the one hand and decision-making authorities on the other".⁴⁹³ The BLfD is in charge of inventory/listing, research, and issuing expert opinions which the local authorities need to consider. Also, the state government of Bavaria set up the State Monument Advisory Board so as to advise the state in conservation matters of monuments.

In most states of Germany, except Lower Saxony, a state monument advisory board is established in order to provide advice for conservation matters towards state monuments, but the weight of such advisory boards vary from state to state. As for Bavaria, the State Monument Advisory Board plays a key role in conservation issues. The participation of this board is a prerequisite for putting a group of buildings, historic districts or ensembles into a list of protected monuments.⁴⁹⁴

⁴⁹⁰ Bavarian Law for the Protection and Preservation of Monuments 1973 (2009 Amendment), art.15.

⁴⁹¹ Will et al., 1987, p. 3.

⁴⁹² Will, 1984, p. 28.

⁴⁹³ Von Trützscher, 1987, p. 1060.

⁴⁹⁴ Will, 1984, pp. 51-52.

The advisory board is responsible for advising the state government and participating in important issues concerning the care of monuments. This board mainly consists of experts in fields of history, architecture and conservation, political representatives and special entities. The StMUK and other relevant departments as well as the BLfD must be invited to participate in all discussions held by this board.⁴⁹⁵

Local Heritage Conservators In addition to this advisory board, the Local Heritage Conservators (Heimatpfleger) also provide advisory service in the conservation of monuments.⁴⁹⁶ The main duty of these conservators is to provide advice and support to the conservation authorities over all matters of cultural heritage protection.⁴⁹⁷ In Bavaria, when the Local Monument Protection Authorities and the BLfD meet and discuss applications for alteration to historic buildings, the opinions of such conservators is considered. They are also consulted when the BLfD compiles lists of protected monuments. Such advice is not statutory for a final decision, but can help the office to maintain a statewide criteria of monument quality in the process of compiling lists of protected monuments. Besides advisory service, such conservators also are capable of acting as mediators among the BLfD, the Local Monument Protection Authorities, special entities and the community.⁴⁹⁸

3.6.4 Civic Organizations

The monument protection authorities and the BLfD should make every effort to support the local offices and private initiatives, which give the civic organizations the legal right to participate in conservation work.⁴⁹⁹ In fact, there is a long tradition of close cooperation between civic organizations and governmental authorities.⁵⁰⁰ Until the twentieth century, historic building conservation changed from private actions to the functions of each federal state. Whereas, some expressions that advocated the significance of public participation in heritage matters already existed at that time. For example, "Paul Weber wrote that the public had a right to study and enjoy old buildings even if they are in private ownership".⁵⁰¹ Such statements stimulated the need for public ownership of historic buildings, or it could be said that opinions similar to Paul

⁴⁹⁵ Bavarian Law for the Protection and Preservation of Monuments 1973 (2009 Amendment), art.14.

⁴⁹⁶ Lübbecke, 2002, p. 37.

⁴⁹⁷ Bavarian Law for the Protection and Preservation of Monuments 1973 (2009 Amendment), art.13.

⁴⁹⁸ Will, 1984, p. 52.

⁴⁹⁹ Bavarian Law for the Protection and Preservation of Monuments 1973 (2009 Amendment), art.13(2).

⁵⁰⁰ *Heritage European Network: National heritage policy of Germany*, 2010, p. 7.

⁵⁰¹ Muthesius, 1981, p. 46.

Weber's expanded the rights of public organizations in conservation matters, therefore, many civic organizations with the task of protecting and caring for monuments exist in Germany today.⁵⁰² These civic organizations have little if any practical influence on the governments' conservation decisions, but they continue to conduct local activities in various places in order to make their opinions heard or adopted.⁵⁰³

Private Associations "Some countries in Western Europe have developed a special concept of 'protecting the homeland' or "heimat" through national membership organizations devoted to the conservation of folkways - the intangible cultural heritage - as well as by embracing traditional concerns for architectural and a broad range of cultural resources".⁵⁰⁴ In 1903, the Berlin music professor, Ernst Rudorff, advocated uniting Germany's cultural, historical, preservationist, and nature conservation groups in the Deutscher Bund Heimatschutz. This marks the beginning of the Heimatschutz movement. In March of the following year, the German Homeland Federation (Deutscher Bund Heimatschutz) was founded in Dresden.⁵⁰⁵ This united organization focused on the relationship between the natural and built environment, and the Heimatschutz movement sought to demonstrate the possible harmful influence on the landscape made through bad planning and building.⁵⁰⁶ It should be emphasized here that the aforesaid German word "Heimat" or "Heimatschutz" is not easy to correctly translate into English. In English, "Heimat" means homeland and the "Heimatschutz" means protection of homeland, but here "Heimat" should be understood as heritage, and "Heimatschutz" should be understood as the conservation of heritage.

The German Homeland Federation today serves as an umbrella organization for twelve regional associations that are concerned with the conservation of the built and natural environments, folk culture and local history. The Bavarian State Association for Heimatpflege (Bayerischer Landesverein für Heimatpflege) is one example of this.⁵⁰⁷ This association receives financial assistance from the state government but is not subordinate to it. Instead, the association is a private organization and mainly exerts its influence on historic building conservation dependent upon local support. It actively broadcasts its mission through its monthly journal, *Schönere Heimat*. Important figures in the local conservation movement, such as writer, Wolfgang

⁵⁰² Muthesius, 1981, p. 46.

⁵⁰³ Brüggemann & Schwarzkopf, 2001, p. 154.

⁵⁰⁴ Keune, 2003, p. 355.

⁵⁰⁵ Koshar, 1998, p. 27.

⁵⁰⁶ Diefendorf, 1993, p. 49.

⁵⁰⁷ Will, 1984, p. 56.

Johannes Bekh (1925-2010) and architect, Erwin Schleich (1925-92) often contributed essays to this journal. It is also worth noting that this association exerts more influence on historic building conservation via their territorial Local Heritage Conservator.⁵⁰⁸ This association also has the authority to appoint the aforementioned Local Heritage Conservators, but such appointments need to be approved and confirmed by the officials of the county building offices. The Conservators serve as spokespersons for the Association while performing their statutory responsibilities prescribed by the Bavarian Law.⁵⁰⁹

The Bavarian Unification (Bayerische Einigung), born in 1954, was formed by a group of conservative activists. This association aims to encourage the conservation of Bavarian cultural heritage by protecting the folklore, tradition and culture in this state and to promote the image of Bavaria throughout Germany and Europe. In 1974, there were a few thousands members in this association, including prominent Bavarian politicians and cultural figures. The association seeks to exert its greatest influence through its journal, *Bayernspiegel*.⁵¹⁰

Public Associations In addition to these private organizations, some public associations play an important role in historic building conservation. In 1951 of the FRG, the Association of Conservation Authorities (Vereinigung der Landesdenkmalpfleger) was formed with the objective of promoting the cooperation among various State Conservation Offices.⁵¹¹ The professional staff members of each State Conservation Office made up this association and its members hold annual meetings to discuss the issues pertaining to the professional conservation and the examination of conservation projects in progress. With funding from the state offices, the association issues a biannual magazine *Deutsche Kunst und Denkmalpflege* (today *Die Denkmalpflege*), and it also has attempted to act as an information center in conservation matters, so as to serve State Conservation Offices and the cultural institutions in Germany and foreign countries.⁵¹² Besides this, the association organizes the conservation experts in each state to form a working group, in order to share experiences from each other. Since 2001, it has cooperated with the German Foundation for the Protection of Historic Monuments (Deutsche Stiftung Denkmalschutz) to co-edit and issue: *Dehio Handbook of German Historic Monuments* (*Dehio Handbuch der deutschen Kunstdenkmäler*), which is a series of books describing the

⁵⁰⁸ Rosenfeld, 2000, p. 158.

⁵⁰⁹ Will, 1984, p. 56.

⁵¹⁰ Rosenfeld, 2000, p. 159.

⁵¹¹ Fisch, 2008, p. 87.

⁵¹² Will, 1984, p. 52.

monuments of Germany in the fashion of a systematic guidebook.⁵¹³ The association also issues concepts on the publication of monuments in the book series "Denkmaltopographie".

The German Foundation for the Protection of Historical Monuments has established the online magazine *Monumente* in seeking private support for the promotion of conservation work, and similar to the German Foundation, the German National Committee for the Protection of Historical Monuments (Deutsches Nationalkomitee für Denkmalschutz) which was set up to prepare for the European Architectural Heritage Year 1975 and also works to promote historic building conservation. This Committee holds conventions and issues their research results so as to provide instructive data on the conservation of historical monuments. Both of the two aforementioned public organizations receive financial assistance from the federal government.⁵¹⁴

C - Comparison of the Administration of Architectural Heritage Conservation in East Asian And European Countries

3.7 Administrative Structures and Development Tendency

Focus on National and Local Levels In the previous sections, the administrative structures of architectural conservation in East Asian and European countries were described on four levels. It can be observed that their authorities on national and regional/local levels are the main authorities and that their consultation commissions and civic associations are supportive organizations for the administration of architectural conservation.

Specifically, the consultation commissions are mainly responsible for providing professional recommendations on the conservation performances carried out by the national and regional/local authorities, i.e. consultation commissions, such as Japan's Councils for Cultural Affairs, China's expert commissions, Italy's High Council for Heritage and Landscape, all normally have consultative duties and are responsible for offering professional support to relevant authorities. This is the preferred method instead of undertaking certain practical conservation projects independently without relevant parties. Similar to consultation commissions, civic associations consisting of experts or volunteers who share a passion for architectural conservation, also play a supportive role in the administration of architectural conservation. Many countries encourage the participation of citizens and civic organizations in

⁵¹³ Stubbs & Makaš, 2011, p. 214.

⁵¹⁴ Brüggemann & Schwarzkopf, 2001, p. 155.

conservation. For example, the Japanese 1950 Law provides for responsibilities and powers of citizens and civic organizations in conservation; the Italian Code of Cultural and Landscape Heritage also provides that the nation should encourage and support the participation of citizens and associations; England's Planning Policy Guidance 15: Planning and the Historic Environment states that each person should participate in the conservation and management of the historic environment. Although these countries put their attention on public participation of architectural conservation, many civic associations have no legal obligations similar to the National Amenity Societies of Britain. In addition, they often lack sufficient legal power to participate in conservation.

Therefore, a better understanding about the characteristics of administrative structures of architectural conservation would be achieved under the comparison of administrations focusing on the authorities at the national and regional/local levels. In reference to the contents of previous parts, the following section summarizes the relationships of the national and regional/local authorities in order to discover the possible similarities or differences between the administrative structures of architectural conservation in East Asian and European countries.

3.7.1 Decentralization in Horizontal Structure

Horizontal Structure Generally, the levels of responsibility of organizational structures are described as being either horizontal or vertical. In a horizontal structure, the responsibilities of accomplishing certain processes or goals are assigned to multiple authorities, which then have decision-making and autonomous rights. In a vertical structure, the higher authorities are responsible for making decisions and policies, and the authorities on subordinate levels carry them out, but have no corresponding rights in the process.⁵¹⁵

As described previously, it can be seen that the administrative structure of architectural conservation in East Asian and European countries are composed of authorities on several different levels. Generally, a vertical relationship exists among these authorities. Nevertheless, the conservation responsibilities and corresponding powers of supreme national authorities are normally delegated to the authorities at middle or lower levels, instead of being centralized on the national authorities.

(1) East Asia: in Japan, the majority of responsibilities owned by the Ministry of Education,

⁵¹⁵ DuBrin, 2010, p. 278.

Culture, Sports, Science and Technology (MEXT) were delegated to local governments and Boards of Education. In China, most responsibilities of the national authorities concerning architectural conservation were delegated to their local branches. In Singapore, the national authorities are responsible for all conservation work, but the national government also attempted to decentralize such centralized responsibilities and powers through the establishment of statutory boards.

(2) Europe: in Britain, many relevant responsibilities and powers of the highest national authority were given to Historic England. Under its supervision, the Local Planning Authorities undertake majority of the conservation planning work. In Italy, the national government has allowed for the autonomy of the regions and other territories by legislation, especially the regions have a high level of autonomy, thus the conservation responsibilities and powers centralized at the national level have also been delegated to the regions and other territories. In Germany, the State Conservation Offices are subordinate to the state ministry either for culture and the arts or for buildings and town planning which are normally responsible for the protection and research of monuments. The Local Monument Protection Authorities are in charge of practical conservation work.

Decentralization A vertical relationship exists between the national and regional/local level authorities in the aforesaid countries, and the actions of local authorities can be constrained by the national authorities in some ways; however, it should be emphasized here that these countries cite a similar horizontal administrative structure and their national authorities have given conservation responsibilities and powers to their regional/local authorities to different extents. In essence, a horizontal structure refers to a decentralized power structure, the diffusion of power is the key characteristic of a horizontal structure. When certain powers and responsibilities held on the national level are dispersed to different local authorities, the phenomenon can be described as decentralization. "Decentralization refers to the delegation of authority and power to subordinates [or authorities]. In the most extreme cases, this is represented by the delegation of discretionary authority and power to officials [or authorities] down in the bowels of the bureaucracy".⁵¹⁶ Generally, decentralization is thought of as an inevitable phenomenon in a horizontal structure, and is also the reason for building a horizontal structure.

⁵¹⁶ Aucoin & Bakvis, 1998, p. 11.

3.7.2 Tendency of Moving towards Decentralization

Centralization In fact, in East Asia and Europe, many countries put responsibilities for architectural conservation in the hands of the central government during a particular period. Prior to the 1990s, Japanese heritage conservation was controlled by the national authorities. China centralized architectural conservation powers to the national authorities before the 1980s, and the central government of Singapore has administered all national matters including architectural conservation since its independence. In Italy, before the constitution reforms of 1999 and 2001, the Ministry of Education was the highest national authority responsible for architectural conservation, and all powers concerning architectural heritage were enjoyed by the ministry. Prior to the 1970s, Britain also centralized responsibilities for heritage conservation in the central government. In the postwar period, some relevant duties were delegated to the British local authorities through the Town and Country Planning Act of 1947, which prescribed the devolution of conservation duties to the Local Planning Authorities. However, the final decisive and affirmation powers were still in the hands of the central government. Germany had been separated into East and West Germany, and at that time the regions (Bezirke) in the GDR had no autonomous authority for architectural heritage conservation. The GDR modeled a centralized system of the Soviet Union to preserve heritage in their areas. In the early 20th century, "a centralized heritage system prevailed even in some federally organized countries, notably Austria, where federal legislation of 1920 set the main principles (centralization)".⁵¹⁷

Emerging Decentralization since the Late 20th Century In many East Asian and European countries, administration of architectural conservation gradually began to move towards decentralization in the last decades of the 20th century. The powers centralized at the national level began to be transferred to the authorities at the local level.

(1) Japan, China, Singapore

Japan issued the Peace Constitution after the Second World War, which provided a constitutional basis for the establishment of a locally autonomous institution. It was apparent that the relationship between the central and local governments of Japan at that time had moved towards decentralization, as a result, the local governments began to undertake more responsibilities for local matters. In the subsequent decades their relationship reversed because of the passing of the Decentralization Promotion Law of 1995, which gave local governments

⁵¹⁷ Glendinning, 2013, p. 285.

autonomous powers over matters concerning architectural heritage conservation in their areas.

Compared with Japan, Chinese heritage conservation started late. At the beginning of the establishment of the People's Republic of China, the central Government followed the model of the Soviet Union's centralized system. In the centralized system, all national matters were controlled and managed by the central government, in return the matters concerning architectural conservation were the duties of the national administrative departments for heritage conservation at that time. After the end of the Great Leap Forward and the Cultural Revolution, the central government proposed the strategic decision of economic reform in 1978, in order to aid political and social development. Following the strategy, the central government began to establish a local autonomous institution, thus the local governments gained many autonomous powers over their territorial matters including conservation.

The administration of Singapore's government began to move towards instrumentalization in the 1980s, they established internal statutory boards, which have more flexible powers than other governmental departments. This measure can be thought of as an important initiative in the process of attempting to develop decentralization. However, the members of these statutory boards were appointed by corresponding ministries and their autonomy was constrained by the central government to some extent.

(2) Italy, Britain, Germany

In 1947, the Italian assembly responsible for drafting the Constitution of the Italian Republic attempted to adopt devolution to establish a local autonomous institution, but the constitution retained the central powers over heritage conservation. This situation was changed in the 1970s, and the central government at this time began to delegate a few powers to the regions, which were granted limited legislative autonomy depending on transfers from the State. In return the responsibilities and organization structures of local governments began to change correspondingly. Between 1990 and 1997, a series of measures from the central government enhanced the financial autonomy of the regional and local governments, thus weakening central intervention. Following the implementation of the piecemeal initiatives, the constitution reforms of 1999 and 2001 eventually recognized the local administration system consisting of the regions, provinces and municipalities. The relationship between the central government and the regional and local governments reversed, thus the regions and local governments achieved more autonomous powers over architectural heritage conservation and other territorial matters.

Compared with Italy, the local government system in Britain originated earlier. In order to solve the urbanization problems resulting from the industrial revolution, the British government

attempted to conduct local administration reform but without much success. Many central functions were delegated to local governments until two local government acts in the late 1880s were passed. These acts prescribed regulations towards the establishment of a local administrative system in London, counties and some unitary authorities. Because the Second World War destroyed the national economy, some functions of local governments were returned to the central government in order to centralize resources to recover and revive the postwar economy as soon as possible. From the 1970s onwards, the British government began to implement some neoliberal policies to counteract the negative influences of economic stagnation. The local governments regained autonomous powers over many local matters through the implementation of such policies, and the local governments began to have more roles to play in the field of architectural conservation. The local authorities were granted power to carry out urgent works for the conservation of unoccupied listed buildings by the Town and Country Act of 1971. This power was further expanded by the Town and Country Amenities Act of 1974. The new 1974 Act provided local authorities with the power to carry out urgent works for the conservation of any unoccupied buildings located in conservation areas, which demonstrates that the local authorities were beginning to undertake more responsibilities in architectural conservation than before.⁵¹⁸

The German architectural conservation follows a decentralized structure. From the signing of the Peace of Westphalia to the passing of the Bismarck Constitution of 1871, and then further to the adoption of a Federalist system based on the pre-unification FRG. All these actions reflect the fact that there is a long history of development towards Federalism in Germany. The German architectural conservation, thus, inherited the characteristics of Federalism, which can be seen by the autonomy over heritage conservation exercised in each federal state.

(3) Other Countries

In addition to these representative East Asian and European countries, the decentralization trend also appeared as architectural heritage conservation developed in other countries. Prior to the 1980s in France, the central government undertook all of the responsibilities for heritage conservation, but the central government alone can no longer meet the growing demands for conservation, so some of the responsibilities over heritage conservation were gradually transferred to the local and regional authorities through the passing of the Decentralization Acts

⁵¹⁸ Dobby, 1978, p. 37.

of 1983.⁵¹⁹ However, in France today, the central government still retains some decisive powers such as granting permissions for conservation.

In Belgium, the administration of architectural heritage conservation also changed from a centralized to a decentralized system between the 1980s and 90s. In 1970, three language communities (French, Dutch and German) were established in Belgium.⁵²⁰ In 1980, the nation transferred the prerogatives over cultural matters to the French and Dutch communities, and the powers and responsibilities for heritage conservation were entrusted to the regions through the state institutional reform of August 8, 1988. From then onwards, the federal government of Belgium had no management or controlling powers over heritage.⁵²¹

As for Spain, the architectural heritage conservation also experienced a significant change in the early 1980s. The Republican Constitution of 1931 declared that all heritage, including private heritage, is owned by the State and should be under the national conservation and management.⁵²² At the end of the 1970s, the new democratic system was established in Spain and all of the competences were transferred to the regional and local authorities. Since then the Spanish architectural conservation has moved towards decentralization.⁵²³

From the early 1990s onwards, the governments of Kim Dae Jung and Roh Moo-Hyun enacted laws for the promotion of democratization and decentralization, including the passing of the Special Law for Promotion of Decentralization.⁵²⁴ But such measures did not change the status of heritage conservation, and today South Korea still retains the characteristics of a centralized administration in the field of heritage conservation.⁵²⁵

In Malaysia, the centralized administration of heritage conservation was established by the Antiquity Act,⁵²⁶ and the Town and Country Planning Act of 1976.⁵²⁷ These Acts provided that the national authorities hold all the legislative and management powers over heritage

⁵¹⁹ Longuet & Vincent, 2001, p. 92.

⁵²⁰ *The institutional landscape of Belgian, its history*, n.d., retrieved 20 July 2015.

⁵²¹ Goblet, Cortembos, Verhaegen, Draye, Reybroeck & Joris, 2001, p. 12.

⁵²² Calvo, 2001, p. 266.

⁵²³ Interars, 2009, chapter 1.2.

⁵²⁴ Bae, 2012, p. 106.

⁵²⁵ Stubbs, 2009, p. 324.

⁵²⁶ Antiquity Act 1976(Malaysia), part VII.

⁵²⁷ Town and Country Planning Act 1976(Malaysia), section 58 (2).

conservation. However, the Local Government Act of 1976 still entrusted the powers concerning participation of heritage conservation to the local governments.⁵²⁸

In Philippines, democracy in this nation was limited greatly under the autocratic Marcos government. After the fall of Marcos' government in 1986, the Philippines began to reestablish a democratic society, and the principles of decentralization and local autonomy were embodied in the Constitution of 1987.⁵²⁹ In this case, the administration of architectural conservation also reflected some decentralized characteristics, and the regional and local authorities achieved enough autonomous powers over territorial heritage conservation.

Summary In East Asian and European countries, architectural conservation was centrally structured to different degrees, however, because of various factors, many countries' conservation moved towards decentralization between the 1970s and 90s through the delegation of conservation responsibilities and powers. This phenomenon towards a general decentralization trend in many countries of East Asia and Europe. It should be emphasized that decentralization does not refer to the devolution of all powers, instead, national or supreme authorities still can control their local or subordinate authorities by remaining some decisive powers with varying degrees.

3.8 Motives for Decentralization

From the aforesaid analysis, the conclusion can be drawn that the administration of architectural conservation in many East Asian and European countries moved from centralization to decentralization in a similar way. It is first necessary to understand why these countries began a similar journey towards decentralization during a specific time frame before we can understand why they chose to decentralize their conservation administrative structures. This section aims to find out the motives for forming a decentralized administration in the field of architectural conservation.

3.8.1 Promotion of Autonomy Driven by Post War Democratization

Second Wave of Democracy after WWII Under the environment of the Second World War, the national governments of most countries operated by centralized or even authoritarian rule. For

⁵²⁸ Local Government Act 1976(Malaysia), section 101 (c)(iv).

⁵²⁹ Smoke, 2005, p. 26.

example, Japan at that time centralized all powers to the central government in order to provide a unitary domestic political and social environment for this war. Fascist Italy (1922-1943) led by Benito Mussolini also was a highly centralized government in the wartime period. The second wave of democracy only appeared in many European countries in the post-World War II period.⁵³⁰ The British Labor party won the general election for the first time in July of 1945, right at the end of the war. The Social Democratic party in West Germany was re-created after the war, and in 1969 this party and the Free Democratic party became the dominant partners in a governmental coalition. Even Portugal and Spain, who both retained a dictatorship in the postwar period, initiated a democratization process in the 1970s after the fall of dictatorial governments.⁵³¹ This tide of democratization also had influences over East Asian countries to different degrees. Japan issued the Peace Constitution after the war, which prescribed the establishment of a local autonomous institution, pushing the process of Japanese democratization to some extent. In 1955, the Liberal-Democratic Party of Japan re-achieved political powers and has become the largest political party in Japan.⁵³²

Establishment of Local Autonomy In the process of democratization, the citizens' gradually awakened to an understanding of what a democracy is, this led to a corresponding increase in public passion for participating in social matters. At the same time, the rebuilt countries and governments in the postwar period sought to raise the public confidence in their countries; therefore, these states actively initiated measures beneficial for the equitable distribution of economic benefits, increased productivity and promoted better living conditions. The central governments found it difficult to implement such measures, and the competences of these governments to intervene were also weakened because of the gradual disappearance of the postwar economic miracles in some East Asian and European countries. Therefore, they had to seek new ways to find more sources to participate in the implementation of such policies.⁵³³

Under this context, the establishment of local autonomous institutions seemed to be their common choice. With the development of local autonomy, local authorities can be entrusted with more management powers, by which the local citizens would have better conditions for their participation in local matters and the central governments would better implement their national policies with more focus on the local level. This principle also can be applied to matters concerning architectural heritage conservation. Through the institution of local autonomy, the

⁵³⁰ Kurzman, 1998, p. 43.

⁵³¹ Riemer & Simon, 1997, p. 156.

⁵³² Scheiner, 2006, p. 37.

⁵³³ Rondinelli & Nellis, 1986, p. 3.

local authorities attained autonomous powers over local architectural conservation; they were also able to assist in the implementation of national conservation policies. This phenomenon can be seen as mutually advantageous at both the local and central levels. For example, the Italian central government issued the Act No.112 of 1998, which moved all management powers over cultural matters from the central government to the regional and local governments, and prescribed the establishment of patterns of cooperation among the national, regional and local authorities for enhancing the efficiency of policy implementation of heritage conservation. Such provisions provided the citizens more opportunities to participate in architectural heritage conservation. Japan's Peace Constitution of 1945 provided a constitutional basis for the establishment of local autonomy. In the subsequent two decades, the Japanese local authorities attained some powers in the field of heritage conservation. The central powers concerning heritage conservation were devolved to the local level, and the degree of participation of local citizens in heritage conservation increased gradually, which can be demonstrated by the rebuilding of the Hida Minzoku-kan (Hida Folk Archaeological Museum). The local authorities played a dominant role in the process of its conservation and rebuilding. This can be thought of as a significant moment in heritage conservation because it exemplifies a power shift away from central to local authorities in Japan.⁵³⁴

Relationship between Democracy and Decentralization It is apparent that many East Asian and European countries began to establish a local autonomous institution in order to relieve the central pressures because of the development of postwar democratization. As a result, their administrations gradually moved towards decentralization. There is a close link between democracy and decentralization. Democracy is the basis for local autonomy and local autonomy is the prerequisite for decentralization.⁵³⁵ In most cases, democracy could be thought of as a motive for decentralization, and decentralization often was thought of as an inevitable consequence of democracy. From a management standpoint, decentralization can be defined as "the transfer of responsibility for planning, management and resource raising and allocation from the central government and its agencies to field units of central government ministries or agencies, subordinate units or levels of government, semi-autonomous public authorities or corporations, area-wide, regional or functional authorities, or non-governmental private or voluntary organizations".⁵³⁶ The transferring of central responsibilities to the local authorities will promote democratization and widen public participation, making equitable distribution of every

⁵³⁴ Siegenthalte, 2004, p. 104.

⁵³⁵ United Cities and Local Governments, 2008, pp. 316-317.

⁵³⁶ Rondinelli, Nellis & Cheema, 1983, p. 13.

benefit.⁵³⁷ It should be emphasized here that the aforesaid public participation not only results from the diffusion of powers from top to bottom, but in grass roots movements⁵³⁸ as well, because, by definition, such movements are initiated at the bottom by the public.

It can be seen that a close relationship exists between decentralization and democracy: democracy can promote the development of decentralization, in return, decentralization also can deepen the degree of democracy. The democratic tide of the post-World War II era can be thought of as a vehicle that moved the administrations of architectural conservation in many East Asian and European countries towards decentralization.

3.8.2 Relief of Financial Stress in the Context of Economic Crisis

Financial Stress since the 1970s Recession Bombing raids in East Asia and Europe destroyed numerous architectural heritage sites during the Second World War. After the war destruction, almost every country attempted to initiate an urban renewal plan. There were two main opposing points of view concerning urban renewal. The first view promoted urban reconstruction with new modern forms that disregarded the traditional and historic value of historic buildings and resulted in the modern urban planning movement. The second view was the reaction against Modernism. It "focused on improving the housing conditions of the working classes and low-income groups, while protecting the historic environment of the urban centre".⁵³⁹ This view proposed reconstruction and repair of historic buildings with moderate changes, and was widely and gradually adopted by planners and politicians as well as most citizens in Western Europe.⁵⁴⁰ In this context, historic buildings were considered by many countries as an indispensable part of a city, and the conservation of these buildings naturally became an important part of urban renewal plans.

In the two decades of the post-World War II era, a period of unprecedented economic expansion appeared in Europe, especially Western Europe and East Asia. During the time of economic boom, Keynesianism was the main theoretical basis for the development of Western economies, which also presents an idea that state intervention is necessary to ward off economic

⁵³⁷ Rabady, Rababeh & Abu-Khafajah, 2014, p. 253.

⁵³⁸ Grass roots movements are usually in the context of political movement, which are spontaneously initiated by the bottom public and in return are associated with bottom-up rather than top-down decision making.

⁵³⁹ Kalman, 2014, p. 86.

⁵⁴⁰ Kalman, 2014, pp. 81-86.

disturbances.⁵⁴¹ During this period, East Asian and European countries generally put major responsibilities for heritage conservation in the hands of their central governments and their responsible national authorities took charge in all matters concerning architectural conservation, which seemed consistent with the state intervention idea of Keynesianism that prevailed in the West prior to the 1970s. Whereas, after the collapse of the Bretton Woods system in 1971, the postwar economic expansion ended and the economy of many countries entered into a period of recession in the 1970s. If the central governments still had been responsible for all expenses concerning heritage conservation they would have suffered great financial stress.

Finding a Way to Relieve Stress There are three main possible ways to relieve central financial pressures:⁵⁴² a) to initiate decentralization, i.e. the responsibilities for heritage conservation are transferred to local authorities and then the local authorities can fund the costs concerning local conservation work through their local revenues; b) to seek partnership and sponsorship, i.e. public agencies are introduced in the central governments, and such agencies can cooperate with other entities with commercial interests in conservation work, by which such entities can make some contributions to relevant costs; c) to implement privatization, i.e. the public responsibilities are transferred to non-governmental organizations; these are voluntary heritage conservation organizations and are able to operate privately to fund conservation work.

Faced with the recession and economic crisis, the national governments generally decided to choose decentralization, i.e. relieving financial stress by devolution of duties. This way is more popular with the public who criticize inefficient national policies, and helps the national politicians consolidate or secure their dominant political positions.⁵⁴³ There are some examples in East Asia and Europe.

(1) East Asian Countries

In Japan, the country entered a decade of systematic reform after the financial crisis in the 1990s with the objective of achieving a greater degree of decentralization.⁵⁴⁴ In 1996, the Law for the Protection of Cultural Properties was amended, which granted the designation power of Preserved District for a Group of Historic Buildings to the local governments. This provision further expanded the responsibilities of local authorities in architectural conservation.

⁵⁴¹ Dileo, 2009.

⁵⁴² Ashworth & Howard, 1999, p. 56.

⁵⁴³ Bae, 2012, p. 108.

⁵⁴⁴ Kamo, 2000, p. 117.

South Korea was a highly centralized administration before the 1990s. Although this government initiated some measures for the promotion of democratization during the postwar period, the development of their democracy did not provide a better environment for the establishment of local autonomy, as the past economic achievements owed to the centralized administration. Until the 1997 Asian financial crisis, the South Korean people began to doubt the national policies formulated by the centralized government, and then the government of Roh Moo-Hyun initiated some measures for the promotion of decentralization rights.⁵⁴⁵ The South Korean Cultural Heritage Administration resulted from the implementation of such decentralization measures at that time. It had been reorganized as an independent government agency since 1999 and was mainly responsible for heritage conservation matters.⁵⁴⁶

The Philippines also suffered during the financial crisis and as a result, it began to support liberalization policies for the promotion of decentralization. Following the issuance of the Local Government Code, the relationship between the central and local governments changed significantly. Under this context, the local authorities began to achieve autonomous powers over local matters including territorial architectural conservation.⁵⁴⁷

(2) European Countries

The British government began to formulate a series of neoliberalism policies from the 1970s recession onwards, and entrusted many central responsibilities to local governments. Following the reorganization of the British local government system, the local authorities had begun to take charge in more conservation matters. In the state institutional reform of 1988 in Belgium, all of the responsibilities for heritage conservation were transferred to the regions, and no relevant powers remained in the federal government.

3.9 How Decentralized Administration Develops

"[The] local self-government is a constituent element of decentralization",⁵⁴⁸ and "in most cases, and since decentralization traits are meant to benefit communities, decentralization is interconnected with urban local governance",⁵⁴⁹ i.e. the degree of local autonomy could reflect

⁵⁴⁵ Park, n.d., p. 7.

⁵⁴⁶ Cultural Heritage Administration, 2011, p. 6.

⁵⁴⁷ Angeles, 2007, p. 233.

⁵⁴⁸ United Cities and Local Governments, 2008, p. 316.

⁵⁴⁹ Rabady, Rababeh & Abu-Khafajah, 2014, p. 253.

the development status of decentralization. The aforesaid indicates that in some fields such as culture, decentralization is a general common tendency in many East Asian and European countries. Under this trend, many countries have taken actions to promote the development of decentralization; however, the degree of decentralization still varies significantly from nation to nation. For example, the Constitution of the Federal Republic of Germany provides a constitutional guarantee for local autonomy, each state and their territorial authorities have enough autonomous powers over local architectural conservation. Therefore, this places the administration of German architectural conservation at a high level of decentralization. Comparatively, the Chinese government has also been giving attention to the establishment of local autonomy. The 1982 Law, the most important legislation for Chinese heritage conservation, prescribes the obligations of the local authorities, but the specific powers and responsibilities are not regulated in this law. Therefore, it can be said that the decentralized administration of Chinese architectural conservation is at a lower level than Germany.

The purpose of this subsection is mainly to analyze the decentralization status of architectural conservation administrations in East Asian and European countries from the perspective of local autonomy. Local autonomy depends on a multitude of elements, which can be summarized into two main dimensions that can determine the degree of local autonomy: the first dimension is discretion of local authorities, and the second dimension is local financial autonomy.⁵⁵⁰

3.9.1 Development Status of Decentralization in Terms of Local Authorities' Discretion

In East Asia and Europe, the current degree of discretion of local authorities varies from nation to nation. Between the 1970s and 90s, many countries transferred their central responsibilities for architectural conservation to their local authorities under the influence of the aforesaid democratic wave and financial crisis, which resulted in a move towards decentralization in the administration of their architectural conservation. In practical conservation work, however, the administration of most countries still reflects a somewhat centralized characteristic even within decentralized systems. Their local authorities have undertaken almost all of the practical conservation duties, but normally they are constrained by central governments that believe that in some matters local practices should be under central supervision.

East Asian countries Japanese local authorities enjoy designation and management powers

⁵⁵⁰ Vetter, 2007, pp. 92-93.

over architectural heritage. Moreover, these local authorities have legislative autonomy for territorial matters, i.e. they are able to promulgate local codes for heritage conservation based on the 1950 Law. But all of the works towards heritage conservation carried out by local authorities must be under the guidance and direction of the Agency for Cultural Affairs (ACA), these local authorities have limited powers of management and determination on conservation matters.

In China, the local authorities, including local governments and local branches of responsible national ministries, are responsible for the conservation and management of local architectural heritage in accordance with the 1982 Law. The local governments need to report to the central government, and these local branches should perform under the direction and guidance of their superior national ministries. Therefore, the local management powers over territorial architectural conservation would be constrained by the central government to some extent.

Similar to Japan, Thailand is exceptional among Asian countries because it was never colonized. Thailand began to develop local autonomy in the post-World War II era, and after the Asian financial crisis, the Thai government issued the 1994 Tambon Consolidation Act and the 1997 Constitution, by which Tambon was built as a local self-governmental unit below the province and district levels. In this case, the local government system of Thailand experienced a steady evolution of decentralization reform. However, the chiefs of local governments are appointed by the central government, who are likely to represent central benefits or requests, so the local powers are easily constrained by the central government in the field of local architectural conservation.

European Countries In Italy, the regions and the state exercise legislative power together according to the constitution,⁵⁵¹ and the regions enjoy autonomy on heritage conservation matters. Other local authorities also have many autonomous powers over heritage conservation in their areas. But because of the existence of the Soprintendenze system, the regional and local authorities are still limited in practical conservation matters. On the one hand, the Soprintendenze are a peripheral organization of the Ministry for Heritage, Cultural Activities and Tourism (MIBACT), which is the highest ministry for heritage conservation, thus, the Soprintendenze have to be under the direction of the central government. On the other hand, the Soprintendenze are required to cooperate with the regional and local authorities in the field of territorial architectural conservation. It can be said that the Soprintendenze play a unique role in Italian heritage conservation, which establishes the fact that regional and local authorities have

⁵⁵¹ Constitution of the Italian Republic 1947, art.117.

difficulty achieving absolute autonomies in their architectural heritage conservation.

In France, the regional and other local authorities have some responsibilities over their territorial heritage conservation, but all work concerning protected buildings requires permission from the relevant departments of the Ministry of Culture in the preliminary stages. The examination of all applications should be supervised by the general inspectorate for historic monuments. The French regional and local authorities have limited determination and management rights.⁵⁵²

Whereas, in some European countries like Germany and Switzerland, regional authorities enjoy enough independent autonomy regarding their heritage conservation. In these two countries, nearly all responsibilities and powers towards heritage conservation are enjoyed by the federal states (or cantons in Switzerland), so it can be said that their territorial authorities have adequate autonomy to exercise local architectural heritage conservation.⁵⁵³

3.9.2 Development Status of Decentralization in Terms of Local Financial Autonomy

Financial autonomy is the second main dimension to determine the degree of local autonomy. If local authorities have only limited financial autonomy they may prove to be an empty shell. Moreover, the performance of local responsibilities without matching financial resources could greatly weaken effectiveness.⁵⁵⁴

Actually, the local authorities in most countries are entrusted with local financial autonomy, which means that such authorities are empowered to administer and allocate local revenues based on their situations in the area of heritage conservation. In East Asia, the local authorities of some countries such as Japan, China and South Korea have financial autonomy with varying degrees. In Italy, the constitution reform of 2001, provided the regions and local governments with financial autonomy of revenues. In Germany, according to the Cultural Finance Report 2012 issued by the Federal Government Commissioner for Culture and the Media (BKM), a total of approx. 9.1 billion euro were spent on cultural matters, of which 13.4 percent was provided by the Federal government, 42.2 percent was provided by the states, 44.4 percent was provided by local authorities (data referring to 2009).⁵⁵⁵ This report demonstrates the financial autonomy of the

⁵⁵² Longuet & Vincent, 2001, pp. 99-100.

⁵⁵³ Ashworth & Howard, 1999, p. 31.

⁵⁵⁴ Steytler, 2005, pp. 6-7.

⁵⁵⁵ *The culture and media policy of the German federal government*, 2014, p. 4.

federal states in cultural matters.

However, in most cases the autonomous right to administer and allocate revenues is not equivalent to financial capacity of local authorities, i.e. they could be unable to provide sufficient funds required by conservation projects even though they have financial autonomous right because of their limited financial capacity. Such local authorities still have a strong demand of central financial assistance in conservation practices. This sort of financial dependence often lead local authorities to be under supervision of central governments. For example, in Japan, the scope of local expenditure responsibilities was prescribed in the Decentralization Act of 1999. Many expenses for local matters including cultural matters were covered by the local government. In this case, local authorities are responsible for a broad range of expenditures. But because they lack this financial capacity, they are still dependent upon funds from the central government.⁵⁵⁶ In China there is a tax sharing system. Because of this, the composition of financial resources of local heritage conservation varies from area to area. Geographically, China can be divided into three areas including the west, middle and east areas. Among the areas, the west is the largest, occupying nearly 70 percent of the land in China and numerous architectural conservation sites occur there. For a particular conservation project in the western area, the central government normally undertakes approx. 80 percent of the expenditures and local governments undertake the rest, because the west does not have sufficient financial capacity. Besides, in the middle areas, the central and local governments undertake each approx. 50 percent of the expenditures. In Britain, the British local planning authorities are funded through a combination of central financial assistance and local revenues. The percentage of central financial assistance to local governments has risen from 54 percent in the fiscal year 2008/09 to 62 percent in the fiscal year 2014/15, and generally the percentage of central financial assistance always remains at more than 50 percent.⁵⁵⁷

For a better understanding of local financial autonomy, the financial autonomy described here mainly refers to the financial capability of local authorities. The financial capacity of local authorities will be specifically described in next chapter, where the central and local subsidies being given to conservation projects are described respectively, then the compositions of central and local subsidies in any project are analyzed and classified into two types (section 4.6.1). Although such compositions vary from nation to nation, it can be observed that in most countries the financial capacity of their local authorities are limited with varying degrees.

⁵⁵⁶ Kosiyanon, 2012, pp. 116-122.

⁵⁵⁷ National Statistics, 2014, p. 9.

summary By reviewing the aforesaid two dimensions of local autonomy, it can be seen that in most cases the local autonomy of East Asian and European countries are likely to be constrained by their central governments due to limited administrative discretion or financial autonomy at the local levels. But comparatively, the degree of local autonomy of European countries is generally higher than that of East Asian countries. Although they also should be under central control in some cases, their central administration may not exercise as much power than in East Asia. This is mainly a result of the influence of the process of European democratization and the legal protection of local autonomy in European countries. The European Charter of Local Self-Government, as the name would suggest, guarantees, promotes and develops local autonomy institutions in European nations.⁵⁵⁸

3.10 Possible Ways to Deepen Decentralized Administration

The aforesaid sections discussed the administrative structures of architectural conservation in some East Asian and European countries. This section presents the opinion that decentralization of administration in architectural conservation could become a possible trend in the future. However, this does not refute the value of centralization. Actually, there is no denying that centralization has many advantages, such as macroscopic control and supervision of nationwide heritage conservation projects. Moreover, the dissertation argues that the results of a decentralized administration cannot be all positive. In fact, in the field of architectural conservation, positive and negative results of decentralized administration coexist: positive results include, a) the local authorities are normally closer to local heritage sites and the local people, the local authorities would like to make decisions that benefit the community; b) the local architects and conservators feel more responsible for local heritage sites, and the local authorities like to invest more necessary resources in local conservation; c) in most cases, the local authorities need to undertake some portion of conservation expenditures, which helps to relieve some of the central government's financial burden; negative results include: a) the local authorities may fail to make objective decisions due to the lack of specialized staff in conservation practices; b) they cannot easily evaluate territorial heritage, as the local authorities have a limited view on the quality and importance of architectural heritage, and they lack the perspective to compare it with regional or statewide work.

It can be observed that the status of decentralization in different countries is different with varying degrees as a result of the analysis of the two aforesaid dimensions determining the degree of

⁵⁵⁸ Albanese, 1996, p. 27.

local autonomy. There is no one single country that can be characterized as absolutely centrally or decentrally structured. The existing administrative structures of different countries result from historic, political, and economic reasons and it is not within the scope of this dissertation to judge their current administrative structures or to propose some specific solutions. However, in the field of architectural conservation, moving towards decentralization would be one possible trend in the future. As for the countries that attempt to deepen or initiate decentralization, they need to face a common problem to discover ways of empowering decentralized administrations in architectural heritage conservation. As for this problem, the following aspects might act as some general steps toward a solution:

(1) Establish an independent national trust: in some developing countries of East Asia, an independent national trust could be established on the national level similar to the English Heritage Trust. Such funding organizations are able to gather financial support for the conservation of architectural heritage instead of depending exclusively on national financial assistance. They can independently operate protected historic buildings to raise funds. In addition, a national trust would cooperate with the central and local authorities. Establishing a national trust can also support the authorities responsible for conservation of national heritage by strengthening their management and decision making powers. More information about such funding organizations will be discussed in the next chapter for finance of architectural heritage conservation.

(2) Formulate a bottom-up strategy: in the process of formulating conservation plans, a bottom-up strategy can promote decentralization. At present, every country, especially East Asian countries including China and Japan, should hold public hearings in order to make public opinions heard by the responsible authorities. It is the established practice to hold public hearings at the stage when conservation plans have already been formulated, a more productive model would be to involve the public early in the process of formulating such plans. Public opinions should be transmitted through a bottom-up process to improve public support and cooperation opportunities in the process of implementing conservation plans.

(3) Increase financial autonomy via finance reform: financial autonomy is an important factor of local autonomy. To some extent it reflects the degree of decentralized administration of architectural heritage conservation. In the decentralized administration, the local authorities have difficulty achieving sufficient autonomous powers over local matters without equally matched financial autonomy; therefore, the initiative of financial reform to yield sufficient financial autonomy always is the focus of every country. Hallmark examples of this are Japan and Britain. After the "bubble economy" burst in 1991, the Japanese government made every effort to initiate finance reform. In Britain especially England, with its centralized financial system, the issue of

finance is often one of tension between the central and local governments. The Netherlands with a very centrally-controlled system also has a similar problem.⁵⁵⁹

(4) Democratic management: architectural heritage is a very important part of the whole urban environment, and the conservation of this heritage has a direct influence on the lives of local residence. Therefore, one way to improve local autonomy in managing conservation matters is to call for more civic forces to participate in the process of making decisions and implementing conservation plans. In the process of democratic participation in architectural conservation, civic and voluntary organizations should act as protagonists instead of followers. Moreover, if they want to be influential in the field of architectural conservation, these organizations should be composed of experts with multi-disciplinary backgrounds. The central and local governments in each country should raise the professional qualities of these organizations through the enhancement of conservation training and education. These measures could make great strides toward guaranteeing a higher quality of democratic management and participation.

⁵⁵⁹ Great Britain Parliament House of Commons Culture, Media and Sport Committee, 2008, p. 214.

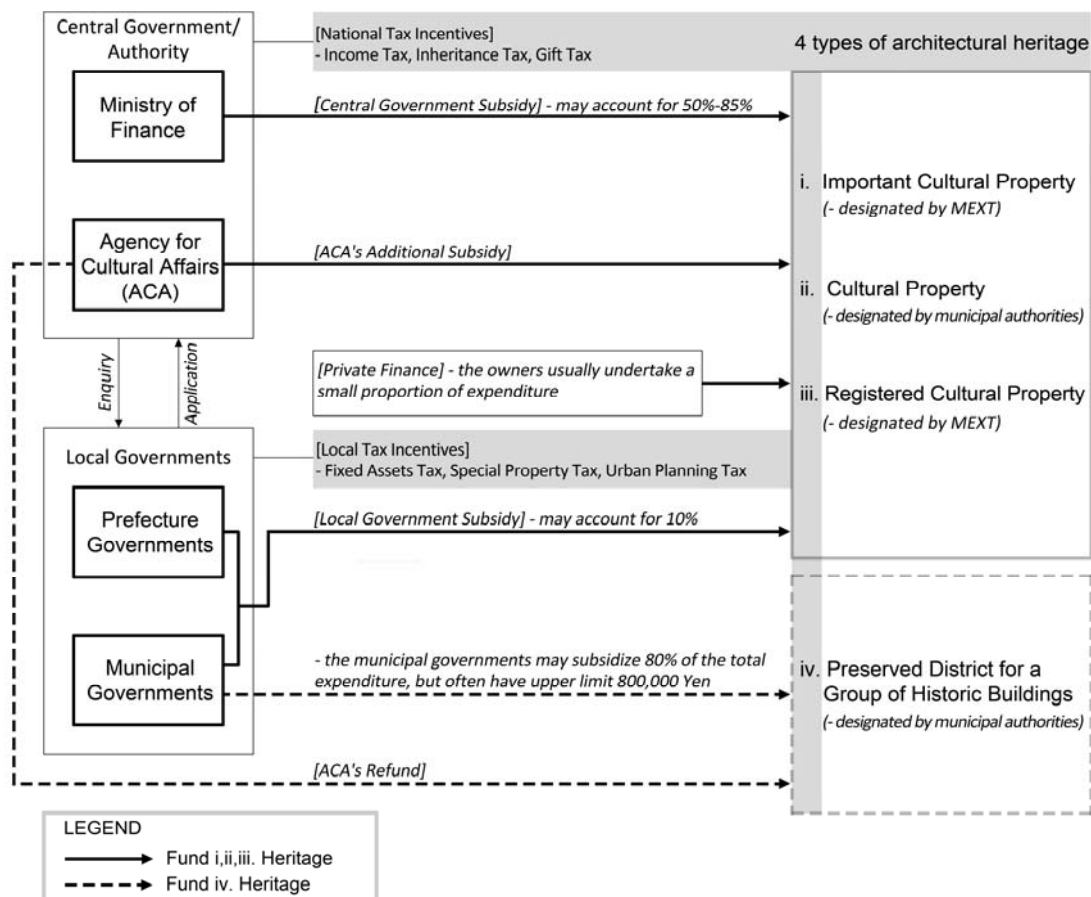
IV. Finance of Architectural Heritage Conservation in East Asian and European Countries

A - East Asian Countries

4.1 Japan

In the field of Japanese architectural conservation, direct public financial sources come from central and local government subsidies and the Agency for Cultural Affairs(ACA). The central and local governments assist the conservation projects through grants. The local government system is composed of prefectural and municipal governments who cooperate with the national authorities to undertake conservation responsibilities. The ACA is an independent peripheral branch of the Ministry of Education, Culture, Sports, Science and Technology (MEXT), and is in charge of managing and directing the conservation of all designated architectural heritage. The ACA provides financial assistance for conservation projects through its own budget. In addition to the direct sources, private financial sources also play an important role in conservation. The central and local governments initiated a series of tax incentives to encourage private financial donations, however, the central and local government subsidies are still the main source of funding in the field of heritage conservation. (Figure 7)

Figure 7 - Financial System of Architectural Conservation in Japan



4.1.1 Direct Public Financial Sources

In Japan, the central and local governments provide different degrees of government subsidies for different categories of architectural heritage. According to the categories of Japanese cultural property, Japanese architectural heritage is classified into four categories: (i) buildings designated as "Important Cultural Property"; (ii) buildings designated as "Cultural Property"; (iii) buildings registered as "Registered Cultural Property"; (iv) ensemble of buildings designated as "Preserved District for a Group of Historic Buildings". Categories (i) and (iii) are designated by the Ministry of Education, Culture, Sports, Science and Technology (MEXT), (ii) and (iv) is designated by the municipal authorities. The conservation projects from all categories of architectural heritage can apply for central and local government subsidies. The central government grant subsidy is reserved for appropriate owners or managerial bodies who carry out

conservation projects through the Agency for Cultural Affairs(ACA).

Application of Central and Local Governmental Subsidy for the (i, ii, iii) Categories

The majority of funds for preserving the three categories of architectural heritage come from the central government subsidy. There are two ways to apply for the central government subsidy:

(1) the ACA periodically queries the prefectural boards of education about the status quo of heritage and whether the heritage sites are necessary to be protected. These inquiries are passed on to relevant municipal boards of education and the heritage site owners as well as relevant managerial bodies of heritage. Then the ACA submits copies of these inquiries to the Ministry of Finance. If the ministry indicates that the central government subsidy can be granted to heritage conservation projects, the ACA should then cooperate with relevant boards of education and owners or managerial bodies to make a conservation plan, and submits a formal application to the ministry.⁵⁶⁰

(2) the owners or managerial bodies of heritage notify their prefectural or municipal boards of education that they intend to begin actions to protect heritage sites, thereafter, the prefectural and municipal boards notify the ACA. The Ministry of Finance should also be notified of the protection intention by the ACA. If the Ministry indicates that the owners or managerial bodies' conservation projects can receive the central government subsidy, the owners or managerial bodies should then prepare for the submission of a formal application (section 3.1.2).

Generally, architectural heritage are under the custody of the owners or managerial bodies who have the responsibility to preserve their owned architectural heritage. But in most cases, the owners or managerial bodies either do not have sufficient funds in undertaking conservation expenditure, or other circumstances require that they apply for a central government subsidy. If the owners or managerial bodies accept a subsidy, the Commissioner for Cultural Affairs, who oversees the performance of ACA, can either issue instructions on architectural conservation that the owners or managerial bodies are required to carry out, or if necessary, the commissioner can direct and supervise the conservation work.⁵⁶¹

Another aspect of conservation expenditure could depend on the application for the local government subsidy while receiving the central government subsidy. According to the Law for the Protection of Cultural Properties, the local governments (prefectural and municipal governments)

⁵⁶⁰ Enders, 1998, p. 24.

⁵⁶¹ Law for the Protection of Cultural Properties 1950 (2007 Amendment), art. 35.

may subsidize expenses for protecting, utilizing and managing heritage within their territories.⁵⁶² The application procedure for the local government subsidy is similar to the aforesaid procedure of central government subsidies, in which the owners or managerial bodies of heritage submit an application to their local boards of education. As the intermediary between the central and local governments, relevant boards of education are required to pass the application on to their local governments and to notify the ACA. The local governments and boards of education could also make a decision in consultation with the ACA. The owners or managerial bodies of heritage should be notified of a final decision.

Composition of Central and Local Governmental Subsidies for the Categories (i, ii, iii) There is no standard criterion for the proportions of central and local subsidies for conservation expenditure. The Ministry of Finance needs to take the situation of each conservation project into account in their decision-making about whether to grant the central government subsidy, normally the subsidy may account for between 50 to 85 percent and the prefectural and municipal government subsidy may account for 10 percent, thus the government subsidies could often reach approximately 95 percent. In this case, the owners or managerial bodies of heritage only undertake a small proportion of the expenditure.⁵⁶³ The Soshi-do Hall in Nakayama Hokekyo-ji (Hokekyo-ji Soshido)⁵⁶⁴ is a good example of such a project. In the total expenditure, the central government subsidy accounted for 70 percent of the funding. The prefectural and municipal governments responsible for the area where the temple is located granted 23 percent of the subsidies. The remaining 7 percent of the expenses were paid by the managerial bodies of the temple.⁵⁶⁵

Central and Local Governmental Subsidies for Category (iv) The composition of government subsidies for the fourth category of architectural heritage is different from the aforesaid three categories. The fourth category of architectural heritage is the ensemble of buildings designated as "Preserved District for a Group of Historic Buildings" by their municipal governments and the majority of conservation funds are from the municipal government subsidy. Generally, there exists a close relationship between the scene of the ensemble of buildings and the development of territorial environment and economy. For example, the protection and utilization of the ensemble of buildings could help promote the development of territorial tourism and thus raise

⁵⁶² Law for the Protection of Cultural Properties 1950 (2007 Amendment), art. 182.

⁵⁶³ Enders, 1998, p. 24.

⁵⁶⁴ Hokekyo-ji Soshido is a temple architecture, which was built in 1678 and is designated as Important Cultural Property in 1985.

⁵⁶⁵ Larsen, 1994, p. 125.

local government revenues, this is beneficial because it provides more resources for the conservation of the ensemble of buildings. Thus, in Japan, the municipal governments are one of the main beneficiaries in the field of preserving the ensemble of buildings within their territories. In return, the municipal governments are obligated to undertake the majority of conservation expenditures. The aforesaid procedure of applying government subsidies for categories (i, ii, iii) of architectural heritage is also applied to the application of government subsidies (from the central and municipal governments) for category (iv) architectural heritage.

In most cases, in specific projects involving the conservation of the ensemble of buildings, the municipal governments may subsidize 80 percent of the total costs. But there are many municipal governments that set the limited amount of subsidies for conservation projects in order to cut down governmental expenditure. According to this limit, the maximum subsidy for conservation projects may not exceed JPY 800,000 in areas with subsidy control. But the subsidies of all the municipal governments can be refunded from the budget of the ACA in order to secure their abilities to subsidize conservation projects. For municipalities with a high rural exodus this is especially the case. Their governmental revenues are too limited to subsidize conservation projects adequately, thus, 50 to 65 percent of their subsidies given to conservation projects can be refunded by the ACA.⁵⁶⁶ In addition to refunding, the ACA also provides necessary guidance and advice on the implementation of specific municipal projects.⁵⁶⁷

ACA's Additional Subsidy In addition to the central and local government subsidies, the ACA also subsidizes the projects involving the conservation of all categories of architectural heritage through its internal budget. In the last decades, the ACA's budget normally accounted for 0.1 percent of the total national budget.⁵⁶⁸ The ACA allocates its budget into four areas:

- a) Creation of rich culture and arts, and cultivation of human resources;
- b) Preservation, utilization and accession of Japan's precious cultural properties;
- c) Dissemination of Japan's outstanding culture and arts, and promotion of international cultural exchange;
- d) Improvement/enhancement of the foundation for the promotion of culture.

The area of "preservation, utilization and accession of Japan's precious cultural properties" involves the protection and utilization of tangible and intangible heritage. In most cases, the

⁵⁶⁶ Henrichsen, 1998, p. 15.

⁵⁶⁷ Agency for Cultural Affairs (ACA), 2014, p. 44.

⁵⁶⁸ Kakiuchi, 2014, p. 9.

expenditure in this area generally accounts for around 43 percent of the ACA's total budget (Table 2).⁵⁶⁹ The ACA protects and utilizes tangible and intangible heritage with different measures. The main measures for the tangible heritage (such as architectural heritage) include building repair and disaster protection work. The ACA pays more attention to subsidizing the establishment and maintenance of a disaster protection system that mainly concerns protecting tangible heritage from fire.⁵⁷⁰ In Japan most architectural heritage are timber structures and many roofs of buildings were made of plant materials like thatch and wooden shingle, which have a comparatively high risk of fire.⁵⁷¹

Table 2 - ACA's Expenditure for Preservation, Utilization and Accession of Japan's Precious Cultural Properties (2013-2015)

Fiscal Year	Annual Budget (index A; million yen)	Expenditure on Preservation, Utilization and Accession of Japan's Precious Cultural Properties (index B; million yen)	Proportion of Index B to A
2013	103,342	44,062	42.6%
2014	103,592	44,473	42.9%
2015	103,793	44,519	42.9%

The expenditure for the area of "preservation, utilization and accession of Japan's precious cultural properties" involves not only the protection of heritage, but also the inventory and research of heritage. For example, after the 2011 Great East Japan Earthquake,⁵⁷² the ACA cooperated with relevant local authorities to launch the "Cultural Properties Doctor Dispatch Project". This project aimed to investigate the situation of architectural heritage destroyed in this earthquake, the ACA undertook all the expenditures required by the project. This project was completed in 2013. Over 4000 buildings were investigated to determine the amount of damage.⁵⁷³

⁵⁶⁹ Agency for Cultural Affairs (ACA), 2014, p. 7.

⁵⁷⁰ Agency for Cultural Affairs (ACA), 2015, pp. 6, 36.

⁵⁷¹ Agency for Cultural Affairs (ACA), 2014, p. 7, p. 34.

⁵⁷² The 2011 Great East Japan Earthquake also named as the 2011 Tōhoku earthquake and tsunami, which was a magnitude 9.0 (Mw) undersea mega thrust earthquake off the coast of Japan. In this earthquake, many housing and historic buildings were ruined greatly.

⁵⁷³ *Progress report of Great East Japan Earthquake recovery: Present state of affected cultural heritage*, 2014, p. 2.

4.1.2 Indirect Financial Sources

1. Tax Incentives for Heritage Conservation

In Japan, the funds of heritage conservation mainly depend on direct public finance, but there are some tax incentives for encouraging citizens and civic societies participating in heritage conservation. The national tax incentives involve income tax, inheritance tax, and gift tax as well as land tax (exists but levying land taxes was abolished);⁵⁷⁴ the local tax incentives involve fixed assets tax, special property tax, and urban planning tax.

National Tax Incentives The central government has made different policies concerning tax incentives according to different categories of heritage.⁵⁷⁵

(1) if the building designated as "Important Cultural Property" is transferred to the central or local governments, or to one of the specific Incorporated Administrative Agencies (IAA) such as the National Museum of Art, National Institutes for Cultural Heritage, National Museum of Nature and Science, or to a local IAA, the capital gain from the transfer is income tax exempt;

(2) if the land designated as "Important Cultural Property" is transferred to the organizations described in the aforementioned item, the maximum income tax deduction is JPY 20 million.

The central government also has some incentive policies of inheritance tax and gift tax. In Japan, if citizens or organizations become heritage owners through inheritance or gifting, they are obligated to protect and manage their owned heritage, which may increase the burden of inheritors or recipients in certain ways. The central government has made some incentive policies for inheritance tax and gift tax for heritage which would encourage the inheritors or recipients who inherit or are given heritage as a gift to become owners. According to different categories of heritage, there are various applicable policies for national tax deductions:⁵⁷⁶

(1) if the housing or buildings (including land) designated as "Important Cultural Property" are inherited or gifted, the deduction of inheritance tax and gift tax is 70 percent of the assessed

⁵⁷⁴ The Land Tax was set in 1991 aimed to restrain the phenomenon of high land price in the late 1980s. The land tax should be collected by the National Government, which is being waived as a tax exemption but the levying of land tax was abolished in Fiscal Year of 1998. Source: Agency for Cultural Affairs (ACA), 2015, p. 10.

⁵⁷⁵ Agency for Cultural Affairs (ACA), 2015, p. 9.

⁵⁷⁶ Agency for Cultural Affairs (ACA), 2015, p. 10.

property value;

(2) if the housing or buildings (including land) designated as "Registered Cultural Property" are inherited or gifted, the deduction of inheritance tax and gift tax is 30 percent of the assessed property value.

(3) if the housing or buildings (including land) designated as traditional buildings that form a part of "Preserved District for a Group of Historic Buildings" are inherited or gifted, the deduction of inheritance tax and gift tax is 30 percent of the assessed property value.

Local Tax Incentives Local governments (prefectural and municipal) have some tax incentive policies concerning privately owned heritage which involves fixed assets tax, special property tax, and urban planning tax.⁵⁷⁷

(1) if the buildings and their plots are designated as "Important Cultural Property", the fixed assets tax, special property tax, and urban planning tax is exempted;

(2) if the buildings are designated as "Registered Cultural Property", 50 percent is deducted from the fixed assets tax and urban planning tax;

(3) if the traditional buildings or their plots form a part of "Preserved District for a Group of Historic Buildings", the fixed assets tax and urban planning tax are exempted.

2. Donations for Heritage Conservation

Donations from Private-Sector Some Japanese corporations play an important role in the field of heritage conservation. These corporations are very much aware that the promotion of culture can be an incentive to the development of the national economy and their actions as socially responsible corporations also improves and maintains their image and reputation. Therefore, these corporations are willing to participate in heritage conservation through launching cultural programs and funding cultural and art projects. In this context, in 1990, the Association for Corporate Support of the Arts (ACSA) was established, which is a nonprofit incorporated association. One of its main duties is to manage the "Arts Projects Assistance Approval Program" (APAA), which aims to encourage donations from citizens, corporations, and civic societies for the arts. In 2013, the ACSA received JPY 554.29 million through APAA, providing financial assistance for 94 artistic and cultural activities.⁵⁷⁸ In 2014, the donations ACSA received

⁵⁷⁷ Agency for Cultural Affairs (ACA), 2015, p. 10.

⁵⁷⁸ Agency for Cultural Affairs (ACA), 2014, p. 15.

declined with a drop to total JPY 367.55 million, and yet it still funded 93 activities.⁵⁷⁹

National Tax Incentives for Encouraging Donations

The central government has also made some tax incentives for individual and corporate donations. Individual and corporate donations could enjoy different tax incentives according to the manner in which donations were used:⁵⁸⁰

(1) donations made to specific institutions and nonprofit organizations: individual donations may be deducted from individual income tax in two ways: a) value of donation (up to 40 percent of total income) minus JPY 2,000, the remaining amount can be deducted from the individual's income to form a new income amount based on how the individual's income tax is calculated; b) value of individual donations (up to 40 percent of total income) minus JPY 2,000, the remaining amount multiplied by 40% is the tax deduction (up to 25 percent of the original income tax);

(2) donations to un-designated Public Benefit Corporations, Foundations, or Incorporated Administrative Agencies (IAA): a) for individual donations, the calculation of individual income tax deduction is similar to the algorithm previously described (1)-a); b) for corporate donations, the deduction of corporate tax is either equivalent to the total amount of the donation, or is based on the special deduction amount;

(3) donations to designated Public Benefit Corporations, Foundations, or IAA: a) for individual donations, the individual income tax deduction can also be calculated according to the algorithm described in (1)-a); b) for corporate donations, the entire value of the donation is calculated as a corporate tax deduction;

(4) donations to charitable trusts from individual and corporate donors could enjoy a deduction of both individual income tax and corporate tax, the amount of the deduction is similar to the case in item (3);

(5) donations of inherited heritage - if the inherited heritage is donated to Public Benefit Corporations, or Foundations as well as IAA or nonprofit organizations, the inheritance tax is exempted.

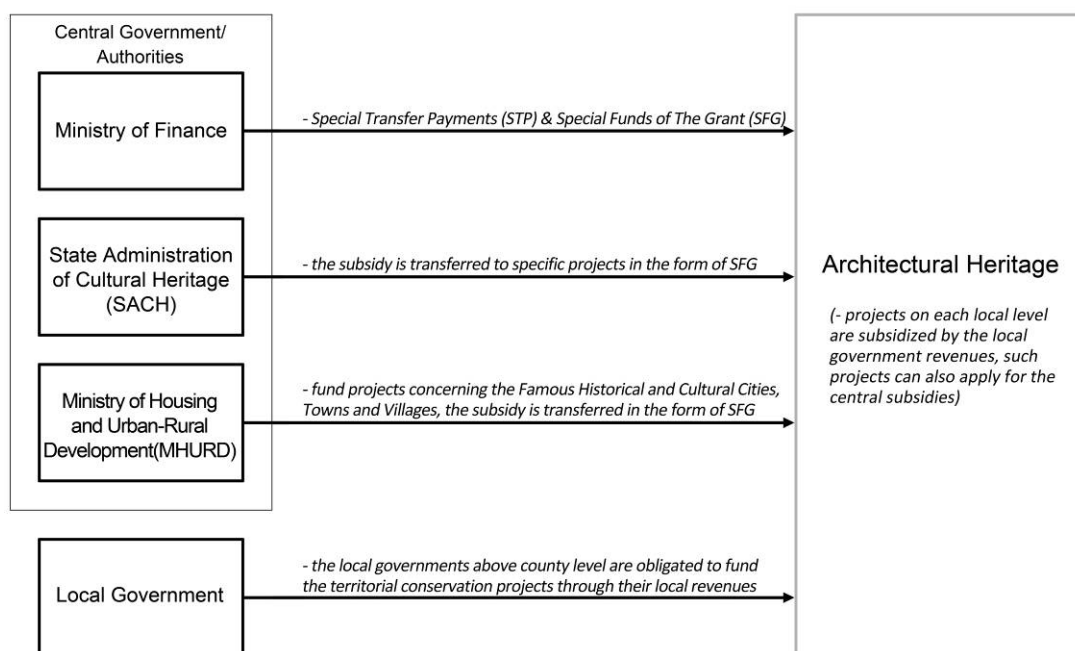
⁵⁷⁹ Agency for Cultural Affairs (ACA), 2015, p. 14.

⁵⁸⁰ Agency for Cultural Affairs (ACA), 2015, p. 9.

4.2 People's Republic of China

In the field of architectural heritage conservation in China, the following direct public financial sources exist: subsidies from national supreme authorities (including the State Administration of Cultural Heritage (SACH) and the Ministry of Housing and Urban-Rural Development (MHURD)); financial assistance from central government revenue, Special Transfer Payments (STP) and Special Funds of The Grant (SFG); financial assistance from local government revenue. In conservation practices the major expenditure depends on the aforesaid direct public financial sources. In addition to these direct public financial sources, some indirect financial sources are being established and developed gradually in China. In recent years, a few local governments have attempted to create some firms specializing in heritage conservation. There are cases where these firms have received the aforesaid SFG. These funds are exempted from corporate income tax so as to encourage and support their conservation performance. In the long term, this exemption policy may positively influence the development of Chinese heritage conservation in some ways. There are also some public or private foundations in China that collect social donations that are eventually invested into specific conservation projects. But the aforementioned indirect financial sources play a very limited role in practical conservation projects. As a whole, the financial sources of Chinese architectural heritage conservation are simple - the majority of the expenditures on projects depends on direct public financial sources. (Figure 8)

Figure 8 - Financial System of Architectural Conservation in China



4.2.1 Direct Public Financial Sources

1. Subsidies from SACH and MHURD

Subsidy from SACH As the supreme national authority responsible for heritage conservation in China, the State Administration of Cultural Heritage (SACH) has many responsibilities, like the implementation of important heritage conservation projects and conducting heritage inventories. The performance of these responsibilities mainly depends on its own revenues, 75 percent of which are from the central government grant and the remaining 25 percent come from operational income.⁵⁸¹ But the annual amount of the central government grant transferred to SACH does not cover the amount that it requires to perform its duties. In other words, the annual central government grant is insufficient for the SACH. In China, from 2009 to 2014, the Expenditure on Central Government Departments⁵⁸² increased year by year, but the central grant for SACH stayed at a static level. At present, the annual central grant the SACH received nearly accounts for 0.01%-0.02% of the expenditure for central government departments (Table 3).⁵⁸³

Table 3 - Proportion of Central Grant for SACH to Expenditure on Central Government Departments
(2009-2014)

Fiscal Year	Expenditure on Central Government Department ⁵⁸⁴ (index A; billion yuan)	Central Grant for SACH (index B; billion yuan)	Proportion of Index B to A
2009	1525.579	0.306	0.02%
2010	1598.973	0.242	0.02%
2011	1651.411	0.233	0.01%
2012	1876.463	0.257	0.01%
2013	2047.176	0.303	0.01%
2014	2257.007	0.339	0.02%

⁵⁸¹ In China, the operational income of national authority refers to the income being earned through the conduct of specialized activities and assistant work such as providing technological training and service.

⁵⁸² The Expenditure for Central Government Departments, which is spent on some costs that the performance of the national departments (such as SACH and MHURD) requires, is included in the national general expenditure.

⁵⁸³ State Administration of Cultural Heritage (SACH), 2010-2015.

⁵⁸⁴ Ministry of Finance of China, 2010-2015.

The tasks of the SACH are classified into four main fields:

- (1) "Culture, Sport and Media" is concerned with the protection and management of tangible and intangible heritage as well as carrying out other relevant activities;
- (2) "Diplomacy" is concerned with the payment of membership dues of some international organizations and managing relevant foreign-aid involving heritage conservation;
- (3) "Education" is concerned with the training and education of specialized conservation talents;
- (4) "Scientific Technology" is concerned with providing assistance in the relevant research of heritage conservation.

Among these fields, the expenditure on the field of "Culture, Sport and Media" normally accounts for more than 50 percent of the total expenditure of the SACH (Table 4).⁵⁸⁵ The subsidy from the SACH is transferred to specific conservation projects in the form of Special Funds of The Grant (SFG).

Table 4 - SACH's Expenditure on the Field of Culture, Sport and Media (2009-2014)

Fiscal Year	Total Expenditure (index A, million yuan)	Expenditure on Culture, Sport and Media (index B, million yuan)	Proportion of Index B to A
2009	433	268	61.9%
2010	430	256	59.5%
2011	424	234	55.2%
2012	395	253	64.1%
2013	400	245	61.3%
2014	445	250	56.2%

Subsidy from MHURD The Ministry of Housing and Urban-Rural Development (MHURD) is another supreme national authority for China's architectural heritage conservation. The ministry is responsible for urban planning and housing. In some cases urban construction activities may involve building conservation work, thus the ministry is also responsible for the protection and management of architectural heritage, and it cooperates with the SACH to preserve and supervise work involving "Famous Historical and Cultural Cities, Towns and Villages".

The MHURD's ability to carry out its responsibilities depends on its own revenue mainly consisting of the central government grant and operation income (Table 5).⁵⁸⁶ The total

⁵⁸⁵ State Administration of Cultural Heritage (SACH), 2010-2015.

⁵⁸⁶ Ministry of Housing and Urban-Rural Development(MHURD), 2012-2013.

expenditure for the MHURD to carry out its duties is paid by the ministry's own revenue. The responsibilities of the MHURD can be classified into eight areas, among them the area of "Urban and Rural Communities" is central because it deals with the performance of architectural conservation. The expenditure in this area normally accounts for approximately 30 percent of the total expenditure. For example, in 2011 and 2012, the expenditures in the area of "Urban and Rural Communities" were CNY 563 and CNY 603 million, which respectively accounted for 30 and 31 percent of the total expenditures. Similar to the SACH, the MHURD transfers its subsidy to specific projects in the form of Special Funds of The Grant (SFG).

Table 5 - Composition of MHURD's Income (2011-2012)

Fiscal Year	Central Government Grant (million yuan)	Operation Income (million yuan)	Other Income (million yuan)	Total Income (million yuan)
2011	526	1316	42	1884
2012	674	1262	35	1971

2. Finance from Central and Local Government Revenues

Finance from Central Government Revenue: Special Transfer Payments

In addition to the subsidies from the SACH and MHURD, the central government also subsidizes heritage conservation through its Special Transfer Payments (STP). STP refers to a specialized subsidy transferred from the central government to the local governments. The local governments are then either in charge of carrying out some duties entrusted by the central government, or they cooperate with the central government to undertake some common duties. They perform their statutory tasks within their territories.⁵⁸⁷ In the field of heritage conservation, STPs are essentially the specialized subsidy transferred from the central government to local conservation projects.

The amount of STP continues to increase in the field of heritage conservation (Table 6).⁵⁸⁸ The data shows that since 2010 the amount of STP for conservation has tripled in the last five years. Moreover, the data shows that the central government always invests a large amount of funds in STPs. Many fields profit from STPs, including fields of heritage conservation and public service,

⁵⁸⁷ Ministry of Finance of China, 2014.

⁵⁸⁸ Ministry of Finance of China, n.d., retrieved 10 January 2016.

also there is no standard criterion for allocation of the STP. In this case, some rent-seeking⁵⁸⁹ and corruption phenomena exist in the allocation process of the STP.

Table 6 - Special Transfer Payments (STP) in Heritage Conservation Field (2010-2014)

Fiscal Year	Total STP Transferred by the Central Government (billion yuan)	STP Allocated for Heritage Conservation(billion yuan)
2010	1411.206	4.505
2011 ⁵⁹⁰	1656.999	8.338
2012	1880.413	11.012
2013	1861.046	11.290
2014	1894.112	13.841

Finance from Central Government Revenue: Special Funds of The Grant

In order to remove the aforementioned negative influences of STP and to assist each area, especially the middle and western areas of China, to balance the allocation of conservation resources, the State Council issued an ordinance in 2006, the Notice on Enhancement of Heritage Conservation. This ordinance stated the importance of establishing Special Funds of The Grant (SFG) in the field of heritage conservation.⁵⁹¹ Under the influence of the ordinance, the central government decided to set up SFG for funding the local conservation projects and for strengthening the supervision of local conservation work to some extent. The SFG refers to a subsidy transferred from the relevant national departments or superior departments to subordinate departments, which is required to be calculated separately and used in a designated and specialized way. It should be emphasized here that the subsidies from both the aforesaid SACH and MHURD are transferred to specific projects in the form of SFG. The SFG application should follow some detailed steps described in the subsection.⁵⁹²

(1) The relevant national authorities, provincial departments of finance, and provincial bureaus of cultural heritage are required to submit the application and budget of SFG to the ministry of finance and the SACH. If conservation projects involve fields like urban planning, environmental

⁵⁸⁹ Rent-seeking involves seeking to increase one's share of existing wealth without creating new wealth, i.e. the rent-seeking is essentially unproductive profit-earning activity. It results in reduced economic efficiency through poor allocation of resources, reduced actual wealth creation, and lost government revenue. Source: *Rent-seeking*, retrieved 10 January 2016, para.1-2.

⁵⁹⁰ Ministry of Finance of China, 2012.

⁵⁹¹ The State Council of China, 2006.

⁵⁹² Ministry of Finance of China and State Administration of Cultural Heritage(SACH), 2013.

protection, and industry development, relevant permissions are required before the SFG application can be submitted.

(2) The ministry of finance and the SACH are responsible for conducting reviews of the budget control index of SFG, they can jointly entrust third parties or panels of experts to carry out specific reviewing work that requires a field investigation of project sites.

(3) The ministry of finance and the SACH need to confirm the reviewing results described in subsection (2), then the national authorities, provincial departments of finance, and provincial bureaus of cultural heritage who submitted SFG applications must be notified of the final reviewing results.

(4) After receiving the results, relevant national authorities, provincial departments of finance, and provincial bureaus of cultural heritage should make a priority order of different projects that applied for SFG in order to have a proper allocation of funds. After this phase the priority order should be submitted to the ministry of finance and the SACH.

(5) The SACH must confirm or alter the priority order of different projects described in (4), then the SACH should make recommendations of projects that could be funded by SFG, which should be submitted to the ministry of finance.

(6) According to the recommendations of the SACH, the ministry of finance should make a final decision. It is required to notify the relevant national authorities, provincial departments of finance, and the SACH of its decision.

Difference between STP and SFG The aforesaid Special Transfer Payments (STP) and Special Funds of The Grant (SFG) are different. The STP is determined on the basis of the situation of territorial development, and requires no application; SFG should be applied for through relevant authorities and should follow a certain procedure. In these two types of financial assistance from central government revenue, the central government has put an emphasis on SFG funding. In local heritage conservation, the amount of SFG increased from CNY 1.1 billion in 2009 to CNY 6.5 billion in 2012.⁵⁹³ With the increase in the number of projects subsidized by SFG, the amount of STP in the field of heritage conservation was cut in the budget in the 2016 fiscal year.⁵⁹⁴

Finance from Local Government Revenue In addition to the aforesaid financial assistance from central government revenue, architectural heritage conservation in each area of China also

⁵⁹³ State Administration of Cultural Heritage(SACH), 2013.

⁵⁹⁴ Ministry of Finance of China, 2016.

depends on finances from the local government revenues. There are five main levels of regional and local administration in China: province, prefecture, county, township, and village. The governments on each level have autonomy in their territorial conservation work. "The nation should promote the development of the field of heritage conservation. The local governments above the county level should include heritage conservation work in their territorial economic and social development plans, and are obligated to pay for the necessary conservation through their local government revenues",⁵⁹⁵ i.e. the public financial assistance for territorial heritage conservation also depends on local government revenues that are restricted to the revenues of local governments above the county level.

There are a number of cities in China that have achieved different degrees of development; therefore, in this subsection it is not easy to analyze the proportion of financial assistance for local heritage conservation in relation to the local government revenues in each city. Thus, this subsection analyzes the proportion of the financial assistance allocated for heritage conservation in selected Chinese provinces and municipalities to their overall local government revenues. There are a total of 23 provinces and 4 municipalities⁵⁹⁶ in China, they all have different amounts of government revenues and different numbers of heritage located in their territories. According to the official statistics from the provinces, the expenditure on territorial heritage conservation is not separately calculated, but is normally included in the expenditure in the area of culture. Thus, here the expenditure in culture has been compared to the Expenditure for Provincial Government Departments⁵⁹⁷ in order to compare it with the funding situation of territorial heritage conservation. The statistics of nine provinces and three municipalities in fiscal year 2015 were collected (Table 7). The data shows that in these provinces, the proportion of expenditures in the field of culture to the expenditure for provincial government departments varies from province to province. In most cases, the average proportion is approx. 1.6 percent.

⁵⁹⁵ 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage]1982 (2015 Amendment), art. 10.

⁵⁹⁶ Municipality is the most important provincial administration, which can comparatively receive more better assistance from the central government. At present, there are four municipalities: Beijing, Shanghai, Tianjin, Chongqing.

⁵⁹⁷ The Expenditure for Provincial Government Departments is spent on some costs that the performance of tasks of the provincial departments requires, like the expenditure on building conservation projects carried out by Provincial Office of Housing and Urban-Rural Development while conducting urban construction activities.

Table 7 - Proportion of Expenditures in the Field of Culture to Expenditures for Provincial Government
Departments (2015 Fiscal Year)

Provinces/ Municipalities	Expenditure for Provincial Government Departments (index A; billion yuan)	Expenditure in the Field of Culture (index B; billion yuan)	Proportion of Index B to A	Number of Provincial Listed Heritage
Beijing ⁵⁹⁸	436.34	7.02	1.6%	357
Shanghai ⁵⁹⁹	477.99	5.2	1.1%	238
Chongqing ⁶⁰⁰	315.92	1.58	0.5%	269
Shanxi ⁶⁰¹	74.868	1.947	2.6%	452
Jilin ⁶⁰²	220.156	3.477	1.6%	271
Zhejiang ⁶⁰³	425.028	2.403	0.6%	815
Fujian ⁶⁰⁴	259.783	2.892	1.1%	649
Jiangxi ⁶⁰⁵	65.88	2.22	3.4%	506
Shandong ⁶⁰⁶	318.6	1.795	0.6%	206
Hubei ⁶⁰⁷	302.16	1.59	0.5%	629
Guangdong ⁶⁰⁸	550.501	1.821	0.3%	656
Qinghai ⁶⁰⁹	49.87	1.38	2.8%	442

The data in Table 7 shows that there is no close link between the provincial expenditure on territorial heritage conservation and the number of provincial listed heritage. Instead such expenditures may be related to the degree of economic development of each province or the importance of provincial listed heritage. For example, Hubei province has a large number of listed heritage sites, but the Hubei provincial government granted only a very limited amount of

⁵⁹⁸ Bureau of Finance of Beijing, 2016.

⁵⁹⁹ Bureau of Finance of Shanghai, 2016.

⁶⁰⁰ Bureau of Finance of Chongqing, 2016.

⁶⁰¹ Department of Finance of Shanxi, 2016.

⁶⁰² Department of Finance of Jilin, 2016.

⁶⁰³ Department of Finance of Zhejiang, 2016.

⁶⁰⁴ Department of Finance of Fujian, 2016.

⁶⁰⁵ Bureau of Finance of Jiangxi, 2016.

⁶⁰⁶ Department of Finance of Shandong, 2016.

⁶⁰⁷ Department of Finance of Hubei, 2016.

⁶⁰⁸ Department of Finance of Guangdong, 2016.

⁶⁰⁹ Department of Finance of Qinghai, 2016.

funds to preserve its listed heritage. Compared with Hubei, the number of listed heritage sites in Beijing is small but its funds for territorial heritage conservation was nearly four times as much as Hubei's funds. The reason for this could be because Beijing has a well-developed economy and most of its listed heritage sites have outstanding significance for the nation (such as the Forbidden City⁶¹⁰, the Summer Palace⁶¹¹). It should be emphasized that if some provinces have a poorly developed economy, the financial assistance from the central government revenue granted to their heritage conservation projects may be comparatively higher.

Composition of Finance from Central and Local Government Revenues

In China, the heritage conservation work mainly depends on financial assistance from central and local government revenues, but how one should define a reasonable composition of the central and local finance in specific conservation projects is an unsolved question in current China. A conventional criterion to compose the central and local finances in the area of culture has been formed as a result of practical experiences of relevant national authorities in recent years.

Specifically, China can be geographically divided into the east, middle, and western areas. The economic situation in the eastern area is generally better than that of the middle and western areas. In most cases, the economic situation of the west is the lowest of the three areas. In the field of culture in the three areas, the central and local governments funded necessary expenditures to different degrees. In the eastern area, almost all of the expenditures in culture is paid for by local government revenues. The central government provides some incentive support based upon the performance in which relevant tasks are carried out; in the middle area, the financial assistance from the central government revenue normally accounts for 50 percent of the total necessary expenditure, the remaining 50 percent normally is funded by local government revenues; in the western area, the financial assistance from central government revenue normally accounts for 80 percent; the remaining 20 percent is funded by local government revenues.⁶¹²

As a whole, in China, the financial assistance transferred from the central government revenue to specific territorial conservation projects is in inverse proportion to the economic situation of

⁶¹⁰ The Forbidden City, being located in the center of Beijing, was the Chinese imperial palace from the Ming dynasty to the end of the Qing dynasty (from 1420 to 1912). It was built from 1406 to 1420, which consists of 980 buildings.

⁶¹¹ The Summer Palace is a vast ensemble of lakes, gardens and palaces in Beijing. Its origins can date back to the Jin dynasty (1115–1234) in 1153.

⁶¹² Cheng, 2015.

different areas, i.e., if the economic development of the area is better, the funding they receive from the central government revenue will be less, and vice versa.

The aforesaid criterion for composition of the central and local funds in the field of culture has been generally accepted, but in some cases the composition varies according to different degrees of territorial development. An example of this is Chongqing municipality, as the central city of the western area. Its economic situation is obviously better than other cities of the western area. Because of this, the composition of the finances transferred from the central government revenue and Chongqing municipal government revenue to specific conservation projects is different than what other cities receive: the central financial assistance often accounts for 40-50 percent of the total necessary expenditure, the remaining 50-60 percent depends on financial assistance from the municipal government revenue. The conservation project of the ensemble of historic buildings within the ancient town of Ciqikou⁶¹³ exemplifies this well. Ciqikou Ancient Town is one of the Famous Historical and Cultural Cities, Towns and Villages, which required comprehensive conservation especially for the ensemble of historic buildings located there. In 2008, the municipal government issued an ordinance, Rules on Preservation of Ciqikou Ancient Town, which provided that the government of Shapingba district (on the prefectural level) which has jurisdiction over Ciqikou Ancient Town is responsible for managing the funds for the Ciqikou conservation project.⁶¹⁴ According to this ordinance, the revenues from Chongqing municipal and its subordinate Shapingba district governments, became the main financial source of this project. In the process of carrying out the project, the Chongqing municipal and Shapingba district governments also applied for Special Funds of The Grant (SFG). In 2010 the Ciqikou project received CNY 10.56 million from SFG transferred from the central government revenue, which accounted for 43 percent of the annual expenditure of 2010, a total of CNY 24.58 million.⁶¹⁵

4.2.2 Indirect Financial Sources

Tax Exemption for Special Funds of The Grant in Firms In China, the funds for architectural heritage conservation mainly come from funds transferred by central and local government revenues. At

⁶¹³ Ciqikou ancient town locates in Shapingba district of Chongqing municipality. It was built in the Song dynasty(960-1279) and has hundreds of years history, there are many architectural heritage located in this town.

⁶¹⁴ Local Government of Chongqing Municipality, 2008.

⁶¹⁵ Liu, 2010.

present, there is no tax incentive policy on heritage conservation in China, but a few local governments made an effort to make some policies concerning tax concession. They attempted to sponsor the establishment of some firms specializing in protection and utilization of heritage, with the aim to let such firms carry out some conservation responsibilities on behalf of relevant local authorities for cultural heritage and to promote the development of the field of territorial heritage. The Cultural Travel Group⁶¹⁶ established in 2007 is a significant example. These firms normally are state-owned and mainly seek cultural resources to promote culture as well as the management and operation of heritage conservation projects. As for these firms, their funds mainly consist of Special Funds of The Grant (SFG) and operation income. According to regulations, if the firms or organizations receive SFG from the governmental departments above county level, the amount of SFG can be exempted from corporate income tax.⁶¹⁷ To some extent, this could be thought of as indirect financial assistance for heritage conservation.

Donations from Public and Private Foundations Donations from foundations is another indirect financial source. According to the 1982 Law, "the State encourages, through such forms as donations, the establishment of social funds for the protection of heritage, which shall exclusively serve for the protection of heritage".⁶¹⁸ In China, there is no official and authorized way of collecting donations. In most cases, the citizens or civic societies have to make donations through certain public or private foundations. Among the public foundations in China, the China Foundation for Cultural Heritage Conservation is representative. The foundation was established in 1990. It is under the direction of the State Administration of Cultural Heritage (SACH) and in essence is a public foundation sponsored by the central government.⁶¹⁹ Although the foundation is under direction of the SACH, its final decision-making power is in the hands of 5 to 25 committee commissioners made up of donors and representatives of citizens or civic societies.⁶²⁰ It also undertakes some specific duties:

⁶¹⁶ Cultural Travel Group, full named as Chengdu Cultural Travel Development Group Company Limited, is a state-owned firm. It is responsible for the implementation of cultural projects including the protection and utilization of architectural heritage.

⁶¹⁷ Ministry of Finance of China, 2011.

⁶¹⁸ 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage]1982 (2015 Amendment), art. 10.

⁶¹⁹ 基金会简介[Introduction of China Foundation for Cultural Heritage Conservation], n.d., retrieved 22 January 2016.

⁶²⁰ 基金会章程[Constitution of China Foundation for Cultural Heritage Conservation], n.d., retrieved 22 January 2016.

- (1) to provide financial assistance for the protection of immovable heritage;
- (2) to sponsor the exhibitions concerning conservation projects;
- (3) to fund the research of protection and utilization of heritage;
- (4) to conduct dissemination activities of knowledge towards heritage conservation;
- (5) to reward specialized conservation talents, volunteers, civic societies who have made excellent contributions for heritage conservation;
- (6) to promote exchange and communication with international organizations for heritage conservation.

A few private foundations exist in China, one of which is the "Ruan Yishan Heritage Foundation" established by a Chinese university professor, Ruan Yishan, in 2006. This foundation has set up some funding programs aimed to provide financial assistance for urban heritage conservation in Shanghai and for conservation work in the vicinity, especially for historic buildings and ancient towns and villages. This foundation has also used its own operation income to sponsor conservation work, at the same time it collects social donations that should be invested in specific conservation projects according to the wishes of the donors.⁶²¹

4.3 Singapore

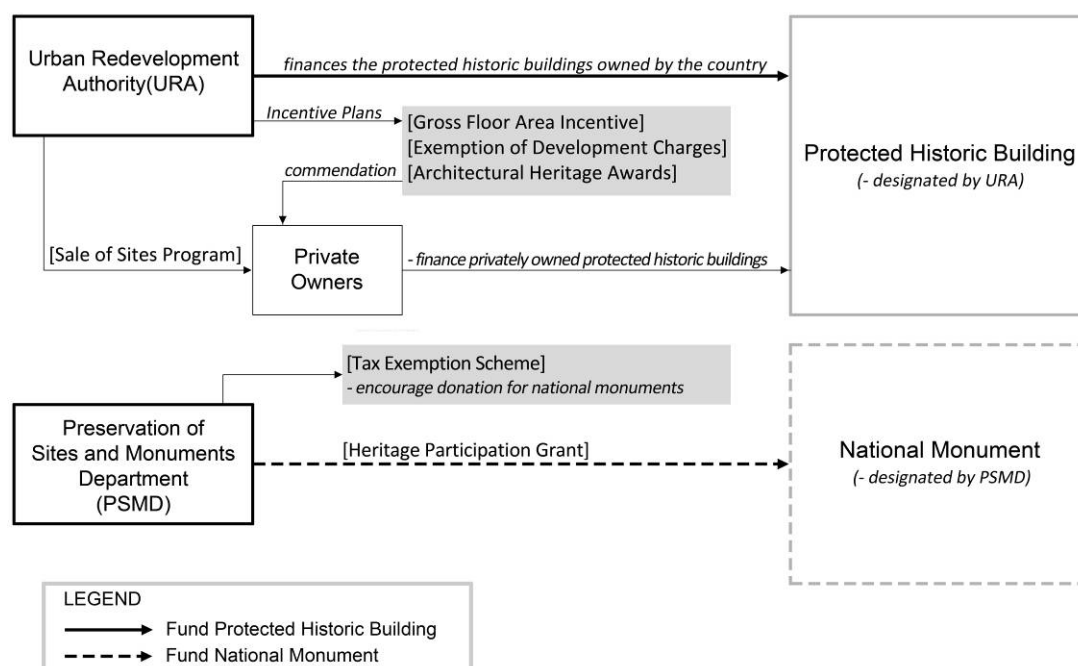
Singapore has a single-tier national administrative system without local government. The central government has two authorities responsible for architectural heritage conservation: the Urban Redevelopment Authority (URA), and the Preservation of Sites and Monuments Department (PSMD) subordinate to the National Heritage Board (NHB). The two categories of architectural heritage: Protected Historic Buildings and National Monuments, are designated, managed and protected by the URA and the PSMD respectively. The two authorities operate different financial mechanisms in conservation projects:

- (1) URA advocates that the owners are in charge of conservation of protected historic buildings and undertakes the requisite corresponding expenditures, and the URA also formulates some incentive measures for the promotion of conservation, such as Gross Floor Area (GFA) incentive, Exemption of Development Charge and Architectural Heritage Awards (AHA);

⁶²¹ Retrieved 22 January 2016.

(2) the conservation work carried out by the PSMD mainly depends on the funding programs built and managed by the NHB which is allowed to make final decisions for the applications of funding programs.(Figure 9)

Figure 9 - Financial System of Architectural Conservation in Singapore



4.3.1 Financing from URA

The duties of the Urban Redevelopment Authority (URA) include national land use and conservation of built heritage; however, the finances of the URA are insufficient to the performance of its duties to some extent. As of 2015, over 7,000 protected historic buildings were designated by the URA,⁶²² most of them are state-owned properties that the URA protects and manages. But it is difficult to protect and manage such a large amount of buildings that are dependent upon the URA, especially considering its limited finances.

In order to resolve this dilemma, the URA launched the Sale of Sites Program in the 1980s. In this program, some of the protected historic buildings were sold to the private sector. In return, as new owners, they were required to protect their buildings and pay the necessary expenses. It should be emphasized that not all of the protected historic buildings were sold. Only those

⁶²² A Brief History of Conservation, n.d., retrieved 01 March 2015.

buildings with economic development value, or the sites where some protected historic buildings were located were sold. These properties were compiled into the Reserve List⁶²³ by the URA. The URA also takes charge of the protection and management of the protected historic buildings which were not on the list and put up for sale. In 1991, the URA operated another program, Conservation Initiated by Private Owners' Scheme, which aimed to encourage owners to protect their historic buildings independently according to the URA protection guidelines, in order to increase the economic vitality of the buildings (section 3.3.4). Nowadays, the Sale of Sites Program is still an important URA program that encourages public participation in conservation. The URA will periodically compile a list of the protected historic buildings and sites which are designated for sale into the reserve list, and interested buyers from the private sector or developers can submit an application directly to the URA for tender.⁶²⁴

Incentives for Private Conservation

The URA also initiated incentive measures aimed to encourage private individuals and developers to protect the historic buildings they own or to purchase additional un-restored protected historic buildings:

(1) Gross Floor Area (GFA) Incentive: the URA initiated this incentive measure in 2004, which aimed at enhancing the economic vitality of conserving historic buildings. As for some areas with plot ratio control, this measure allows the building owners to calculate the GFA of their buildings as additional floor area so as to raise the plot ratio control for increasing their revenues. The owners may either carry out independently protection measures or conduct protection measures based on guidance from the URA, both options make them eligible to enjoy the GFA incentive policy.⁶²⁵

(2) Exemption of Development Charges: written permission from the URA is a prerequisite for developers and land owners who wish to conduct a land development project. When the permission involves increasing the land development density or altering the land use prescribed in the Master Plan designated by the URA, the developers and land owners must pay development charges. In essence, the development charges could be thought of as a tax levied when the value of the land increases because the URA grants a written permission for a

⁶²³ The Reserve List system is a measure initiated by the URA aiming to encourage private sectors or developers participate in the national land use and built heritage conservation. The buildings or sites as well or lands on the Reserve List would be put up for sale.

⁶²⁴ *Reserve List procedures*, n.d., retrieved 05 February 2016.

⁶²⁵ *Circular on Extra Gross Floor Area (GFA) for all Bungalows Conserved in Future on Sites with Gross Plot Area (GPR) Control*, 2004, retrieved 03 February 2016.

high-yield land development project. In the field of building conservation, if the land development projects are sensitive to the "enhancement of conserved buildings within conservation areas", then the development charges can be exempted.⁶²⁶

(3) Architectural Heritage Awards (AHA): The URA set up the AHA in 1995 in order to recognize and commend the efforts in the field of architectural conservation made by owners and private sectors. This coveted award brings with it a sense of honor and encourages all of the owners and private sectors to see the value in high quality conservation of their buildings. As of 2015, there were a total of 124 building conservation projects awarded, these buildings are issued a plaque which is affixed to the façade. There are two categories of AHA awards: a) Award for Restoration, to commend brilliant restoration projects; b) Award for Restoration & Innovation, to commend projects which integrate "old" and "new" developments of architectural heritage. If the awarded buildings are poorly maintained or put to disreputable use, the awards will be withdrawn. It should be emphasized that the AHA purpose is not only to commend protected historic buildings designated by the URA, but also to recognize national monuments designated by the PSMD. For example, the Hong San See Temple conservation project was designated as a national monument in 1978, and received the AHA in 2013 to honor its brilliant restoration.⁶²⁷

4.3.2 Financing from PSMD

The Preservation of Monuments Board was renamed the Preservation of Sites and Monuments Department (PSMD) in 2013.⁶²⁸ The department is subordinate to the National Heritage Board (NHB) and in charge of the designation and protection, as well as the management of national monuments. According to the Preservation of Monuments Act of 2009, the NHB is responsible for making grants or loans for conservation expenditures for national monuments.⁶²⁹ In fact, the PSMD's projects are mainly supported by funding from the NHB.

In contrast to the financial measures for conservation initiated by the Urban Redevelopment Authority (URA), the NHB has launched some funding programs to provide direct financial assistance for specific projects of national monuments conservation. These programs are under the direct management of the NHB that has the final decision-making authority for applications of

⁶²⁶ *Development Charge: Guidelines and procedures*, n.d., retrieved 03 February 2016.

⁶²⁷ *About Architectural Heritage Award*, n.d., retrieved 03 February 2016.

⁶²⁸ *Preservation of Monuments Board is Established*, n.d., retrieved 18 March 2015.

⁶²⁹ Preservation of Monuments Act 1971 (2009 Amendment), art. 5(b).

such programs. The six funding programs are as follows:⁶³⁰

- (1) The Heritage Participation Grant aims to promote relevant activities concerning public participation in conservation, like exhibitions, publications, and workshops;
- (2) The Heritage Project Grant funds conservation projects that could have significant influence over the built heritage within Singapore and which develops the Heritage Eco-system;
- (3) The Heritage Research Grant funds relevant research of nonprofit organizations, scholars, and researchers in the field of heritage;
- (4) The Maritime Heritage Fund aims to encourage the research and protection of Singapore's maritime heritage. It is jointly managed by the Maritime and Port Authority of Singapore and the NHB.
- (5) The National Monuments Fund (NMF) specializes in supporting the national monument conservation projects. It consists of NMF(R) restoration funds and NMF(M) maintenance funds as well as the Tax Exemption Scheme for Donation to National Monuments in Singapore (TES);
- (6) The National Heritage Board Scholarship aims to fund students interested in heritage to pursue relevant full-time undergraduate or post-graduate studies.

Heritage Grant Scheme Among the aforesaid funding programs, the Heritage Participation Grant and Heritage Project Grant are two items of the Heritage Grant Scheme launched in 2013. This scheme, lasting four years, aims to allocate the entire SGD 5 million respectively: a) projects applying for the heritage participation grant normally are given funds totaling between SGD 1,000 and SGD 30,000, or up to 50 percent of a project's necessary expenditure. There are a total of 26 projects which have been awarded the heritage participation grant. b) the projects applying for the heritage project grant normally are given a minimum of SGD 30,000 in annual funds and up to SGD 150,000 each year. As of now, there are a total of 15 projects funded by the heritage project grant.⁶³¹

Tax Exemption Scheme In addition to encouraging individuals to make donations for national monument conservation projects, the National Heritage Board (NHB) has initiated the Tax Exemption Scheme for Donation to National Monuments in Singapore (TES). The TES plays a primary role in the field of national monument conservation. As of now, there are a total of 64

⁶³⁰ *Grants Overview*, n.d. retrieved 06 February 2016.

⁶³¹ Zaccheus, 2014.

national monuments in Singapore.⁶³² The majority of these monuments are religious and institutional buildings, like temples and buildings constructed by some of the early pioneers of Singapore. The donations made to them are mostly charitable donations. The NHB launched the TES in order to help the owners or managerial organizations of these national monuments raise conservation funds by offering tax exemption for such donations. Since 2005, if Singapore's taxpayers make cash donations to projects within the TES, the donations will be entitled to enjoy "Double-Tax Exemption". The TES's implementation could follow several steps.⁶³³

(1) Confirmation to join the TES for the protection of monuments: the Preservation of Sites and Monuments Department (PSMD) will inform in writing owners or managerial organizations of qualified national monuments of their eligibility to join the scheme. If the owners or managerial organizations confirm that they will join, they must notify the PSMD of their protection intention.

(2) Collection and management of donations: after the PSMD has received confirmation it will open an account in the Preservation of Monuments Fund, where donations for each national monument can be received. When a sufficient amount of donations are deposited in the account, the PSMD will then allocate the donations to relevant owners or managerial organizations and provide a receipt book for the owners or managerial organizations to issue receipts to donors.

(3) Using the donations: relevant owners or managerial organizations of national monuments should initially submit a preliminary conservation plan to the PSMD. Then the owners or managerial organizations should submit a planning application to the PSMD and its relevant departments for formal approval. The tax exempt donations must either be invested in the restoration of all elements of the monument proper, like building a roof and exterior facade, or invested in the repairs of supporting facilities that are a necessary part of the monument, like the ablution area in a mosque.

B - European Countries

4.4 Italy

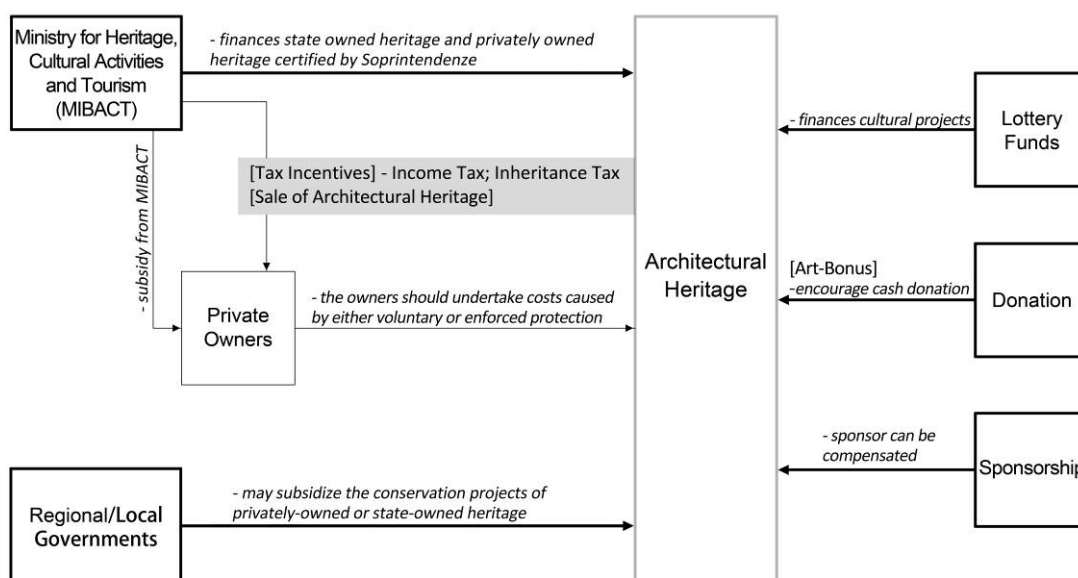
The direct public financial sources for the conservation of Italy's architectural heritage come from central, regional and local (provincial and municipal) subsidies. The central subsidy is available to conservation projects through the budget of the Ministry for Heritage, Cultural Activities and

⁶³² *Civic War Memorial to be gazetted as National Monument*, 2013.

⁶³³ Preservation of Monuments Board(PMB), 2011.

Tourism (MIBACT); the regional and local governments provide subsidies for conservation projects from regional and local revenues. Besides these public financial sources, there are some indirect financial sources in the field of Italian architectural conservation that are an important source of conservation funding. These funds come from tax incentives, the state lottery fund. The tax incentives mainly consist of income tax and inheritance tax concessions and tax credits for cultural donations. The state lottery funds promote cultural programs in general and the central government allocates a portion of these funds to heritage conservation each year. In addition, the privatization program manages the sale of architectural heritage and undertakes the conservation duties and necessary costs. On a case-by-case basis, new owners are compensated for partial or total costs by the MIBACT. Both the direct public and indirect financial sources working together play a key role in the field of Italian architectural heritage conservation. (Figure 10)

Figure 10 - Financial System of Architectural Conservation in Italy



4.4.1--- Direct Public Financial Sources

1. State Level

As the highest national authority for the administration of Italian heritage, the Ministry for Heritage, Cultural Activities and Tourism (MIBACT) has exclusive responsibility for heritage conservation nationwide. In addition to this, the MIBACT also undertakes other relevant duties in the cultural field, such as the promotion of performance art, training of artists, and the development of cultural tourism. The budget of the MIBACT does not manage to cover its

diverse responsibilities. From 2000 to 2008, the annual budget received by the MIBACT was about an average of EUR 2 billion, and has experienced an annual decrease since 2008. The annual budget received by the MIBACT accounted for 0.28 percent of the total state budget on average (Table 8).⁶³⁴

Table 8 - MIBACT's Budget (2000-2014 Fiscal Year)

Fiscal Year	Budget Received by MIBACT (million euro)	Proportion of MIBACT Budget to State Budget
2000	2102.27	0.39%
2001	2240.98	0.37%
2002	2114.53	0.35%
2003	2116.17	0.32%
2004	2196.71	0.34%
2005	2200.63	0.34%
2006	1859.84	0.29%
2007	1987	0.29%
2008	2037.45	0.28%
2009	1718.60	0.23%
2010	1710.41	0.21%
2011	1425.04	0.19%
2012	1687.43	0.22%
2013	1546.78	0.20%
2014	1595.35	0.19%

In Italy, there is a direct relationship between the budget cut in the cultural field and the Global Economic Crisis of 2007-08⁶³⁵. Italy's economy stagnated in all areas as a result of the crisis. On the one hand, the reduction of economic spending resulted in the reduction of revenue, on the other hand, the policies devised to halt or slow the crisis also led to an increase in public expenditure. Both these reactions placed more financial pressure on the Italian government.⁶³⁶ The central government cut the budget for some areas (the cultural realm included), which resulted in a direct negative impact on Italian heritage conservation, however, this situation

⁶³⁴ Ministry for Heritage, Cultural Activities and Tourism (MIBACT), 2013-2015.

⁶³⁵ The Global Economic Crisis, also known as economic crisis of 2007-08, is considered by many economists to be the worst financial crisis since the Great Depression of the 1930s.

⁶³⁶ Quirico, 2010, p. 7.

seems to have improved recently. In 2016, for the first time since the economic crisis, the Italian central government has increased the amount of the budget allocated for culture.⁶³⁷

Subsidies for Privately Owned Heritage In Italy, privately owned architectural heritage are required to be preserved by the owners as well as any necessary expenses. But, according to the Code of Cultural and Landscape Heritage issued in 2004, the MIBACT also is required to provide subsidies for the preservation of privately owned architectural heritage.⁶³⁸

(1) If the owners volunteer to preserve their own architectural heritage, they are required to get authorization from the MIBACT. In the process of granting authorization the relevant Soprintendenze responsible for heritage within their territorial jurisdiction, are required to appraise the eligibility of preservation work and grant permissions. Such permission must precede any work undertaken on heritage sites. Appraisal by the Soprintendenze may certify the necessity of the owner proposed preservation work. This appraisal will determine whether or not such work will be subsidized by the MIBACT and be eligible for the relevant tax deductions.

(2) The MIBACT may oblige owners described in (1) to carry out necessary measures to protect their architectural heritage, or they may execute protection measures directly without the participation of the owners. Both of these options apply to mandatory protection work and the expenses should be paid by the owners. However, if the protection measures are of particular importance or apply to heritage with granted permission for public enjoyment, then the MIBACT is obligated to provide subsidies to cover partial or total expenses. In most cases, the MIBACT could reimburse in full some expenses paid by the owners or make partial payments. The final amount of subsidy to the owners is determined by the MIBACT.

Subsidies for State Owned Heritage The MIBACT also provides financial assistance for state owned architectural heritage. The subsidy normally covers part of the expenses in protection projects of this nature. The specific amount of the subsidy should take certain factors into account, including other public and private funding projects that have received tax benefits.⁶³⁹ The subsidies being granted to conservation projects are managed by the relevant Soprintendenze located within their territorial jurisdiction,⁶⁴⁰ in other words, the MIBACT's

⁶³⁷ *Italy's crumbling historic ruins get big cash boost*, 2016.

⁶³⁸ Code of the Cultural and Landscape Heritage 2004, art. 31 & 34.

⁶³⁹ Code of the Cultural and Landscape Heritage 2004, art. 35(3).

⁶⁴⁰ Gianighian, 2001, p. 200.

subsidy will be allocated to specific projects through the Soprintendenze.⁶⁴¹

2. Regional/Local Level

Italy's local government system is composed of regions, provinces, municipalities and metropolitan cities. The metropolitan city is a new institutional body that was established as a result of reforms enacted specifically for provincial and municipal territories in 2014. The responsibilities of a metropolitan city exclude heritage protection and management, thus the subsequent analysis of territorial conservation finances only involves regions, provinces, and municipalities.

The regional revenue mainly depends on regional taxes like regional business tax. The provincial and municipal territories depend heavily on their own taxes, such as real estate, smaller local taxes, and grants transferred from both the central and regional governments.⁶⁴² The main task of the provinces is to coordinate municipalities. Municipal governments are at the heart of the Italian local government system, which are in charge of typical urban policies such as the promotion of town planning, transport and cultural services.⁶⁴³

In the area of culture, the regional expenditures normally are less than that of provinces and municipalities. Regional expenditures are usually equivalent to half of the total of provincial and municipal expenditures. For example, as shown in the *Report on Economy of Culture in Italy 1990-2000 (Rapporto sull'Economia della Cultura in Italia 1990-2000)* issued in 2004, in 2000 fiscal year the total regional expenditure for culture was nearly EUR 780 million, 57 percent of which were from five autonomous regions and the remaining 43 percent were from fifteen ordinary regions. Such regional expenditures were approximately 50 percent of the total amount of provincial and municipal expenditures of the same year.⁶⁴⁴

In the provincial and municipal cultural fields, the expenditures normally respectively account for 2 percent and 3 percent in their territorial expenditure (Table 9).⁶⁴⁵

⁶⁴¹ Landriani & Pozzoli, 2014, p. 62.

⁶⁴² Venanzi & Gamper, 2012, p. 7.

⁶⁴³ Piperno, 2000, p. 5.

⁶⁴⁴ Bodo & Bodo, 2016, chapter 3.2.

⁶⁴⁵ Ministry for Heritage, Cultural Activities and Tourism (MIBACT), 2011-2015.

Table 9 - Proportion of Provincial/Municipal Cultural Expenditures to Provincial/Municipal Total Expenditure
(2008-2012)

Fiscal Year		Cultural Expenditure (million euro)	Total Expenditure (million euro)	Proportion of Cultural Expenditure to Total Expenditure
2008	Provincial	295	13653.85	2.2%
	Municipal	2461	76727.27	3.2%
2009	Provincial	247	12216.67	2%
	Municipal	2367	71305.5	3.3%
2010	Provincial	237	12333.33	1.9%
	Municipal	2399	72687.5	3.3%
2011	Provincial	212.7	11013.55	1.9%
	Municipal	2134.5	69897.1	3.1%
2012	Provincial	160	9631.11	1.7%
	Municipal	1934	67598.98	2.9%

Composition of State and Regional/Local Subsidies

In the heritage field, the Ministry for Heritage, Cultural Activities and Tourism (MIBACT) and territorial government (regional, provincial and municipal) are obligated to provide financial assistance for specific conservation projects. The MIBACT provides different subsidies according to the following circumstances:

(1) Owners of privately owned heritage conservation projects should undertake the necessary conservation expenses, while the MIBACT with the regional and local governments could provide subsidies for said projects. The normal subsidy amount of MIBACT pays up to 50 percent of the total expenses. If the protection measures are of particular significance or carried out for public purposes, the subsidy amount may be more than 50 or up to 100 percent. The MIBACT has the right to determine the final amount of subsidy. The MIBACT normally grants funding to the owners after the completion of the projects or provides funding through payments on account, based on the regularly certified progress of the projects.⁶⁴⁶

(2) As for conservation projects of state owned heritage, the MIBACT may determine the subsidy amount granted to projects after taking into account the private funding and the public funding of relevant territorial governments: a) without other regional/local funding, the subsidy granted by the MIBACT is normally more than a half of the total conservation expenses; b) with other

⁶⁴⁶ Code of the Cultural and Landscape Heritage 2004, art. 35(1) & 36.

regional/local funding, the MIBACT either does not provide financial assistance or provides a small amount of subsidy (less than 50 percent). In specific conservation projects, the situation described in b) is the norm. The conservation project of Su Nuraxi di Barumini⁶⁴⁷ is a good example of this practice. According to its expenses based on the average over the last five years, the regional/provincial governmental subsidies accounted for 56 percent, the visitor charges accounted for 44 percent. In this case, the MIBACT did not provide funding.⁶⁴⁸ Another example is the conservation project of Historic Centre of Urbino⁶⁴⁹. Its conservation funds came from various sources. According to its expenses based on the average over the last five years, the MIBACT's subsidy accounted for 26.02 percent, the regional/provincial governmental subsidies was 5.1 percent, the municipal governmental subsidy was 7.3 percent. The remaining funds came respectively from donations (0.18 percent), visitor charges (4.4 percent), operation income (3 percent), as well as other funds (54 percent).⁶⁵⁰

It can be observed that in conservation projects, there is no statutory or conventional proportion of MIBACT's and territorial governments' subsidies to protection costs. Both the aforesaid direct public financial sources play an important role in conservation projects. Besides them, the indirect financial sources discussed in the following section also play a necessary role in conservation projects.

4.4.2--- Indirect Financial Sources

1. Tax Incentives for Heritage Conservation

As for privately owned architectural heritage, the tax concession for the owners is one of the main motives for them to preserve their buildings.⁶⁵¹ According to the Taxation on Properties of High Cultural Interest issued in 1982, heritage owners can obtain property and inheritance tax deductions.⁶⁵²

⁶⁴⁷ Su Nuraxi di Barumini is a nuragic archaeological site in Barumini, Sardinia, Italy. It was included in the UNESCO list of World Heritage Sites in 1997 as Su Nuraxi di Barumini.

⁶⁴⁸ *Periodic Report (second cycle-Su Nuraxi di Barumini)*, n.d. (a), retrieved 12 March 2016.

⁶⁴⁹ Historic Centre of Urbino is a walled city in the Marche region of Italy. It was included in the UNESCO list of World Heritage Sites in 1998.

⁶⁵⁰ *Periodic Report (second cycle-Historic Centre of Urbino)*, n.d.(b), retrieved 12 March 2016.

⁶⁵¹ Gianighian, 2001, p. 200.

⁶⁵² Jett, 2003, pp. 659-660.

Income Tax For encouraging the owners to carry out reasonable and necessary measures to protect their buildings, the Italian central government granted income tax deductions. It should be emphasized that the income tax rates of the regions, provinces and municipalities are diverse, thus the owners' income tax deductions should be based on the policies of territorial income tax. As for privately owned architectural heritage, the owners are obligated to preserve their buildings (including voluntary and imposed i.e. non-voluntary protection) and undertake the corresponding expenses. After subtracting the subsidies granted by the MIBACT or territorial governments, the remaining expenses paid by the owners can be deducted from their taxable income:⁶⁵³

(1) For non-rented buildings, the owners can deduct 19 percent of the expenses paid by them from their income tax;

(2) For rented buildings, the owners can deduct the paid expenses from their rental income. A flat rate normally equals up to 15 percent of the rent, in this case the owners normally cannot make any other tax reduction. If the rented buildings are located in certain special areas, including central Venice or on the islands of Giudecca, Murano and Burano, the flat rate is 25 percent of the rent. If the rented buildings are located in areas with high rental prices (especially Bologna, Florence, Genoa, Milan, Naples, Palermo, Rome, Turin and Venice and their suburbs), there is an exception that the owners can obtain a further 30 percent deduction in addition to the aforesaid 15 or 25 percent.

Since 2006, the Italian central government initiated another interesting measure involving income tax. According to the measure, the taxpayers have the right to allocate 5 percent of their income tax payments for providing assistance for the operation of non-profit organizations in some fields, or for heritage conservation, scientific research, civil rights, etc.⁶⁵⁴ This measure is not directly aimed at heritage conservation, but it could provide another way to participate in and support conservation work. This is beneficial because it provides more financial assistance for heritage conservation projects.

Inheritance Tax If the MIBACT has listed the properties of cultural value, such as works of art and furniture in its specific register at the time of the owners' death, the properties are excluded from inheritance tax; if the properties are real estate, they are 50 percent deductible from inheritance tax. For this real estate deduction to apply, an inventory and detailed description of realty property must be submitted to the MIBACT that must certify the cultural value of real estate

⁶⁵³ Pickard, 2009, p. 120.

⁶⁵⁴ Peacock & Rizzo, 2008, p. 141.

properties according to the inventory. The certification of MIBACT is the prerequisite for the heir to obtain the inheritance tax deduction. It should be emphasized that if the heir disposes of the exempted cultural properties or real estate within five years of the succession, the deduction will be removed.⁶⁵⁵

Tax Incentive for Donations As for state owned architectural heritage, donations made to their conservation projects can obtain a tax rebate. In 2014, the Decree-Law No. 83 was issued, which "establishes urgent tax, financial, and administrative measures aimed at the protection and promotion of Italy's cultural patrimony and the national tourism industry".⁶⁵⁶ Among the tax initiatives provided by this decree, the "Art-Bonus" tax credit⁶⁵⁷ aims at encouraging cash donations to support the cultural field within a period of three fiscal years, from 2014 to 2016: a tax deduction for 2014 and 2015 reached 65 percent, it reached 50 percent in 2016.⁶⁵⁸

According to the tax credit policy, if the donations aim at maintaining, protecting and restoring as well as supporting non-profit cultural institutions, the donors are eligible for the tax credit: a) the tax credit for individuals or non-commercial organizations is limited to 15 percent of their annual taxable income; b) the tax credit for businesses is limited to 0.5 percent of their annual revenues.⁶⁵⁹

Sponsorship In recent years, the Italian central government focused their effort on building up private-public partnerships. In fact, heritage conservation is often thought of as a traditional responsibility of the Italian government. Some historians and preservationists oppose the establishment of private-public partnership in Italian heritage conservation, because they worry that such a partnership would result in gross commercialization. However, in the last decade, "with the nation struggling with a stagnant economy and crushing public debt", Italian politicians started to get interested in seeking private-public partnership.⁶⁶⁰ In this context, the central government has begun to encourage Italian companies to sponsor heritage conservation projects. The sponsorship described here is different from the aforesaid donations: "donation" is

⁶⁵⁵ Scarioni, 2012, p. 66.

⁶⁵⁶ Figeroa, 2014.

⁶⁵⁷ Tax credits are a direct reduction of the tax due, which is unlike tax deduction that is a reduction in taxable income. Normally after figuring out one person's taxable income and subtracting his/her deductions, the tax due is calculated. With tax credits, the person still has a chance to reduce the amount.

⁶⁵⁸ Bodo & Bodo, 2016, chapter 5.1.5.

⁶⁵⁹ Figeroa, 2014.

⁶⁶⁰ Pianigiani & Yardley, 2014.

equivalent to the money contributions made by a donor with a spirit of generosity, which is gratuitous. The beneficiary has no obligations to compensate the donor; on the other hand, “sponsorship” is not gratuitous and the receiver is obligated to compensate the sponsor by means of promoting the product, the brand image, and supporting other activities of the sponsor.⁶⁶¹

In Italy, some luxury companies have sponsored heritage conservation projects. In compensating such sponsorship, the government gave some additional benefits to these companies.⁶⁶² For example, Tod's financed the conservation project of the Colosseum with EUR 25 million. In return, the company has earned the rights to the Colosseum logo for 15 years and is allowed to add its brand logo to Colosseum tickets. Fendi also financed the Trevi Fountain with EUR 4 million. This gives Fendi the right to display its brand logo on the fountain during the implementation period of the project. A small plaque of appreciation for Fendi will also be displayed on the fountain for four years.⁶⁶³

2. State Lottery for Promotion of Heritage Conservation

The Italian central government launched a state lottery scheme in 1994.⁶⁶⁴ This scheme aims to finance cultural projects.⁶⁶⁵ In the cultural field of Italy, the lottery fund was an important indirect financial source, but the allocation of the lottery fund has declined gradually since 2007. In the last decade, the lottery fund allocated for the cultural field has decreased by nearly six times (Table 10).⁶⁶⁶ Moreover, in Italy, “decisions on the allocation of lottery funds are highly centralized and the connection between lotteries and cultural heritage restoration is extremely tenuous”.⁶⁶⁷ It can be seen that today in the field of Italian heritage conservation the allocation of the lottery fund is limited and thus it is only a supportive financial source for conservation projects.

⁶⁶¹ Cavagna, 2016.

⁶⁶² Pianigiani & Yardley, 2014.

⁶⁶³ *Financing Italy's cultural heritage*, n.d., retrieved 15 March 2016.

⁶⁶⁴ Gilmour, 2007, p. 40.

⁶⁶⁵ Benedikter, 2004, p. 385.

⁶⁶⁶ Ministry for Heritage, Cultural Activities and Tourism (MIBACT), 2011-2015.

⁶⁶⁷ Peacock & Rizzo, 2008, p. 140.

Table 10 - Lottery Funds in the Italian Cultural Field between 2004 and 2014

Fiscal Year	Lottery Funds (million euro)
2004	134.71
2005	154.08
2006	154.08
2007	106.03
2008	89.23
2009	78.67
2010	60.86
2011	47
2012	48.48
2013	29.38
2014	22.57

3. Sale of Architectural Heritage

The central government issued the Financial Act of 2002 that made provisions about the privatization of part of Italian heritage including some artistic, archaeological and architectural heritage. According to this act, "hundreds of other objects, among them temples, old cities, medieval palazzos, archaeological sites, museums, beaches and islands, are waiting to be sold".⁶⁶⁸ Because there is no comprehensive inventory of all Italian artistic and historic heritage, the list of state owned heritage for sale is jointly compiled by the Ministry of Economy and Finance, and the regional and local authorities. This method of compiling a list for sale is not based on a clear and systematic plan, rather, the majority of heritage items in the list are the properties that seem to be in urgent need of repair or not in use.

Under the sale scheme of Italian state owned heritage, the private sector (such as investment companies) could become heritage owners, who would undertake statutory conservation responsibilities and necessary expenditures. This policy could help some deserted heritage obtain better protection, but it resulted in a wide public debate concerning the privatization of heritage.

On one hand, the supporters argued about the sheer number of Italian heritage sites. According to estimates, there are over 3,000 museums, more than 2,000 archaeological sites, 20,000

⁶⁶⁸ Benedikter, 2004, p. 369.

historical centers, 45,000 historical parks and gardens, 30,000 palaces and villas. If the protection of such a huge number of heritage sites mainly depends on the subsidies from the central and regional/local governments, these heritage sites will fall into disrepair because the funds to protect them are lacking. In this case, the privatization policy can help the state obtain annual savings of between EUR 80 and EUR 130 million that could be invested in other conservation projects for non-sold heritage.

On the other hand, the opponents argued that, in essence, the privatization policy cannot help the state increase the funds for protecting non-sold heritage and that the governmental funds allocated for conservation projects is still limited. "On average, EU countries spend between 0.5 percent and 1 percent of their GDP on the preservation of historic monuments and cultural heritage, but the figure for Italy so far has been just 0.17–0.20 percent".⁶⁶⁹ Thus, as the opponents argued, because the public savings resulting from the privatization policy cannot be invested in other conservation projects of non-sold heritage, this policy makes little sense. Instead of the privatization policy, the opponents would like to advocate the sponsorship policy that may return profits to the promotion of heritage conservation. At this time there has not been a resolution for the aforesaid two arguments. The MIBACT continues to implement the privatization policy so as to attract private finances to the field of heritage conservation.⁶⁷⁰

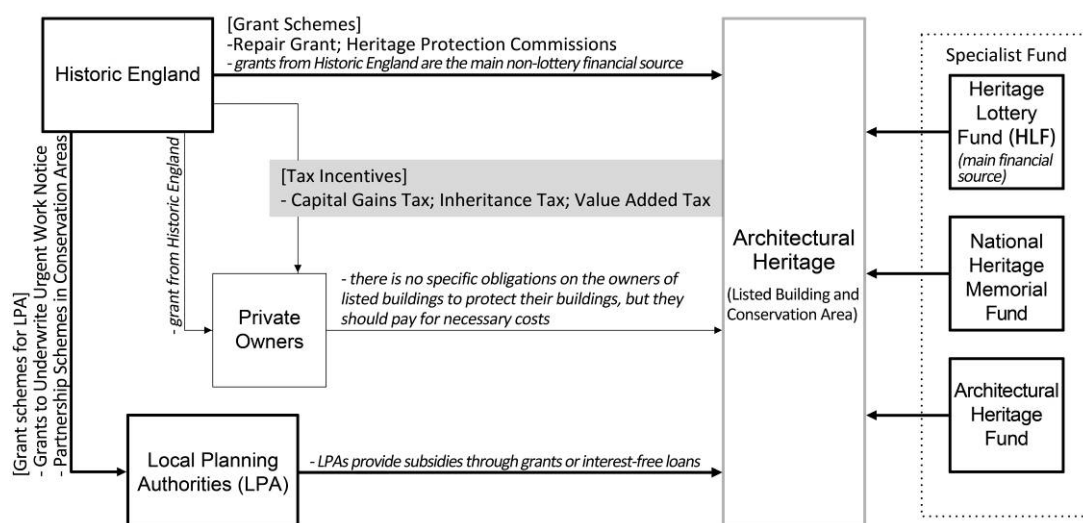
4.5 Britain (Exemplified for England)

In England, the direct public financial sources for architectural heritage conservation consist of funding from Historic England and from the Local Planning Authorities (LPA). Historic England subsidizes specific architectural conservation projects through its grant schemes, namely: Repair Grant, Heritage Protection Commissions, Grants to Underwrite Urgent Work Notice, and Partnership Schemes in Conservation Areas. The LPA also provide subsidies for conservation projects through grants or loans if the applicant proves that a portion or the entire property will be accessible to the public. Special funding also plays an important role in the field of architectural conservation in England. Such funds consist of the National Heritage Memorial Fund, Heritage Lottery Fund (HLF), and the Architectural Heritage Fund. In addition to these sources, the central government also initiated some tax incentive policies for capital gains, inheritance and value added tax. (Figure 11)

⁶⁶⁹ Benedikter, 2004, p. 384.

⁶⁷⁰ Benedikter, 2004, pp. 373-385.

Figure 11 - Financial System of Architectural Conservation in England



4.5.1 Direct Public Financial Sources

1. Central Grants

The national authority responsible for British architectural heritage conservation is the Department for Culture, Media and Sport (DCMS). As the main agency of the DCMS, Historic England has a wide range of essential tasks involving conservation practices, including the supervision of scheduled monuments and listed buildings and giving advice on alterations to listed buildings, etc. (section 3.5.1).

In the last decades, Historic England (previous called English Heritage) mainly depended on Grant-in-Aid from the DCMS to carry out its functions. In 2013/14 fiscal year, the total income of Historic England was GBP 186.55 million, GBP 99.85 million of which was the DCMS's Grant-in-Aid, accounting for 54 percent of the total income. In 2014/15 fiscal year, the total income was GBP 255.58 million, GBP 181.05 million of which was Grant-in-Aid, accounting for 71 percent of the total.⁶⁷¹ Since April 1, 2015, the previously named: English Heritage was split into Historic England and the English Heritage Trust. Instead of receiving Grant-in-Aid from the DCMS which up until 2015/16 received a total of GBP 88.34 million for that fiscal year. Now,

⁶⁷¹ English Heritage, 2014-2015.

Historic England only receives research grants and lottery funding for particular projects. It is the main goal of English Heritage Trust to obtain incomes through operation of the historic properties.⁶⁷²

Although the financial composition of Historic England has been changed, its grants are still the main non-lottery financial source of architectural conservation projects in England. In the heritage field, the expenditure of Historic England mainly is spent on three types of activities: grants for support of heritage conservation, protection and planning of over 400 historic sites carried out by Historic England and national collections. In 2013/14 fiscal year, GBP 131.44 million was spent to fund these activities, in 2014/15 fiscal year the expenditure was GBP 135.24 million.⁶⁷³

The demand for Historic England's grants is high. There are three main types of applicants that may receive grants: a) the owners or managerial bodies who own individual historic sites and need to repair or maintain them; b) the Local Planning Authorities (LPA) that need to protect the historic sites and buildings within their territories; c) organizations that want to protect and manage historic environments. The following grant schemes involve architectural heritage conservation.⁶⁷⁴

Repair Grant The repair grant is specially established for the urgent protection of listed buildings (including Grade I or II* listed buildings, or Grade II listed buildings within conservation areas), scheduled monuments and non-listed buildings with significant historic or architectural value located in conservation areas. Its main goal is to rescue certain important heritage at risk in England. It is notable that each grant payment depends on the achievements of the project within the time schedule specified in the project plan after it has been achieved, instead of making the grant payment in advance. Specifically, Historic England must be informed about the process of the project. The process and quality of the project is examined by field investigation, then Historic England makes each grant payment directly to the applicant's bank or building society account after the completion of the work within the time schedule.⁶⁷⁵

Heritage Protection Commissions Historic England also gives grants for research work concerning heritage, such as Heritage Protection Commissions. This grant scheme provides

⁶⁷² *How we[Historic England] are funded*, n.d., retrieved 10 June 2015.

⁶⁷³ English Heritage, 2014-2015.

⁶⁷⁴ *Our grant schemes*, n.d., retrieved 16 March 2016.

⁶⁷⁵ Historic England, 2015.

financial assistance for strategic studies concerning protection and management of historic environments. All organizations (including universities, charity foundations and limited companies) and self-employed individuals are eligible to apply for this scheme.⁶⁷⁶

Grants to Underwrite Urgent Work Notice In England, the majority of the LPA are insufficiently funded,⁶⁷⁷ and few of them have made provisions for heritage grants.⁶⁷⁸ Thus, in most cases the LPA may directly apply for grants from Historic England and Heritage Lottery Fund (section 4.5.2) in order to finance local heritage conservation projects. As a reaction to LPA's need, Historic England established Grants to Underwrite Urgent Work Notice. The application for these grants must meet the following requirements:

- (1) The applicant must be a LPA;
- (2) The use of the grant should be concerned with projects of Grade I and II* listed buildings, or Grade II listed buildings located in conservation areas;
- (3) The projects involving all listed buildings in Greater London are eligible to apply for this scheme;
- (4) In some exceptional cases, the projects of non-listed buildings with Urgent Works Notices are also eligible to apply for this scheme.

In England, there are no specific obligations for the owners of listed buildings to preserve their buildings, but the LPA have rights to carry out reasonable measures to preserve the buildings falling into disrepair, namely: the LPA either are eligible to buy them compulsorily with the permission of the Secretary of State for Culture, Media and Sport (Secretary of State), or take direct actions to preserve them.⁶⁷⁹ The Urgent Works Notices⁶⁸⁰ is an important tool working for the protection of buildings. The LPA can apply for Grants to Underwrite Urgent Work Notice to cover part of the protection costs for projects with such notices. It is also within the LPA's power to inform the building owners that they need to undertake some of the costs. The owners are eligible to issue a complaint to the Secretary of State who has the power to determine the

⁶⁷⁶ Historic England, n.d.(a), retrieved 16 March 2016.

⁶⁷⁷ Mynors, 2006, p. 247.

⁶⁷⁸ Cullingworth et al., 2015, p. 328.

⁶⁷⁹ Mynors, 2006, p. 216.

⁶⁸⁰ Urgent Works Notices refers to the notices issued by the Local Planning Authorities (LPA) for attempting to encourage the building owners to carry out protection measures. If the owners do not serve such notices, the LPA are eligible to ask the owners to pay part of conservation costs. Source: Planning (Listed Buildings and Conservation Areas) Act 1990. art. 54 &55.

amount of payment required by the owners. After the deduction of the owners' payment, the allocated grants could cover up to 80 percent of the irrecoverable costs.⁶⁸¹

Partnership Schemes in Conservation Areas

In addition to Grants to Underwrite Urgent Work Notice, the LPA can also apply for grants from Historic England within the Partnership Schemes in Conservation Areas. The partnership refers to that among Historic England, LPA and other funding organizations. The main goal of the schemes is to protect and promote conservation areas. It is notable that if a project applying for the partnership schemes is large enough, especially a project covering a large area, the Heritage Lottery Fund can contribute lottery funding from between GBP 100,000 and GBP 2 million.

To grant funding, there are two prior requirements that the application for the partnership schemes must satisfy: a) integrative elements of the historic environment are at risk; b) the implementation of the project aims at reducing or avoiding risk to the historic environment by providing protection and good management. According to the application procedure, the LPA needs to submit an application form to which specific information concerning the project must be included which certifies the project's significance and sustainability as a relevant conservation area. If the application is approved, the LPA should submit a Delivery Plan specifying the expected benefits of the project for conservation areas, to illustrate why the project is worthy of conservation, as well as to certify the feasibility of the project.⁶⁸²

The emphasis of the Partnership Schemes in Conservation Areas is on the buildings located in conservation areas, but the schemes also funds work for repairs to the structure and external fabric of buildings that could make significant contributions to the historic value of conservation areas, such as: window repair, repairs or authentic reinstatement of decorative elements that have been removed from buildings, repairs to public places to maintain the attractiveness of conservation areas and managing staffing of the LPA.⁶⁸³

2. Local Grants

The councils of counties, districts and boroughs are local authorities responsible for territorial architectural conservation. Because they grant planning powers to varying degrees, they often are considered the LPA. As described in section 3.5.2, LPA undertake many conservation duties,

⁶⁸¹ Historic England, n.d.(b), retrieved 16 March 2016.

⁶⁸² Historic England, n.d.(c), retrieved 16 March 2016.

⁶⁸³ Historic England, n.d.(c), retrieved 16 March 2016.

and thus, play a crucial role in the field of architectural conservation. The LPA subsidy is provided by the Listed Buildings and Conservation Areas Act of 1990. According to this Act, the LPA of England should subsidize projects involving some architectural heritage: a) a listed building located in their territories or their vicinity; b) a non-listed building located in their territories that is of architectural or historic value. It is worthy of note that the LPA provides subsidies through grants or interest-free loans. These grants or loans allocated to the projects concerning the aforesaid architectural heritage normally come with conditions. For example, the LPA will ask the beneficiary to sign an agreement with them that provides that a part or all of the sponsored buildings should be accessible to the public. This agreement is a requisite for giving a grant or loan.⁶⁸⁴

In some projects with comparatively high conservation costs, there are normally two LPA that could give a grant at the same time (such as county and district councils). Similarly, if the project is near the boundary between two districts, the LPA of the two districts will share the conservation costs of the project. In either of the two situations, the grant should be administered by a single LPA, for which the other LPA should act as the agency.⁶⁸⁵

The LPA are obligated to subsidize their local heritage conservation projects, but the majority are short of funds and have no relevant provisions for funding heritage. The funding provisions vary highly in different areas of England.⁶⁸⁶ In this case, the LPA often need to apply for grants from Historic England or Heritage Lottery Fund to cover the costs paid by them.

Composition of Central and Local Grants As for conservation projects in England, there are two main financial sources: Historic England and Heritage Lottery Fund. Meanwhile, the LPA can also give grants or loans for their territorial projects. But because the majority of the LPA lack funds, their project funds essentially come from Historic England's grant schemes, i.e., the performance of LPA's tasks mainly depend on the central financial assistance. At present, in practical conservation projects, there is no standard apportionment of central funds (grants from Historic England and Heritage Lottery Fund) nor for the LPA's funds covering conservation costs. But from the financial composition of some practical projects, it can be seen that the amount of central funds allocated to a project is usually higher than the amount of LPA's funds (Table 11).⁶⁸⁷

⁶⁸⁴ Planning (Listed Buildings and Conservation Areas) Act 1990, art. 57.

⁶⁸⁵ Mynors, 2006, p. 247.

⁶⁸⁶ Pendlebury, 2001, p. 307.

⁶⁸⁷ Architectural Heritage Fund., n.d.(a), retrieved 18 March 2016.

Table 11 - Composition of Funds in Architectural Heritage Conservation Projects

Architectural Heritage Conservation Project	Location (Town)	Total Cost (pound)	Grant of Historic England (pound)	Grant of Heritage Lottery Fund (pound)	Grants of Local Planning Authority (pound)
Newman Brothers Ltd ⁶⁸⁸	Birmingham	1,664,263	450,000	815,489	106,000
St Mary's Old Church ⁶⁸⁹	Stoke	446,000	431,083	47,929	150,000
The Walronds ⁶⁹⁰	Cullompton	3,412,681	579,000	2,099,300	112,000
Porthmeor Studios ⁶⁹¹	St Ives	4,000,000	300,000	535,000	200,000
Castle House ⁶⁹²	Taunton	1,100,000	150,000	500,000	50,000
116 High Street ⁶⁹³	Lincolnshire	2,251,766	889,459	664,112	260,132
Hopton Castle ⁶⁹⁴	Craven Arms	1,250,000	250,000	880,000	42,250

4.5.2 Indirect Financial Sources

1. Specialist Fund

National Heritage Memorial Fund The National Heritage Memorial Fund was set up by the National Heritage Act of 1980. This fund is government sponsored and receives an annual Grant-in-Aid of GBP 5 million from the Department for Culture, Media and Sport (DCMS).⁶⁹⁵ It may distribute such Grant-in-Aid towards acquiring, maintaining and protecting heritage

⁶⁸⁸ Newman Brothers Ltd (Coffin Furniture Manufacturers) is a late Victorian purpose-built factory. It is Grade II* listed building, locating in Jewellery Quarter conservation area.

⁶⁸⁹ St Mary's Old Church is a Grade II* listed building and scheduled monuments. It was probably built c.1350 in the Perpendicular style, the fabric being mostly of coarse ironstone rubble with ashlar dressings.

⁶⁹⁰ The Walronds, built in 1605 by Sir John Peter, is Grade I listed building. It is one of the most important historic town houses in Devon.

⁶⁹¹ Porthmeor Studios, built in 1801, is Grade II* listed building located in St Ives conservation area.

⁶⁹² Castle House is Grade I listed building, which forms an integral part of the Inner Ward of Taunton Castle. The house is regarded as one of the finest medieval buildings in the South West.

⁶⁹³ 116 High Street is Grade II* listed building located in Boston Town conservation area. It was built in the early 18th century in red brick with ashlar dressings.

⁶⁹⁴ The Hopton Castle is Grade I listed building, which was built by the Hopton family that held it until the 15th century.

⁶⁹⁵ *35 years of saving the UK's heritage*, n.d., retrieved 18 March 2016.

described as follows through grants or loans:⁶⁹⁶

- (1) Land, buildings or structures that are of significant historic, aesthetic, archaeological, architectural or scientific value in the opinion of the Trustees;
- (2) Objects that are of significant historic, artistic or scientific value in the opinion of the Trustees;
- (3) Collections or group of objects that are an integrative part of a collection or group, which are of significant historic, artistic, or scientific value in the opinion of the Trustees.

Heritage Lottery Fund The Heritage Lottery Fund (HLF) was established in 1994 by the National Lottery etc. Act 1993. The National Heritage Memorial Fund is responsible for the administration of the HLF and allocation of lottery funds to support heritage conservation.⁶⁹⁷ Unlike the National Heritage Memorial Fund, the HLF is not government sponsored and its funds come from the income of the national lottery instead of Grant-in-Aid. The HLF aims at giving grants for protection and management of heritage with the money from the national lottery players.⁶⁹⁸ The annual grants of HLF allocated to specific conservation projects is about GBP 375 million, mainly involving projects of buildings, museums, national collections, customs and language. Since 1994, there was nearly a total of GBP 6.8 billion awarded that were allocated to over 39,000 projects.⁶⁹⁹

The heritage conservation projects in different areas are eligible to receive consultation and application assistance from such offices. The HLF's grants are distributed to specific projects through its internal grant schemes (Table 12). Besides these specialist grant schemes, the HLF sets up Grants for Places of Worship in different areas, which can finance urgent structural repairs in communities with grants of between GBP 10,000 and GBP 250,000 for increasing the attractiveness of tourist destination.⁷⁰⁰

⁶⁹⁶ Department for Culture, Media and Sport(DCMS), 2015, p. 2.

⁶⁹⁷ *Heritage Lottery Funding*, n.d., retrieved 18 March 2016.

⁶⁹⁸ National Heritage Memorial Fund & Heritage Lottery Fund, n.d., retrieved 18 March 2016.

⁶⁹⁹ *Heritage Lottery Funding*, n.d., retrieved 18 March 2016.

⁷⁰⁰ Heritage Lottery Fund, n.d., retrieved 18 March 2016.

Table 12 - HLF's Grant Programs

Grant Schemes	Main Descriptions	Amount of Grants (pound)
Sharing Heritage	Help applicants to discover and record their local heritage	3,000-10,000
Our Heritage	Help applicants (including non-profit organizations, heritage owners and partnerships) to protect and share the heritage they care about	10,000-100,000
Heritage Grants	Aims at large heritage projects; help applicants to develop an archaeological excavation, learn long-lost traditional skills, look after rare species and habitats	+ 100,000
Young Roots	Help applicants aged 11 to 25 to explore their heritage	10,000-50,000
First World War: Then and Now	Aims to explore the heritage of the First World War	3,000-10,000
Skills for the Future	Help some organizations to cover training costs in order to meet skills shortages in the heritage sector and to diversify the workforce	100,000-750,000
Heritage Enterprise	Help some communities to repair their derelict historic buildings that are not commercially viable because of their high conservation expenses	100,000-5,000,000
Start-Up Grant	Support the running in the early stages of project	3,000-10,000
Transition Funding	Support the transition of some organizations that want to achieve a strategic change for a sustainable improvement	10,000-250,000
Townscape Heritage	Help some communities regenerate deprived towns and cities by improvement of local built historic environment	100,000-2million
Parks for People	Finance the conservation of historic public parks at the center of local communities	100,000-5million
Landscape Partnerships	Finance projects involving majestic mountains, open countryside and windswept coasts, as well as conserve areas of distinctive landscape character	100,000-3million

Architectural Heritage Fund

The Architectural Heritage Fund is a registered charity and was established in 1976, which aims to promote the conservation and sustainable re-use of historic buildings. Its funds come from donations and Grant-in-Aid that are normally used to finance the Architectural Heritage Fund's grant schemes.⁷⁰¹ In the last decade, the fund allocated a total of

⁷⁰¹ *Our mission*[the mission of Architectural Heritage Fund], n.d., retrieved 18 March 2016.

GBP 2.3 million in grants and GBP 33 million in loans to projects involving 190 historic buildings at risk. Besides this, the fund also invested an additional GBP 278 million to these completed projects to insure that high quality work was done.⁷⁰² There are two grant schemes administered by the fund.⁷⁰³

(1) Project Viability Grants aim to help applicants to determine the economic viability of proposed use of a building. At present, this scheme has been in cooperation with Heritage Lottery Fund, i.e., in the process of applying for Project Viability Grants (for up to GBP 5,000), the applicants can also apply for the Heritage Enterprise scheme of Heritage Lottery Fund (grants of between GBP 100,000 and GBP 5 million). The final funds allocated to a project may simultaneously come from grants from both schemes. It is notable that the applicants should submit a viability appraisal that can also be in support of the application for Heritage Enterprise.

(2) Project Development Grant aims to help particular organizations to undertake part of the costs necessary for implementation of a building conservation project (up to GBP 25,000). The applicants must submit a viability appraisal to certify that the project has sufficient viabilities, i.e., the project may attract capital funding without harming the historic character of buildings.

2. Tax Incentives

In the field of architectural heritage conservation in Britain, the central government created some tax incentive policies for encouraging charities and individuals to participate in heritage conservation. These policies mainly involve capital gains tax, inheritance tax and value added tax.

Capital Gains Tax If a historic building is the only or main residence of an individual private taxpayer, the profits resulting from the sale of this building can be exempted from capital gains tax; if an individual private taxpayer simultaneously owns two or more historic buildings as residence, he/she needs to select one of them as a main residence. The building registered as the main residence can be exempted from capital gains tax. In addition, gift of a building that is the main residence of a private taxpayer may also enjoy a similar capital gains tax exemption.⁷⁰⁴

Inheritance Tax If historic buildings are donated to charities or particular heritage organizations,

⁷⁰² Architectural Heritage Fund., n.d.(b), retrieved 18 March 2016.

⁷⁰³ Architectural Heritage Fund, n.d.(c), retrieved 18 March 2016, pp. 3-5.

⁷⁰⁴ Mynors, 2006, p. 256.

such gifts can be exempted from inheritance tax. This principle also applies to inheritance of buildings. The prerequisites for such an exemption include: a) the building is of significant historic or architectural value; b) the heir or receiver of the building could open the building to the public and carry out reasonable measures to preserve the building.⁷⁰⁵

Value Added Tax In England, the alterations to buildings, which can be defined as works requiring listed building consent, is excluded from Value Added Tax (VAT), this encourages the owners to change the character of their buildings to some extent. But the routine maintenance to buildings would still be subjected to VAT, which could be thought of as a disincentive to undertaking proper repairs for buildings.⁷⁰⁶ This regulation of VAT was changed in the 2012 Government Budget, which provided that VAT should be charged on all relevant activities (including alteration and routine maintenance).⁷⁰⁷ However, if the alteration and sustainable reconstructions to protected buildings have been approved (to carry out alterations to the building a Listed Building Consent or Planning Permission must be applied for), the VAT can be exempted.⁷⁰⁸

4.6 Germany (Exemplified for Bavaria)

In the field of architectural heritage conservation in Germany, the direct public financial sources are composed of grants from the federal government, relevant state authorities and local governments. The federal grant programs are administered by the Federal Government Commissioner for Culture and Media (BKM) and the Federal Ministry of Transport, Building and Urban Development (BMVBS). The federal funds finance primarily conservation projects of state owned heritage.

At the state level, the relevant authorities responsible for heritage conservation should provide subsidies for conservation work. For example, in Bavaria, the state subsidy can be classified into two types: one type of subsidy refers to the compensation fund of the Bavarian State Ministry of Sciences, Research and the Arts (StMUK) and the annual grant administered by the Bavarian State Conservation Office (BLfD). This type of subsidy is often used to support conservation projects for privately owned heritage with significant value; the other type of subsidy refers to the

⁷⁰⁵ Mynors, 2006, p. 256.

⁷⁰⁶ Pendlebury, 2001, p. 306.

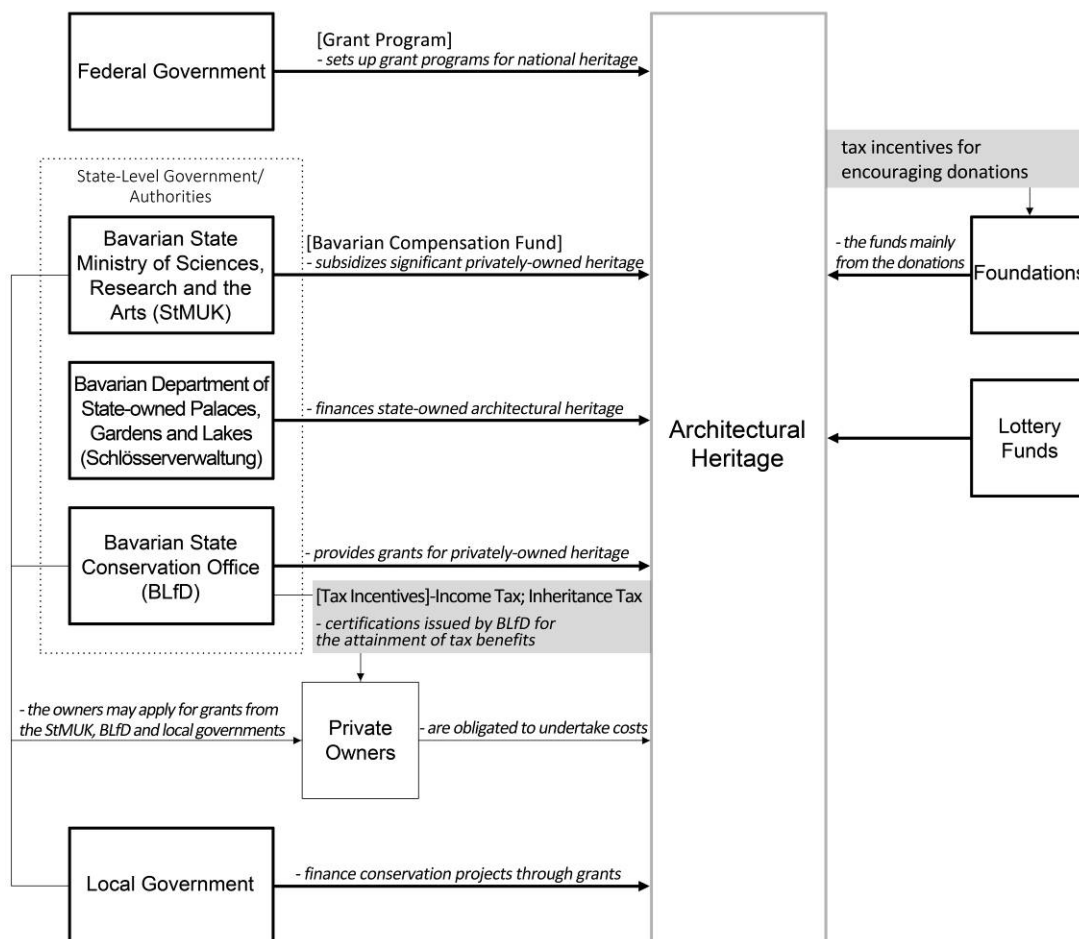
⁷⁰⁷ Cullingworth et al., 2015, p. 328.

⁷⁰⁸ *VAT for builders*, n.d., retrieved 18 March 2016.

grant of the Bavarian Department of State Owned Palaces, Gardens and Lakes (Schlösserverwaltung), which aims at financing conservation projects of state owned heritage. The local subsidies in Bavaria consist of grants from district, county and city governments. In addition, heritage conservation projects are eligible to enjoy federal tax incentives mainly involving income tax and inheritance tax. Donations to private foundations also benefit from such tax incentives.

On the whole, in Bavaria, the financial policies for state owned and privately owned heritage conservation are diverse: the conservation funds for state owned heritage are from the federal, state and local grants; the conservation expenses for privately owned heritage should be undertaken by the owners, but in cases where the owners have insufficient financial capabilities, some conservation projects for significant privately owned heritage may receive state or local grants. However, for private owners, indirect financial assistance such as tax-deduction usually plays a much more important and practical role than direct grants. (Figure 12)

Figure 12 - Financial System of Architectural Conservation in Bavaria



4.6.1 Direct Public Financial Sources

1. Federal Grant

Funding Programs Administered by BKM While each state is autonomous for its heritage conservation, the federal government has launched some grant programs for providing financial assistance for heritage conservation in each state. These federal programs normally finance conservation projects of state owned heritage, few of them provide funds for private conservation projects. These programs are administered by different ministries. The Federal Government Commissioner for Culture and Media (Beauftragte der Bundesregierung für Kultur und Medien; BKM) is responsible for managing two important programs:

(1) The National Valuable Cultural Monuments (National Wertvolle Kulturdenkmäler) program was established in 1950 with the goal of providing support for the conservation of monuments, archaeological monuments, historic parks and gardens that are considered to be of national importance. As of 2014, this program has financed nearly 640 projects of monument conservation with a total of approx. EUR 353 million.⁷⁰⁹ The Zollverein Coal Mine Industrial Complex in Essen, the Church of St. Mary in Greifswald and St. Catherine's church in Hamburg are examples of such projects.⁷¹⁰

(2) The Special Investment Program for Special Measures (Sonderinvestitionsprogramm für besondere Maßnahmen) was launched in 2007 by the German Parliament. This program is the most extensive cultural investment program in the history of the German Federal Republic. It aims to provide comprehensive support for the conservation of special heritage. In the early stages of this program there was an allocated budget of EUR 400 million. In addition to this, in order to improve assistance for heritage at risk, the Minister of State for Culture and the Media allocated an additional EUR 40 million and this sum was co-financed by each state.⁷¹¹

Funding Programs Administered by BMVBS The federal programs for architectural heritage conservation that are administered by the Federal Ministry of Transport, Building and Urban Development (Bundesministerium für Verkehr, Bau und Stadtentwicklung; BMVBS) are as follows:

⁷⁰⁹ *Denkmalschutz und Baukultur*[Conservation and building culture], n.d., retrieved 20 May 2016.

⁷¹⁰ *Hand-in-hand in alliance*, n.d., retrieved 20 March 2016.

⁷¹¹ *Hand-in-hand in alliance*, n.d., retrieved 20 March 2016.

(1) The Protection of the Urban Architectural Heritage (Städtebaulicher Denkmalschutz) program was created in 1991 and jointly financed by the federal and every state government. As of 2010, the federal government provided funds for more than 300 towns and cities and such funds were used for preservation projects in inner urban conservation areas.⁷¹²

(2) The National Investment Program UNESCO World Heritage Sites (Investitionsprogramm nationale UNESCO-Welterbestätten) was launched in 2009 with the goal of financing the conservation projects concerning world heritage in Germany. This program mainly attempts to provide financial assistance for German heritage listed in the world heritage list, but in fact, it also finances other heritage, including: palaces, castles, private buildings, industrial heritage and landscape park. It is also responsible for implementing urban development measures and establishing tourism development systems. In order to select proper projects to finance, this program has created a funding list based on advice from an expert commission. To date, this program has financed over 200 projects. The main criteria of selecting projects are as follows.⁷¹³

- a) The Urban development element such as the significance of urban development policy, active influence on the cityscape and the quality of architecture;
- b) The Historic conservation element, such as conservation or restoration measures, reversibility of newly added parts on buildings, suitability of new components to original heritage;
- c) The Additional element, such as urgency, feasibility, and sustainability as well as significance and creativity of the project.

2. State/Local Grants

According to the Bavarian Law for the Protection and Preservation of Monuments, owners are obligated to carry out measures for protection of their architectural heritage and undertake necessary costs. When the owners are incapable of paying for the costs, the Bavaria state and local governments are eligible to finance the protection, restoration, stabilization and excavation of heritage according to the importance and urgency of the project and the financial capabilities of the owners.⁷¹⁴

State Grant: Bavarian Compensation Fund

The Compensation Fund is an effective tool for handling the demand for conservation funds. It aims to subsidize the conservation projects of

⁷¹² The Federal Ministry of Transport, Building and Urban Development(BMVBS), 2010, p. 14.

⁷¹³ Galland, Lisitzin, Oudaille-Diethardt, & Young, 2016, p. 85.

⁷¹⁴ Bavarian Law for the Protection and Preservation of Monuments 1973 (2009 Amendment), art. 4 & 22.

privately owned heritage that are of significant architectural and historic value. In the usual case where the conservation costs of a project are high and the owners cannot afford them, the costs can be covered by the compensation fund.⁷¹⁵ This fund is a specialist funding program that was established and administered by the Bavarian State Ministry of Sciences, Research and the Arts (StMUK).⁷¹⁶ There are two main circumstances for which the compensation fund will provide financial assistance: a) if the preservation requirements results in the heritage property being expropriated (e.g. the monument is in extreme danger and the owner does not fulfill his protection duties), the compensation fund will be used to compensate the owner of the property. But the expropriation is seldom used; b) if the owners do not have sufficient financial capabilities to pay for a conservation project alone, the compensation fund will be used to provide large grants for the project.⁷¹⁷ In some cases, such as instances where protected buildings cannot be made profitable and are of public interest, the owners are not obliged to undertake the costs of conservation projects even should they have sufficient financial capabilities.

"Half of the annual contributions to the [compensation] fund are to be supplied by the Free State of Bavaria and half by the local governments". Normally, the state and local governments respectively contribute EUR 5 million to this fund each year. According to the agreement among the StMUK and the State Ministries of Interior and Finance, the StMUK is authorized to determine the details of the compensation fund, including the amount of funding and the procedure for payments.⁷¹⁸ In addition, while making a determination, the state conservation office needs to certify the financial demands of a project through the county building authority (local building offices perform functions like the Local Monument Protection Authorities in conservation practices). The county building authorities are often asked whether the heritage owner has sufficient financial capability to pay for conservation costs, if not, the county building authority will submit a grant application through the district governments and the state conservation office to the StMUK, which has the final power to approve or deny an application.⁷¹⁹

State Grant: Grants of BLfD The Bavarian State Conservation Office (BLfD) may also provide grants for protection and restoration of architectural heritage. The heritage owners can submit a grant application to the BLfD, a plan concerning expected costs and funding plan should

⁷¹⁵ Bavarian Law for the Protection and Preservation of Monuments 1973 (2009 Amendment), art. 4 (3).

⁷¹⁶ Bavarian Law for the Protection and Preservation of Monuments 1973 (2009 Amendment), art. 21(2).

⁷¹⁷ Will, 1984, p. 35.

⁷¹⁸ Bavarian Law for the Protection and Preservation of Monuments 1973 (2009 Amendment), art. 21(4).

⁷¹⁹ Will, 1984, p. 35.

accompany the application.⁷²⁰ The BLfD has a due discretion on grant applications. The amount of each grant is determined based on the following elements:⁷²¹

- (1) The extent of costs that exceed normal maintenance and restoration costs of an equivalent non-protected building;
- (2) The importance of the protected architectural heritage;
- (3) The extent of the threat to the architectural heritage's historic fabric;
- (4) The financial capability of the owner.

State Grant: Grants of Schlösserverwaltung The grants from the aforesaid StMUK and BLfD are mainly being used in the conservation projects of significant privately owned architectural heritage. Besides the federal grant programs, the other financial source aimed toward conservation projects of state owned architectural heritage is the grant from the Bavarian Department of State owned Palaces, Gardens and Lakes (Bayerische Verwaltung der staatlichen Schlösser, Gärten und Seen). It is also known as the "palace department" (Schlösserverwaltung), which is one of the most historic departments in Bavaria. This department was one of the four divisions in the administrative branch of the electoral court, by the end of the 18th century its duty was to oversee the residences and palaces. From 1908, it also became responsible for managing the large Bavarian lakes, fisheries and the court gardens. It has been know as the palace department since 1932. There is a staff consisting of over 850 personnel, including restoration specialists, art historians responsible for the museums, building specialists responsible for the rebuilding, restoration and extension of the building property, and a garden department responsible for the maintenance and conservation of the gardens as well as research into garden history.⁷²²

At present, the palace department is responsible for "Bavarian court gardens, palace parks, landscape gardens, historic parks, public spaces next to historic buildings and numerous lakeshore areas in Bavaria".⁷²³ Among these state owned heritage sites, the palace department places emphasis on architectural heritage. The annual expenditure on protection and restoration of architectural heritage is between EUR 30-40 million, which accounts for 50 percent of the total

⁷²⁰ *Förderung denkmalpflegerischer Maßnahmen*[Promoting historic preservation measures], n.d., retrieved 24 March 2016.

⁷²¹ Will et al., 1987, p. 20.

⁷²² *About us*, n.d., retrieved 23 March 2016.

⁷²³ *State-owned palace gardens & historic parks*, n.d., retrieved 23 March 2016.

expenditure of the palace department.⁷²⁴ It is notable that the protection and restoration of buildings should be carried out with the agreement of both the palace department and the state conservation office.⁷²⁵

Local Grants There are seven districts in Bavaria composed of counties and some larger self governing cities. In conservation projects of architectural heritage, the local funds mainly come from the grants from county and city governments. The Bavarian Law for the Protection and Preservation of Monuments provides that local governments at the city, county and district level may make grants to conservation projects within their fiscal capabilities. If the owners want to receive information about grants, they can consult with local monument protection authorities (within counties and cities) or the BLfD.⁷²⁶

Composition of Federal, State, Local Grants As for conservation projects of state-owned architectural heritage, necessary costs normally are jointly shared by the federal government, state authorities and local governments. There is no standard criterion for the distribution. Grants from local governments that are allocated to projects are often higher than those from the federal government and state authorities. But in some cases, because of the significant importance of some state owned heritage, the federal government will sometimes increase their funding up to 50 percent of the total expenditure. For conservation projects of privately owned architectural heritage, the owners must undertake the costs but can also apply subsidies from relevant state authorities and local governments. Their payments can be partly offset by relevant tax deduction policies (section 4.6.2).

4.6.2 Indirect Financial Sources

1. Tax Incentives

The federal government initiated a series of tax incentive policies aiming to offset part of the costs owners have spent. These tax incentives mainly involve income tax and inheritance tax. In Bavaria, if the owners want to benefit from tax deduction, they need to certify the significance of their projects. The certification is a requirement if tax deductions are to be received. As the Bavarian Law for the Protection and Preservation of Monuments provides, "certifications for the

⁷²⁴ *Introducing the building department*, n.d., retrieved 23 March 2016.

⁷²⁵ Will et al., 1987, p. 3.

⁷²⁶ Bavarian State Ministry of Sciences, Research and the Arts (StMUK), 2016.

attainment of tax benefits are issued by the State Conservation Office subject to ulterior provisions".⁷²⁷ Owners, in most cases, "can deduct all the costs of the restoration of a monument from his taxable income at rates more favorable than those given for buildings which are not monuments".⁷²⁸

Income Tax For the rehabilitation costs of all architectural heritage such as protection of building materials and character-defining characteristics (e.g. a building's massing, features, decorative details), and maintenance costs such as renovation of facades and the replacement of windows, the federal government provides different income tax deductions.⁷²⁹

- (1) Whether the owners choose to reside in a building or not, if the building does not generate income, the rehabilitation and maintenance costs can be deducted at a rate of 10 percent from the taxable income within a ten-year period;
- (2) For buildings that can create income, the costs for routine maintenance can be deducted from taxable income (deduction is capped at EUR 2000);
- (3) For rented buildings, the maintenance cost can be deducted from taxable income to some extent within a period of 2 to 5 years.

Inheritance Tax The deduction of inheritance tax is another incentive policy in the field of architectural conservation. The inherited architectural heritage that satisfies the following requirements can be exempted from inheritance tax.⁷³⁰

- (1) Heritage is open to research or public education;
- (2) The annual conservation cost of heritage exceeds its annual revenue;
- (3) Heritage should be held in the same family or in the list of nationally valuable archives for at least 20 years. If the ownership of the inherited heritage is changed by sale, the exemption applicable will be withdrawn.

Tax Incentive for Donations to Foundation The donations of some foundations are also another financial source of conservation projects in Bavaria. For example, the German Foundation for Monument Protection (Deutsche Stiftung Denkmalschutz) was established in 1985. Its main task

⁷²⁷ Bavarian Law for the Protection and Preservation of Monuments 1973 (2009 Amendment), art. 25.

⁷²⁸ Von Trützscher, 1987, p. 1061.

⁷²⁹ Pickard, 2009, p. 118.

⁷³⁰ *Förderung denkmalpflegerischer Maßnahmen*[Promoting historic preservation measures], n.d., retrieved 24 March 2016.

is to promote the protection and management of heritage and offer financial support to private owners and certain smaller specific building foundations.⁷³¹ Since its establishment, this foundation has received donations of more than 200,000 supporters (including individuals and companies) and has financed 5,000 projects with a total of more than EUR 0.5 billion.⁷³² Another example is the Messerschmitt Foundation (Messerschmitt Stiftung). This foundation was established in 1978 by the Messerschmitt family. In its early period, it specialized in financing the protection and restoration of Bavarian heritage. After the collapse of the Soviet Union, the influence of this foundation spread to Eastern Europe.⁷³³

The funds of these foundations mainly come from the donations of individuals or companies; thus, this is an example of the success of federal government initiated tax incentive programs to encourage donations in order to support foundations to raise these necessary funds.⁷³⁴

- (1) If the foundations' work serves the general welfare in a cultural or moral sense, they can be exempted from corporation, trade, and land tax;
- (2) The relevant state ministry of finance has the right to determine the amount of tax deductions for foundations;
- (3) Private individuals donating to foundations may claim deductions at a rate of 5 percent from their taxable income (individual donors deduct income tax; company donors deduct corporation tax); if donations are made to foundations and promote the protection and restoration of architectural heritage, the individual or company donors can respectively claim a 10 percent tax deduction.
- (4) The tax deductions for large donations can be distributed over several years.

2. Lottery Funds

The lottery funds also is another financial source for monument preservation and care of some private societies. The aforementioned German Foundation for Monument Protection is a significant example. It is the largest private foundation in Germany,⁷³⁵ which provides funds for threatened architectural monuments by various financial means such as substantial funds from

⁷³¹ Pickard, 2009, pp. 36-37.

⁷³² *Über uns*[Introduction], n.d., retrieved 25 March 2016.

⁷³³ Stubbs & Makaš, 2011, pp. 215-216.

⁷³⁴ Pickard, 2009, pp. 36, 136.

⁷³⁵ *Über uns*[Introduction], n.d., retrieved 25 March 2016.

the Glücksspirale Lottery.⁷³⁶ The Glücksspirale Lottery was founded in 1969, its income, more than 1.5 billion euros, have flowed into good causes in over past forty years. As one of the main recipients, the foundation has received funds from the lottery for more than 30 years. For example, the restoration of more than 3,600 monuments throughout Germany was supported by Glücksspirale Lottery.⁷³⁷ Like the Glücksspirale Lottery, the German Television Lottery (Deutsche Fernsehlotterie), founded in 1956, supports charitable projects in all states of Germany, including part of monument preservation and care projects.⁷³⁸

C - Comparison of Funding for Architectural Heritage Conservation in East Asian and European Countries

This section focuses on the six countries discussed in Part B. The composition of their direct public financing will be compared based on their financial policies in the field of architectural heritage conservation. Combined with the views described in Chapter III, the influence of administrative decentralization in the field of architectural conservation on funding will also be discussed. This section analyzes the position and limitation of direct public financing and the importance of indirect financing in the field of architectural conservation of East Asian and European countries, as well as some possible ways to improve indirect financial sources.

4.7 Status of Direct Public Finance

4.7.1 Composition of Central and Local Subsidies

In the six countries, direct public funds invested in architectural conservation projects come from central and local subsidies. Central subsidies can either be granted to projects directly from central governments or through the departmental budgets of national authorities. Local subsidies mainly come from the revenues of local governments. Different countries have diverse types of direct public funding, i.e., the proportions of central and local subsidies in any project can vary dramatically:

⁷³⁶ *Deutsche Stiftung Denkmalschutz zeigt gerettete Baudenkmale* [Press news: German Foundation for the Protection of Historical Monuments shows its preserved architectural features], 2001.

⁷³⁷ *Die Glücksspirale*[Lottery], n.d., retrieved 18 December 2016.

⁷³⁸ *Lotterien*[Introduction of lotteries], n.d., retrieved 18 December 2016.

(1) The central subsidy is more than the local subsidy, i.e., for any given project the central subsidy may account for more than half of the total expenditure, comparatively, the local subsidy normally accounts for only a small proportion of the expenditure. In Japan, if conservation projects involve Categories i, ii, iii of architectural heritage, the amount of the central subsidy is bigger and can cover more than half of the total expenses. Similarly, in most territories of China, such as many provinces and cities within the middle and western areas, the central subsidy is also more than the local subsidy. But in economically developed territories of China such as the provinces and cities within the eastern area, the local subsidy is the main source of conservation funding. In Singapore, the central subsidy can cover most of the expenditures for conservation projects that involve nationally protected historic buildings and monuments. In Italy, for privately owned architectural heritage, the central subsidy often accounts for half of the total expenses, the remaining costs are carried by the regional/local governments and owners; as for state owned architectural heritage, if there is no regional/local subsidy, the central subsidy often covers more than half of the total expenses for conservation projects. In Britain, the central subsidy is the main source of conservation funding, subsidies being granted by the Local Planning Authorities (LPA) are derived from central funding sources, i.e., Historic England grant schemes.

(2) The central subsidy is less than the local subsidy, i.e., in any given project more than half of the total expenses are covered by local subsidies, the central subsidy often accounts for only a small proportion. In Japan, except for conservation projects in architectural heritage Categories i, ii, iii, if projects involve Category iv architectural heritage, the central subsidy is often small and the local subsidy may account for 80 percent of the total expenses. In Germany, the federal government only subsidizes the conservation projects of monuments that are of national importance. But in each state the majority of conservation funding for monuments comes from subsidies that are granted by the relevant state authorities and local governments.

It is notable that the six countries do not make provisions about the composition of direct public funding for conservation projects, but to some extent the aforesaid composition types can be thought of as the conventional criterion. These countries have different situations and the composition of their funding types are connected with various elements, thus it is difficult to describe all the elements of each composition type. However, there are two common elements that are linked to the formation of their composition types as follows:

a) Importance of heritage. In most cases if a certain heritage is of national importance, the amount of central subsidy often is comparatively big, perhaps because significant heritage normally represents the country's cultural image. Examples of this class of heritage amongst the six nations are: buildings designated as Important Cultural/National Treasures in Japan, National

Monuments in Singapore, Grade I listed buildings in Britain, as well as monuments with national importance in Germany.

b) Level of development in the territorial economy. In some conservation projects within some underdeveloped areas, the central governments may raise the amount of central subsidies after taking certain factors into account, such as the territorial economic situation or the financial capabilities of local governments. For example, Japanese conservation projects in Category iv, municipal government subsidies that have limited financial capabilities, can be refunded from the budget of the Agency for Cultural Affairs (ACA). There are similar policies in place in the underdeveloped western area of China.

Influence of Decentralization on Finance It has been mentioned in Chapter III that a tendency towards decentralization has become a general trend in the field of architectural heritage conservation (section 3.7) and the relief of financial stress is one of the motives for this trend (section 3.8.2). In a decentralized administration, most heritage conservation duties are transferred to the local authorities. It is the local authorities that have the responsibility to perform such duties and fund the necessary costs. This system is supposed to help decrease some of the financial stress upon the central government. In the field of architectural conservation most East Asian and European countries began moving towards decentralization to varying degrees, but from the aforesaid composition of central and local subsidies, it can be observed that for most countries the majority of conservation funding comes from the central subsidy and only a small proportion from the local subsidy. This may derive from the fact that the local authorities of these countries often lack enough self-financing capabilities. These countries all experienced the economic downturn of the late 20th century to differing degrees, but in general, their shaken economies further decreased their ability to self-finance. Moreover, the local authorities of some countries may not be motivated to raise the amount of the local subsidy for conservation projects if a central subsidy can be supplied. Based upon this, the relief of financial stress upon the central government resulting from decentralization seems to be comparatively limited.

4.7.2 Role of Direct Public Finance

Direct Public Finance as Main Source The direct public funding packages of the six countries have different configurations, but there is one common point where direct public funding is the main source of conservation funding. This is also similar in some other East Asian and European countries. In South Korea, the subsidies from central and local governments may cover the

majority of project expenses that involve all national and some private heritage.⁷³⁹ In Belgian heritage conservation projects, direct public finance may cover 50 percent of the total expenses on average.⁷⁴⁰ In France, conservation projects of both national and private historic monuments can be financed by direct public finance. As for the projects of listed buildings designated by a national board, direct public finance can cover 30-50 percent of the total costs on average.⁷⁴¹

Limited Direct Public Finance European countries experienced a recession in the 1970's, and in the 1990's East Asian countries suffered the Asian financial crisis, as well as the Global Financial Crisis of 2007-08. East Asian and European countries moved into a period of economic stagnation to differing degrees because of these crises. These countries are having difficulty increasing their budgets for culture due to the financial stress derived from stagnation. In this type of financial climate, it is no surprise to see that some countries struggle to maintain their cultural budgets, for example, Japan's has remained at 0.1 percent of the total general budget.⁷⁴² Some European countries are cutting their culture budgets. As stated earlier, Britain's Historic England cannot afford to carry out its responsibilities to protect and restore conservation projects to its satisfaction because of an inadequate budget - in 2010 alone one-third of its budget was cut. In Italy, the annual budget acquired by Ministry for Heritage, Cultural Activities and Tourism (MIBACT) remained at approximately EUR 2 billion with no significant increase and saw a gradual decline from 2008 to approximately EUR 1.5 billion. Of course, there are a few cases where countries such as Norway did not cut their cultural budgets but these are uncommon.⁷⁴³

In the field of architectural conservation, whether direct public funding sufficiently provides for conservation projects depends on the cultural budget of a country. Without economic vitality, a country will have difficulty increasing the funding supporting conservation of the built environment, projects serving the humanities and the arts due to limited financial capability. This results in the fact that in most East Asian and European countries the direct public finance provided for heritage is very limited. For example, in Pompeii, the 2000 years old House of the Gladiators collapsed in November of 2010; in 2010, the roof of Rome's Golden Palace constructed by Emperor Nero (15 December 37 AD – 9 June 68 AD) also caved in.⁷⁴⁴ Many countries have begun to look at establishing indirect funding structures as a possible solution to

⁷³⁹ Cultural Heritage Protection Act 2007, art. 39.

⁷⁴⁰ Goblet et al., 2001, p. 25.

⁷⁴¹ Longuet & Vincent, 2001, p. 105.

⁷⁴² Kakiuchi, 2014, p. 9.

⁷⁴³ SICA Dutch Centre for International Cultural Activities, 2010.

⁷⁴⁴ Nadeau, 2011.

this problem of financial deficiency.

4.8 Importance of Indirect Finance

Heritage conservation is responsible for a large percentage of the costs that are often paid through direct public funding, but the profits that derive from investments in heritage conservation are vaguely classified into categories for public benefit like improvement of urban image and inheritance of historical culture. These benefits do not lend themselves easily to quantifiable confirmation. Rewards for this type of investment in public benefit requires a long period or process to accrue, for example, heritage can promote and develop the industry of tourism, but those profits usually benefit tourism enterprises.⁷⁴⁵ Individuals who enjoy such public benefits can be encouraged to make some contributions to heritage conservation such as purchasing cultural lottery tickets or making donations. Furthermore, members of the private sector who make a financial profit from heritage should also be required to provide support for conservation. Thus, in order to collect more funds, nations tend to initiate measures to stimulate individuals and the private sector to participate in conservation when direct public finance is limited. There are four main measures that are discussed here: tax incentives, donations, the lottery fund and the privatization of heritage (Table 13). Some possible ways of promoting indirect financial sources are also described.

Table 13 - Indirect Financial Sources for Architectural Heritage Conservation

Country	Tax Incentives		Donation	Lottery Fund	Heritage Privatization
	Income Tax	Inheritance Tax			
Japan	✓	✓	✓		
China					
Singapore			✓		✓
Italy	✓	✓	✓	✓	✓
Britain	✓	✓		✓	
Germany	✓	✓	✓	✓	

4.8.1 Incentive Measures

Dynamic Tax Incentives

In the field of architectural conservation, most East Asian and European

⁷⁴⁵ Ashworth & Howard, 1999, p. 56.

countries encourage investments from individuals and the private sector through tax incentives. Different countries have diverse situations and tax categories, however, the tax incentives for heritage conservation normally involve concessions for income tax and inheritance tax. The tax incentives of countries outside of the six examined share similarities to those described in (Parts A & B of Chapter IV). In South Korea, "tax relief gives benefits to the owners of heritage properties or area for the annual tax reduction".⁷⁴⁶ In the Netherlands, the owners of state protected historic buildings can benefit from some tax deductions, including: income tax, corporation tax, wealth tax and conveyance tax.⁷⁴⁷ In Belgium, the federal and regional governments made tax deduction policies that mainly involve income tax and inheritance tax; the cash donations from individuals or private sectors (at least EUR 250 and at most EUR 500,000 in a year) can be deductible from their taxable income.⁷⁴⁸

It is notable that in the field of architectural conservation in China, there are no relevant tax incentives. In China, most architectural heritage is national property, in only a few cases is it private property. The Law of the People's Republic of China on the Protection of Cultural Heritage states that the owners should preserve their buildings, but their obligations to undertake conservation costs are not provided. In fact, privately owned architectural heritage normally are residences that are almost always an ensemble of buildings. These buildings are underdeveloped areas located in rural or urban villages. The owners living in these areas often do not have the financial capital to undertake the expenses of preservation and maintenance. Therefore, in China the conservation projects of privately owned architectural heritage are also financed by the Nation. Because of this, it can be said that compared with other countries, China may have no need to initiate tax incentives for heritage conservation. However, following the economic development of China, some arguments for initiating tax incentives have recently appeared. Perhaps in the future some relevant tax incentives will be made for moving the field of architectural conservation forward.

Donation Japan, Italy, Germany and Belgium are examples of countries that allow donations to be tax deductible. Such deduction policies encourage donations from individuals or the private sector, but, in essence, making donations is a gratuitous charitable behavior, the recipient is not required to provide compensation to the donor. Thus, the tax incentive for donations is seen as a demonstration of gratitude to the nation rather than as a main motive for making donations.

⁷⁴⁶ Mat Radzuan, Ahmad, Fukami & Inho, 2014, p. 1216.

⁷⁴⁷ Richel-Bottinga, 2001, p. 263.

⁷⁴⁸ Goblet et al., 2001, pp. 34-35.

Perhaps this is the basis for establishing a sustainable relationship between the donor and the recipient. This relationship could help create a climate of voluntary heritage conservation by the public. It should be emphasized that some countries, Italy, for example, also tend to encourage sponsorship for conservation projects. But as discussed earlier, “sponsorship” is different from “donation”, the former requires compensation for business purposes, the latter is a gratuitous behavior for charitable purpose.

Lottery Fund Some countries, especially European countries, tend to establish specialist funds to collect conservation funds. As a form of specialist funds, lottery funds play an important role in the cultural field. For example, in Britain’s practical conservation projects, the Heritage Lottery Fund is one of the main sources of conservation finance. As for architectural conservation in other countries such as: Italy, Finland, Hungary and Ireland, the introduction of the lottery fund is also prevalent.⁷⁴⁹ The distribution method of lottery funds varies from nation to nation, for example, in Italy the distribution and management of the lottery fund is centralized, in Britain this work is in the hands of the National Heritage Memorial Fund. In these countries, the lottery funds that are distributed to support heritage conservation mainly come from state owned lotteries. But there are some exceptions as we see in the Netherlands, where the majority of lottery funds in the field of heritage conservation come from private lotteries.⁷⁵⁰

Privatization of Heritage Privatization of heritage is a new way that a few countries have begun to use to attract the attention of the private sector to heritage conservation. In East Asia, Singapore is a significant country to have implemented privatization. Most protected historic buildings designated by the Urban Redevelopment Authority (URA) are national properties, thus the URA needs to undertake the necessary costs to protect these buildings, but the URA has only limited financial capabilities. Therefore, the URA initiated the Sale of Sites program, in which the private sector can become owners of buildings and are obligated to preserve and undertake the corresponding conservation costs. There are similar cases of this in Europe as well. In 2002, Italy issued the Financial Act, which made provisions about the privatization of portions of Italian heritage. According to this act, hundreds of heritage sites were compiled into the list of state owned heritage for sale. This listed heritage can be sold to the private sector, which therein is responsible for preserving the heritage and in return also has the right to benefit from the economic value of heritage through adaptive reuse.

⁷⁴⁹ Klamer, Mignosa & Petrova, 2013, p. 48.

⁷⁵⁰ Peacock & Rizzo, 2008, pp. 140-146.

Compared with the privatization of heritage, sponsorship for heritage conservation seems to be a favorable method practiced in most countries. As for state owned heritage, the ownership has to be transferred to the private sector through privatization, which may result in excessive commercialization of heritage by creating situations that have a negative impact on preservation. An example of this is the conflict arising between a new use assigned to a historic building which threatens to destroy the original construction or symbolic integrity of the building. As opposed to privatization, sponsorship does not require the transfer of ownership. If the private sector wants to sponsor projects, they simply provide the funds and then the nation can compensate or return profits in various forms based on the amount of their sponsorship. The advantage to this practice is that it avoids the private sector participating in projects directly and prevents them from implementing projects for business purpose.

4.8.2 Possible Ways to Promote Indirect Finance

A nation's problem of limited economic vitality is not easily solved, in addition, raising direct public funding is a comparatively long process. Thus, in order to amass more conservation funding, today there is no better way than to promote indirect finance. The following lists some possible ways that may promote the establishment of indirect finance in the field of architectural conservation:

Establish Various Indirect Financial Sources: there are various ways of collecting indirect finance, but different countries have diverse practices. In some countries, like Italy, their indirect financial sources are dynamic, but other countries have comparatively simple sources. This may be because their national situations are different. However, because of cultural budget cuts in the field of architectural conservation in most East Asian and European countries, there are obvious and prevalent financial constraints on direct public finance. Various funding sources normally result in increased funds available, thus, establishing various indirect financial sources can help to increase the amount of conservation funds collected.

Build and Improve a Profit Return System: profits from heritage conservation may directly accrue to the private sector and this is an incentive for private investors to finance conservation projects. But not all the private sectors have a great willingness to finance conservation, in fact, many are more likely to finance other cultural activities, such as football teams that are known to create high economic value in a comparative short period of time. In order to attract more investment from the private sector into heritage conservation, it is necessary and important to build and improve a profit return system. Generating satisfying business profits for the private sector is a crucial prerequisite for encouraging them to invest in conservation projects.

Popularize Heritage Conservation: heritage conservation is a behavior that increases the public good, thus, efforts to enhance the publics' voluntary engagement in heritage conservation can create a mutually healthy climate for heritage conservation and improve quality of life. For example, the German Foundation for Monument Protection organized a volunteer program, named A Voluntary Year in Monument Preservation and Care (Freiwilliges Soziales Jahr in der Denkmalpflege), in order to offer the youth opportunities to work in the area of monument preservation and care. If they are likely to participate the program, they will work in an employment center corresponding to their inclinations.⁷⁵¹ As a reaction to such programs, more individuals and the private sectors can form a willingness to preserve heritage by becoming conservation volunteers and making donations. This model is similar to environmental protection projects. When people realize that environmental protection is interrelated with their quality of life, they will most likely voluntarily participate in protection activities.

⁷⁵¹ Internationale Jugendgemeinschaftsdienste, n.d., retrieved 20 December 2016.

V. Conclusion

5.1 Results of Study

"The past is essential- and inescapable. Without it we would lack any identity, nothing would be familiar, and the present would make no sense".⁷⁵² The identity especially cultural identity of a nation is formed in the development of history and culture.⁷⁵³ Architectural heritage is an important form of the past,⁷⁵⁴ reflects a nation's history and architectural achievements that have been parts of identity.⁷⁵⁵ Furthermore, rich and well preserved architectural heritage of a nation also has a positive impact on its economic growth through the development of heritage tourism. Actually, in many countries, "the development of tourism policy at the national level usually has the twin goals of generating economic benefits and supporting culture [through the revenue derived from tourism]".⁷⁵⁶ How to achieve comprehensive preservation of architectural heritage to a great extent depends on an appropriate and effective policy mechanism.

It can be seen that a good understanding of what policy mechanisms different countries initiate to protect their architectural heritage and how those mechanisms work is requisite to enhance cultural identity and heritage tourism of a nation. This study seeks to provide evidence of the policy mechanisms within East Asia and Europe. For this purpose, three issues of six sample countries are selected: legislation, administration, and finance; each issue within the individual countries are analyzed respectively. The analysis of legislation can help understand the policy framework of architectural heritage conservation in different countries. In such frameworks, it is possible to conduct a detailed study on administration and finance of their conservation practices with the aim of forming a profound knowledge of conservation policy.

This dissertation is a comprehensive study of three aforesaid issues within East Asia and Europe. The study results can provide an insight into such issues of architectural heritage conservation, act as a tool to give the readers a chance to compare conservation policies used in conservation practices within East Asian and European countries. The study results in respect of three issues

⁷⁵² Lowenthal, 1985, preface.

⁷⁵³ Atay, 2015, p. 26.

⁷⁵⁴ Caple, 2000, p. 12.

⁷⁵⁵ Noonan, 2013, p. 344.

⁷⁵⁶ Dahles, 2001, p. 11.

are described as follows:

Legislation Among the six countries studied, the development of their conservation legislation was examined alongside the parallel development of the conservation movement. The main laws that apply to their present conservation practices were presented as a result of the review process. The main laws of each country were respectively analyzed in order to provide a general understanding of their conservation institutions. Based on this analysis, a comprehensive comparison of these main laws was conducted from four aspects: a) designation and catalog of heritage; b) preservation measures; c) compulsory enforcement; d) selected exclusive provisions like advertising and sponsorship, as well as the requirement of the state to purchase cultural property.

Administration Based on the analysis of administrative structures of architectural conservation in East Asian and European countries, it has been found that most countries to varying degrees began to transfer the conservation duties and powers centralized on a national level to the local level in the last decades of the 20th century. Moving towards decentralization with varying degrees was a general trend in the field of heritage conservation of most countries. The dissertation explored some possible motives for this trend from both social and economic perspectives and analyzed the status quo of decentralization in different East Asian and European countries. It is noteworthy that although there is no one single country that can be characterized as having an absolutely centralized or decentralized structure, decentralization in the field of architectural conservation would be one possible trend in the future. Thus, some possible ideas towards supporting decentralization were also mentioned in the dissertation, such as the establishment of an independent national trust, and the formulation of a bottom-up strategy.

Finance On the basis of the analysis of financial policies in the field of architectural conservation, it has been found that in East Asian and European countries, conservation finance consists of direct public and indirect finance: the sources of direct public finance include grant and subsidy funding programs, and transfer payments through budget or revenue; the sources of indirect finance include tax incentives, lottery funds, donations and sponsorship as well as the privatization of heritage. Sources of direct public finance are mainly composed of central and local subsidies. There are two types of proportion constructs in conservation projects that can be designed according to the importance of heritage and the strength of the territorial economy. However, direct public finance is invariably the main source of conservation finance and a common shared feature for both East Asian and European countries. Whereas, in most countries, the supply of direct public finance is limited, therefore they began to strengthen the promotion of indirect financial sources with the aim of stimulating individuals or the private sectors to

participate in heritage conservation so as to increase conservation funding. Possible paths toward the promotion of indirect financial sources were also described, such as building and improving profits return systems.

5.2 Limitations and Expansion of Study

Possible Limitations The majority of the literature studied and analyzed in the dissertation is in English, as the author has no language skills in Japanese, Italian and German. It can be assumed that if the author had sufficient skills in these languages, much more scientific texts related to the theme of the dissertation could have been read and studied. Although the literature that is published in Japanese, Italian and German could not be studied in the dissertation, as for German literature, it was fortunate that the author studies in Germany and his supervisor patiently provided much helpful information about heritage conservation in Germany throughout the dissertation.

Besides, a few books and articles published more than three decades ago are studied in the dissertation for research purposes, but because there are far fewer English scholars who wrote about heritage conservation in Japan, Italy and Germany than scholars writing in the languages of these countries, there is only a limited number of relevant texts written in English. Moreover, although these books and articles were published long ago, some of their contents that were used in the dissertation are often objective facts that have not been changed.

Expected Expansion Because of the limitation of the research materials such as insufficient literature/documents' availability in English, the issues (legislation, administration, finance) could not be explored in the same depth here. Therefore, in the future, an update on the results of the dissertation study will be done if the information and data used in this study renovate or if some new relevant English literature will be found and studied by the author. In addition, in the future research work, the author will intend to expand the results of the dissertation in some ways as follows:

- a) the influences of international conventions on the legislation of different East Asian and European countries, including: protection philosophies, principles, and guidelines;
- b) whether decentralization as a popular trend has some negative effects on heritage conservation, for example, whether the specialist staff and finances in the field of heritage conservation have been reduced after a decentralization reform;
- c) ways in which indirect financial sources like tax incentives can be established in Chinese conservation practices after further social development.

Appendix

Appendix 1 - Legislation for Japanese Heritage Conservation

Year of Enactment	Laws	Main Contents
1871	Edict for the Preservation of Antiquities	temples, shrines, and private persons should make inventories of their cultural properties and compile a list ⁷⁵⁷
1897	Law for the Preservation of Old Shrines and Temples	restricted the vision of cultural property to shrines and temple and valuable art objects within them ⁷⁵⁸
1919	Historical Sites, Places of Scenic Beauty, and Natural Monuments Preservation Law	extended cultural property to natural, historic, and archaeological sites ⁷⁵⁹
1929	National Treasures Preservation Law	enlarged the scope of cultural property to any historical structure, treasure or object that are owned by the national government, municipal governments, or by private persons ⁷⁶⁰
1950	Law for the Protection of Cultural Properties (1950 Law)	broadened the scope of cultural property to include intangible cultural properties, folk-cultural properties, tangible cultural properties (e.g. buildings), historic sites, places of scenic beauty and natural monuments ⁷⁶¹
1954	1950 Law (First Amendment)	established system for designation and documentation of folk materials ⁷⁶²
1968	1950 Law (Second Amendment)	established the Agency for Cultural Affairs ⁷⁶³
1975	1950 Law (Third Amendment)	expanded cultural property to Preserved District for a Group of Historic Buildings ⁷⁶⁴
1996	1950 Law (Fourth Amendment)	established system of Registered Cultural Property ⁷⁶⁵

⁷⁵⁷ Larsen, 1994, p. 31.

⁷⁵⁸ Nitschke, 1998, p. 160.

⁷⁵⁹ Edwards, 2005, p. 39.

⁷⁶⁰ Scott, 2003, pp. 348-349.

⁷⁶¹ Jokilehto, 2006, p. 280.

⁷⁶² Cultural Properties Department & Agency for Cultural Affairs(ACA), 2015, p. 4.

⁷⁶³ Cultural Properties Department & Agency for Cultural Affairs(ACA), 2015, p. 4.

⁷⁶⁴ Cultural Properties Department & Agency for Cultural Affairs(ACA), 2015, pp. 4-5.

⁷⁶⁵ Cultural Properties Department & Agency for Cultural Affairs(ACA), 2015, p. 5.

1999	1950 Law (Fifth Amendment)	transfer of authority to prefectures and designated cities ⁷⁶⁶
2001	Fundamental Law for the Promotion of Culture and the Arts	enumerated categories of culture and arts as the object of promotion; specified the target of promotion ⁷⁶⁷
2004	1950 Law (Sixth Amendment)	expanded registration system ⁷⁶⁸
2007	1950 Law (Seventh Amendment)	established system for public hearing and statements of disagreement ⁷⁶⁹

Appendix 2 - Legislation for Chinese Heritage Conservation

Year of Enactment	Laws	Main Contents
1930	Edict for Preservation of Ancient Antiques	specified the definition and protection requirements of ancient antiques and rules towards excavations ⁷⁷⁰
1931	Implementation Rules on Edict for Preservation of Ancient Antiques	added provisions concerning the protection and conservation of historic buildings ⁷⁷¹
1950	Order for Prohibition of Exporting Precious Ancient Antiques and Archives	restricted the scope of heritage conservation to buildings and treatises with revolutionary, historic and artistic value ⁷⁷²
1950	Order for Investigation and Excavation of Ancient Cultural Remains and Tombs	established system for protection and report of ancient remains and tombs being found in the process of construction ⁷⁷³
1950	Instructive Rules on Preservation of Ancient Buildings	specified that the original features of historic buildings must be retained ⁷⁷⁴

⁷⁶⁶ Cultural Properties Department & Agency for Cultural Affairs(ACA), 2015, p. 5.

⁷⁶⁷ Tani, 2003, pp. 118-119.

⁷⁶⁸ Cultural Properties Department & Agency for Cultural Affairs(ACA), 2015, p. 5.

⁷⁶⁹ Law for the Protection of Cultural Properties 1950 (2007 Amendment), retrieved 30 May 2015.

⁷⁷⁰ Chinese Mayors Association & China Science Center of International Eurasian Academy of Sciences, 2007, section 2 of part 5.

⁷⁷¹ Chinese Mayors Association & China Science Center of International Eurasian Academy of Sciences, 2007, section 2 of part 5.

⁷⁷² Yao, 2014, p. 180.

⁷⁷³ 古文化遗址及古墓葬之调查发掘暂行办法[Order for Investigation and Excavation of Ancient Cultural Remains and Tombs], art.3&4.

⁷⁷⁴ 关于保护古文物建筑的指示[Instructive Rules on Preservation of Ancient Buildings], art.1&2.

1951	Order for Duty Distribution for Management of Places of Scenic Beauty and Ancient Monuments	specified the organization and duties of relevant authorities responsible for heritage conservation ⁷⁷⁵
	Order for Protection and Management of Places of Scenic Beauty and Ancient Monuments	
	Temporary Organizational Principles of Local Committee of Heritage	
1953	Instructive Rules on Preservation of Historical and Revolutionary Antiques in Process of Construction	stated that the original image of such ancient remains and tombs being found in the process of construction must be maintained properly ⁷⁷⁶
1956	Notice on Preservation of Heritage Found in Process of Agricultural Production	introduced heritage conservation into planning for rural area ⁷⁷⁷
1961	Temporary Order for Protection and Management of Heritage	established a state-managed mechanism for heritage conservation ⁷⁷⁸
1963	Temporary Management Rules for Authorities Responsible for Heritage Conservation	specified tasks and functions of relevant authorities responsible for heritage conservation ⁷⁷⁹
1963	Temporary Order for Restoring Revolutionary Memorial Buildings, Historic Memorial Buildings, Ancient Buildings and Grotto Temples	stated that restoration of historic buildings should be in accordance with the principle of retaining or rebuilding original features ⁷⁸⁰
1982	Law of the People's Republic of China on the Protection of Cultural Heritage (1982 Law)	established a new comprehensive mechanism for protection and management of heritage ⁷⁸¹
1991	1982 Law (First Amendment)	added provisions concerning penalty and crimination for contravention ⁷⁸²

⁷⁷⁵ Lv, 2003, p. 153.

⁷⁷⁶ Yao, 2014, p. 181.

⁷⁷⁷ Li, n.d., retrieved 16 April 2015.

⁷⁷⁸ Lv, 2003, p. 155.

⁷⁷⁹ Lv, 2003, p. 157.

⁷⁸⁰ Lv, 2003, p. 157.

⁷⁸¹ 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage] 1982, retrieved 18 May 2015.

⁷⁸² 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage] 1982 (1991 Amendment), art.30 & 31.

2002	1982 Law (Second Amendment)	added provisions concerning protection of Famous Historical and Cultural Cities, and Historical and Cultural Districts ⁷⁸³
2007	1982 Law (Third Amendment)	amended provisions concerning approval of changing original use of immovable heritage ⁷⁸⁴
2013	1982 Law (Fourth Amendment)	amended provision concerning alienation or changing use of immovable heritage ⁷⁸⁵
2015	1982 Law (Fifth Amendment)	amended provision concerning maintenance of objects found in archaeological excavation ⁷⁸⁶

Appendix 3 - Legislation for Singapore's Heritage Conservation

Year of Enactment	Laws	Main Contents
1971	Preservation of Monuments Act	specified criteria for designation of national monuments; established the Preservation of Monuments Board (now known as Preservation of Sites and Monuments Department) ⁷⁸⁷
1989	Planning Act	defined conservation; introduced conservation into planning ⁷⁸⁸
1998	Planning Act (Revision)	specified that the Urban Redevelopment Authority can make conservation guidelines ⁷⁸⁹
2003	Planning (Amendment) Act	revised all provisions of the 1998 Planning Act; added supplementary provisions concerning certificate or declaration in applications for written permission, exemption of Development Charges, Temporary Development Levy, etc. ⁷⁹⁰

⁷⁸³ 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage] 1982 (2002 Amendment), art.4 &14.

⁷⁸⁴ 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage] 1982 (2007 Amendment), art.23&24.

⁷⁸⁵ 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage] 1982 (2013 Amendment), art.25.

⁷⁸⁶ 中华人民共和国文物保护法[Law of the People's Republic of China on the Protection of Cultural Heritage] 1982 (2015 Amendment), art.34.

⁷⁸⁷ Hudd, 2016, p. 111.

⁷⁸⁸ Yuen, 2013, p. 130.

⁷⁸⁹ Planning Act 1989 (1998 Revision), section 11.

⁷⁹⁰ Planning Act 1989 (2003 Amendment).

2009	Preservation of Monuments Act (Amendment)	extended the scope of monuments; amended National Heritage Board Act so as to authorize the Board to delegate conservation duties and powers ⁷⁹¹
2011	Preservation of Monuments Act (Revision)	renumbered the 2009 Preservation of Monuments Act ⁷⁹²

Appendix 4 - Legislation for Italian Heritage Conservation

Year of Enactment	Laws	Main Contents
1865	No.2359	authorized the administration to expropriate historic buildings and monuments that had become dilapidated as the owners did not carry out proper measures ⁷⁹³
1883	No.1461	allowed the alienation of works of art and antiquities to the State or to national agencies ⁷⁹⁴
1902	Monument Act	established administrative branches that could deal with historic buildings and works of art under the assistance of a central commission ⁷⁹⁵
1909	No.364	expanded the scope of cultural heritage ⁷⁹⁶
1922	No.778	promoted the conservation of exceptional natural environment ⁷⁹⁷
1939	No.1089	specified the protection of objects of historical and artistic importance ⁷⁹⁸
	No.1497	specified the protection of natural monuments ⁷⁹⁹
1975	No.805	established the Ministry for Cultural and Environmental Property (now known as Ministry for the Heritage, Cultural Activities and Tourism) ⁸⁰⁰

⁷⁹¹ Preservation of Monuments Act 1971 (2009 Amendment), section 2&37.

⁷⁹² Preservation of Monuments Act 1971 (2011 Amendment), Comparative table.

⁷⁹³ Degrassi, 2012, p. 5.

⁷⁹⁴ Degrassi, 2012, p. 5.

⁷⁹⁵ Stubbs & Makaš, 2011, p. 25.

⁷⁹⁶ Degrassi, 2012, p. 5.

⁷⁹⁷ Gianighian, 2001, p. 192.

⁷⁹⁸ Gianighian, 2001, p. 189.

⁷⁹⁹ Gianighian, 2001, p. 191.

⁸⁰⁰ Agostino, 1984, p. 75.

1997	No.59	simplified administration through the delegation of responsibilities and functions to the regions and territorial authorities ⁸⁰¹
1998	No.112	established forms of cooperation among the state, regional and local governments in the field of heritage conservation ⁸⁰²
1999	Consolidated Law	expanded the scope of protection to listed ancient monuments, historic buildings, and archaeological sites as well as the contents of museums and archives ⁸⁰³
2004	Code of the Cultural and Landscape Heritage	further extended the scope of protection to landscape assets; specified responsibilities and powers of authorities responsible for heritage conservation ⁸⁰⁴
2016	Code of the Cultural and Landscape Heritage (Amendment)	revised definition of cultural property; strengthened the central supervision mechanisms of heritage; regulated the procedure for the issuance of a "Declaration of Remarkable Public Interest"; added new provisions towards the protection of cultural property granted to private parties ⁸⁰⁵

Appendix 5 - Legislation for Britain's Heritage Conservation

Year of Enactment	Laws	Main Contents
1882	Ancient Monuments Act	allowed the government to purchase and care for monuments with the owner's agreement ⁸⁰⁶
1900	Ancient Monuments Act (Amendment)	authorized county councils to purchase or become the guardians of monuments ⁸⁰⁷
1913	Ancient Monuments Act (Amendment)	extended the definition of ancient monument; introduced "Preservation Order" ⁸⁰⁸
1931	Ancient Monuments Act (Amendment)	provided for the preparation of preservation schemes ⁸⁰⁹

⁸⁰¹ Barile & Saviano, 2015, pp. 77-78.

⁸⁰² Barile & Saviano, 2015, pp. 77-78.

⁸⁰³ Stubbs & Makaš, 2011, p. 27.

⁸⁰⁴ Mariotti, 2010, pp. 96, 171-172.

⁸⁰⁵ Figueroa, 2016.

⁸⁰⁶ Donovan, 2008, pp. 86-87.

⁸⁰⁷ John, 2007, p. 132.

⁸⁰⁸ Cullingworth et al., 2015, p. 320.

⁸⁰⁹ Mynors, 2006, p. 10.

1932	Town and Country Planning Act	empowered a local authority to make an order for directing that the building located in its area could not be demolished without its consent ⁸¹⁰
1947	Town and Country Planning Act (Amendment)	authorized the Minister of Town and Country Planning to compile historic building lists ⁸¹¹
1953	Historic Buildings and Ancient Monuments Act	revised system of interim preservation notices and preservation orders of ancient monuments; established three new Historic Buildings Council ⁸¹²
1967	Civic Amenities Act	created system of conservation areas ⁸¹³
1968	Town and Country Planning Act (Amendment)	introduce "Listed Building Consent" ⁸¹⁴
1971	Town and Country Planning Act (Amendment)	consolidated all previous provisions relating to listed buildings and conservation areas ⁸¹⁵
1983	National Heritage Act	established Historic Buildings and Monuments Commission for England ⁸¹⁶
1990	Planning (Listed Buildings and Conservation Areas) Act	remained principal conservation provisions provided by previous planning acts ⁸¹⁷
2005	No. 1085	amended provisions concerning the compilation of listed building lists ⁸¹⁸
2009	No. 2262	amended provisions relating to applications for listed building and conservation area consent ⁸¹⁹
2015	No. 809	reduced requirements of a local authority for application of planning permission; amended provisions relating to application for listed building consent ⁸²⁰

⁸¹⁰ Mynors, 2006, p. 10.

⁸¹¹ John, 2007, p. 134.

⁸¹² Mynors, 2006, p. 12.

⁸¹³ Cullingworth et al., 2015, p. 322.

⁸¹⁴ John, 2007, p. 135.

⁸¹⁵ John, 2007, p. 135.

⁸¹⁶ John, 2007, p. 137.

⁸¹⁷ John, 2007, p. 137.

⁸¹⁸ No. 1085: Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2005, retrieved 28 March 2015.

⁸¹⁹ No. 2262: Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009, retrieved 28 March 2015.

⁸²⁰ No. 809: Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015, retrieved 28 March 2015.

Appendix 6 - List of Monument Protection Acts of the Federal States of Germany⁸²¹

Year of Latest Amendment	Federal State	Laws
2014	Baden-Württemberg	Gesetz zum Schutz der Kulturdenkmale
2009	Bayern	Gesetz zum Schutz und zur Pflege der Denkmäler
2010	Berlin	Gesetz zum Schutz von Denkmalen in Berlin
2004	Brandenburg	Gesetz über den Schutz und die Pflege der Denkmale im Land Brandenburg
2002	Bremen	Gesetz zur Pflege und zum Schutz der Kulturdenkmäler
2013	Hamburg	Denkmalschutzgesetz
2011	Hessen	Gesetz zum Schutze der Kulturdenkmäler
2006	Mecklenburg-Vorpommern	Denkmalschutzgesetz
2011	Niedersachsen	Niedersächsisches Denkmalschutzgesetz
2013	Nordrhein-Westfalen	Gesetz zum Schutz und zur Pflege der Denkmäler im Lande Nordrhein-Westfalen
2008	Rheinland-Pfalz	Landesgesetz zum Schutz und zur Pflege der Kulturdenkmäler
2009	Saarland	Saarländisches Denkmalschutzgesetz
2014	Sachsen	Gesetz zum Schutz und zur Pflege der Kulturdenkmale im Freistaat Sachsen
2005	Sachsen-Anhalt	Denkmalschutzgesetz des Landes Sachsen-Anhalt
2014	Schleswig-Holstein	Gesetz zum Schutz der Denkmale
2007	Thüringen	Thüringer Gesetz zur Pflege und zum Schutz der Kulturdenkmale

⁸²¹ Retrieved 10 June 2015.

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