

Regulations on Protection of Famous Historical and Cultural Cities, Towns and Villages

(The Regulations on Protection of Famous Historical and Cultural Cities, Towns and Villages, adopted at the 3rd Executive Meeting of the State Council on April 2, 2008, are hereby promulgated and shall be effective as of July 1, 2008.)

Chapter I

General Provisions

Article 1 These Regulations are formulated for the purpose of strengthening protection and administration of famous historical and cultural cities, towns and villages, and preserving the fine historical and cultural heritage of the Chinese nation.

Article 2 These Regulations apply to the application, approval, planning and protection with respect to famous historical and cultural cities, towns and villages.

Article 3 Famous historical and cultural cities, towns and villages shall be protected in adherence to the principle of scientific planning and strict protection, with attention paid to maintaining and prolonging their traditional layouts and historical styles and features, safeguarding the authenticity and integrity of the historical and cultural heritage, preserving and promoting the fine traditions and culture of the Chinese nation and correctly handling the relationship between economic and social development and protection of the historical and cultural heritage.

Article 4 The State gives necessary funding for the protection of famous historical and cultural cities, towns and villages.

The local people's governments at or above the county level of the places where famous historical and cultural cities, towns or villages are located shall, in light of the actual local conditions, arrange funds for their protection and incorporate such funds into their financial budgets.

The State encourages enterprises, institutions, public organizations, and individuals to involve themselves in the protection of famous historical and cultural cities, towns and villages.

Article 5 The competent construction department of the State Council shall, jointly with the competent cultural relics department of the State Council, be responsible for protection, supervision and administration of the famous historical and cultural cities, towns and villages across the country.

The local people's governments at various levels shall be responsible for protection, supervision and administration of the famous historical and cultural cities, towns and villages within their respective administrative areas.

Article 6 The people's governments at or above the county level and their relevant departments shall, in accordance with the relevant provisions of the State, commend and reward the units and individuals that have made outstanding contribution to the protection of famous historical and cultural cities, towns and villages.

Chapter II

Application and Approval

Article 7 A city, town or village that meets the following conditions may be nominated as a famous historical and cultural city, town or village:

- (1) particularly rich cultural relics are preserved there;
- (2) there are clusters of historical buildings;
- (3) the traditional layout and historical style and features are preserved there; and
- (4) it has once served as a political, economic, cultural or communications center, or a place of strategic importance in history, or it has witnessed any important historical events, or its traditional industries or major projects built in history have ever exerted an important influence on the development of the place, or it gives a concentrated picture of the cultural or ethnical features of the local buildings.

Within the area of protection of a city to be nominated as a famous historical and cultural city, there shall be two historical and cultural blocks at least.

Article 8 To apply to nominate a famous historical and cultural city, town or village, the applicant shall submit the following materials about the nominated city, town or village:

(1) the descriptions of its historical developments, its local features and its historical and cultural value;

(2) the status quo of its traditional layout and historical style and features;

(3) the area of protection;

(4) a list of the immovable cultural relics, historical buildings, historical and cultural blocks; and

(5) the situation of its protection, and the objectives of and requirements for protection.

Article 9 An application for nomination of a famous historical and cultural city shall be made by the people's government of the province, autonomous region, or municipality directly under the Central Government, and it shall undergo demonstration by the relevant departments and experts organized by the competent construction department of the State Council jointly with the competent cultural relics department of the State Council, and the said departments and experts shall put forward their opinions on the basis of examination, which shall be submitted for approval and announcement by the State Council.

An application for nomination of a famous historical and cultural town or village shall be made by the people's government at the county level of the place where the town or village is located, and it shall undergo demonstration by the relevant departments and experts organized by the competent department for its protection designated by the people's government of the province, autonomous region, or municipality directly under the Central Government, jointly with the competent cultural relics department at the same level, and the said departments and experts shall put forward their opinions on the basis of examination, which shall be submitted for approval and announcement by the people's government of the province, autonomous region, or municipality directly under the Central Government.

Article 10 With respect to a city that meets the conditions specified in Article 7 of these Regulations but has not been nominated as a famous historical and cultural city, the competent construction department of the State Council may, jointly with the competent cultural relics department of the State Council, suggest to the people's government of the province or autonomous region where the city is located that the city be nominated or, failing that, it may directly suggest to the State Council that the city be confirmed as a famous historical and cultural city.

With respect to a town or village that meets the conditions specified in Article 7 of these Regulations but has not been nominated as a famous historical and cultural town or village, the competent department for its protection designated by the people's government of the province, autonomous region, or municipality directly

under the Central Government may, jointly with the competent cultural relics department at the same level, suggest to the people's government at the county level of the place where the town or village is located that the town or village be nominated or, failing that, it may directly suggest to the people's government of the province, autonomous region, or municipality directly under the Central Government that the town or village be confirmed as a famous historical and cultural town or village.

Article 11 The competent construction department of the State Council may, jointly with the competent cultural relics department of the State Council and strictly according to the relevant standards of the State for appraisal, select famous historical and cultural towns and villages of great historical, artistic and scientific value from among the ones that have been approved and announced as such, and after demonstration by experts, confirm them as China's famous historical and cultural towns and villages.

Article 12 Where the historical and cultural value of a famous historical and cultural city, town or village that has been approved and announced as such is seriously impaired due to ineffective protection, the approval authority shall put it on an in-danger list, publish the list, and order the people's government of the city or county where the city, town or village is located to take remedial measures within a time limit to prevent further deterioration of the conditions, improve the protection system and provide effective protection.

Chapter III

Protection Planning

Article 13 After a famous historical and cultural city is approved and announced as such, the people's government of the city shall organize the formulation of a protection plan for the city.

After a famous historical and cultural town or village is approved and announced as such, the people's government at the county level of the place where the town or village is located shall organize the formulation of a protection plan for the town or village.

Formulation of a protection plan shall be completed within one year from the date the famous historical and cultural city, town or village is approved and announced as such.

Article 14 A protection plan shall include the following items:

- (1) protection principles, what is to be protected and the area of protection;
- (2) protection measures, the extent of development and the requirements for construction control;
- (3) the requirements for protection of the traditional layout and historical style and features;
- (4) the key area of protection and the construction control area of the historical and cultural blocks, or the famous historical and cultural town or village; and
- (5) the program for phased implementation of the protection plan.

Article 15 The term of the protection plan for a famous historical and cultural city or town shall be the same as that of the overall plan of the city or town; and the term of the protection plan for a famous historical and cultural village shall be the same as that of the plan of the village.

Article 16 Before a protection plan is submitted for examination and approval, the authority organizing the formulation of the plan shall widely solicit opinions from the relevant departments, experts and the public; and it may hold a hearing, when necessary.

The documents of a protection plan submitted for examination and approval shall be attached with the opinions accepted and the reasons thereof; and they shall, in addition, be attached with the hearing records if a hearing is held.

Article 17 A protection plan shall be subject to examination and approval by the people's government of the province, autonomous region, or municipality directly under the Central Government.

With respect to a protection plan for a famous historical and cultural city or for a China's famous historical and cultural town or village which has been approved in accordance with law, the authority organizing the formulation of the plan shall submit it to the competent construction department of the State Council and the competent cultural relics department of the State Council for the record.

Article 18 The authority organizing the formulation of a protection plan shall, in a timely manner, publish the plan which is approved in accordance with law.

Article 19 A protection plan which is approved in accordance with law shall not be revised without authorization; if revision is really necessary, the authority organizing the formulation of the plan shall submit a special report to the original examination and approval authority and only prepare a revision proposal for the plan

upon approval. The revised protection plan shall be submitted for examination and approval in compliance with the original examination and approval procedures.

Article 20 The competent construction department of the State Council shall, jointly with the competent cultural relics department of the State Council, strengthen supervision and inspection of the implementation of protection plans.

The local people's governments at or above the county level shall strengthen supervision and inspection of the implementation of protection plans within their respective administrative areas, and assess the protection of the famous historical and cultural cities, towns and villages and, without delay, rectify and address the problems discovered.

Chapter IV

Protection Measures

Article 21 A famous historical and cultural city, town or village shall be protected as a whole to maintain its traditional layout, historical style and features, and spatial dimension; and no change shall be made to the natural landscape and environment with which it coexists.

Article 22 The local people's government at or above the county level of the place where a famous historical and cultural city, town or village is located shall, in light of the level of the local economic and social development and according to its protection plan, keep control of the population size and improve the infrastructure, public service facilities and living environment there.

Article 23 Construction activities within the area of protection of a famous historical and cultural city, town or village shall be conducted in compliance with the requirements set in its protection plan, and shall not impair the authenticity and integrity of the historical and cultural heritage or exert a damaging impact on its traditional layout or historical style and features.

Article 24 The following activities are prohibited within the area of protection of a famous historical and cultural city, town or village:

(1) blasting a mountain, quarrying, mining, or committing other activities to the detriment of its traditional layout or historical style and features;

(2) occupying the gardens, green land, river or lake water system, roads, etc. as are reserved according to the protection plan;

(3) building up any factories, warehouses, etc. for producing or storing explosive, inflammable, radioactive, toxic or corrosive substances; or

(4) inscribing or scrawling graffiti on a historical building.

Article 25 Where the following activities are carried out within the area of protection of a famous historical and cultural city, town or village, attention shall be paid to protecting its traditional layout, historical style and features, and historical buildings; and a protection program shall be formulated, which shall be subject to approval by the competent urban-rural planning department of the people's government of the city or county jointly with the competent cultural relics department at the same level, and the relevant formalities shall be handled in accordance with the relevant provisions of laws and regulations:

(1) activities designed to change the natural conditions of the gardens, green land, river or lake water system, etc.;

(2) film or television production or large-scale mass activities conducted within the key area of protection; or

(3) other activities that may affect the traditional layout, historical style and features, or historical buildings.

Article 26 Any buildings and structures newly constructed within the construction control area of a historical and cultural block or a famous historical and cultural town or village shall meet the requirements for construction control as set in the protection plan.

Article 27 For protection of the buildings and structures within the key area of protection of a historical and cultural block or a famous historical and cultural town or village, appropriate measures shall be taken to have them differentiated and put into different categories.

With respect to the historical buildings within the key area of protection of a historical and cultural block or a famous historical and cultural town or village, their original heights, dimensions, appearances, colors, etc. shall be maintained.

Article 28 No new or extended construction may be carried out within the key area of protection of a historical and cultural block or a famous historical and cultural town or village, with the exception of the necessary infrastructure and public service facilities.

For the new or extended construction of the necessary infrastructure and public service facilities within the key area of protection of a historical and cultural block or a famous historical and cultural town or village, the competent urban-rural planning

department of the people's government of the city or county shall solicit opinions from the competent cultural relics department at the same level, before issuing a license for construction project planning or village construction planning.

Dismantling of any buildings, structures or facilities other than historical buildings within the key area of protection of a historical and cultural block or a famous historical and cultural town or village shall be subject to approval by the competent urban-rural planning department of the people's government of the city or county jointly with the competent cultural relics department at the same level.

Article 29 For examination and approval of the construction activities specified in Article 28 of these Regulations, the examination and approval authority shall organize experts for demonstration, announce the matters under examination and approval, solicit opinions from the public and inform the interested parties of the right to demand a hearing. The term of announcement shall last not less than 20 days.

If an interested party calls for a hearing, it shall submit a request within the term of announcement, and the examination and approval authority shall, in a timely manner, hold the hearing at the expiration of the term.

Article 30 The people's government of the city or county shall put up signboards at the main entrances and exits of the key area of protection of a historical and cultural block or a famous historical and cultural town or village.

No unit or individual may put up, move away, alter, damage or destroy the signboards without authorization.

Article 31 Fire-fighting facilities and passageways within the key area of protection of a historical and cultural block or a famous historical and cultural town or village shall be made available according to the relevant technical standards and specifications for fire-fighting. Where such facilities or passageways really cannot be made available according to the said standards and specifications due to the need to keep intact the historical and cultural block or the famous historical and cultural town or village, the fire-fighting department of the public security organ of the people's government of the city or county shall, jointly with the competent urban-rural planning department at the same level, formulate an appropriate scheme for fire protection and ensured safety.

Article 32 The people's government of a city or county shall put up protection signs for historical buildings and keep archives of the buildings.

The archives of a historical building shall include the following:

(1) the artistic and historical features, age of construction and rarity of the building;

- (2) the technical data related to the building;
- (3) the present use of the building and the vicissitudes of its ownership;
- (4) scripts, drawings, photos, videos and other data that are formed in the course of repairing, decorating or fitting up the building; and
- (5) records of information about the building's surveying and mapping and the related data.

Article 33 The owner of a historical building shall be responsible for maintaining and repairing the building according to the requirements set in the protection plan.

The local people's government at or above the county level may allocate funds for protection to grant subsidies for maintenance and repairing of historical buildings.

Where a historical building is in danger of being damaged or destroyed, but the owner thereof does not have the ability to maintain and repair it, the local people's government shall take measures to protect the building.

No unit or individual may damage a historical building, or move it to another place or dismantle it without authorization.

Article 34 In choosing of the site for a construction project, attention shall be paid to avoiding the historical building as much as possible; if such avoidance is impossible under special circumstances, all possible measures shall be taken to protect the building in situ.

For in situ protection of a historical building, the construction unit shall decide on protection measures in advance and submit them for approval to the competent urban-rural planning department of the people's government of the city or county jointly with the competent cultural relics department at the same level.

Where construction activities need to be carried out for public interests, but the historical building cannot be protected in situ and has to be moved to another place for protection or dismantled, the competent urban-rural planning department of the people's government of the city or county shall, jointly with the competent cultural relics department at the same level, submit the matter for approval to the competent department for its protection designated by the people's government of the province, autonomous region, or municipality directly under the Central Government, jointly with the competent cultural relics department at the same level.

With respect to the expenses needed for protecting a historical building in situ, or moving it to another place or dismantling it as specified in this Article, the construction unit shall incorporate them into the budget for the construction project.

Article 35 The external repairing and decoration of a historical building, adding of facilities to it and changing of its structure or use shall be subject to approval by the competent urban-rural planning department of the people's government of the city or county jointly with the competent cultural relics department at the same level, and the relevant formalities shall be handled in accordance with the relevant provisions of laws and regulations.

Article 36 Where the protection of cultural relics is involved within the area of protection of a famous historical and cultural city, town or village, the provisions of laws and regulations on protection of cultural relics shall be applied.

Chapter V

Legal Liability

Article 37 Where the competent construction department of the State Council, the competent cultural relics department of the State Council, a local people's government at or above the county level or a staff member of the relevant competent department, in violation of the provisions of these Regulations, fails to fulfill its or his supervisory and administrative duties, or fails to investigate and handle any illegal acts discovered, or abuses its or his powers, neglecting its or his duties or commits illegalities for personal gains in other manners, it or he shall be investigated for criminal liability in accordance with law if a crime is constituted, or given a sanction in accordance with law if no crime is constituted.

Article 38 Where a local people's government, in violation of the provisions of these Regulations, commits one of the following acts, the people's government at a higher level shall order it to make corrections, and the person in charge with competent accountability and other persons with competent accountability shall each be given a sanction in accordance with law:

- (1) failing to organize the formulation of a protection plan;
- (2) failing to organize the formulation of a protection plan in compliance with the statutory procedures;
- (3) revising a protection plan without authorization; or

(4) failing to publish the protection plan that has been approved.

Article 39 Where the competent department for protection designated by the people's government of the province, autonomous region, or municipality directly under the Central Government, or the competent urban-rural planning department of the people's government of a city or county, in violation of the provisions of these Regulations, fails to perform its examination and approval duties, as specified in Articles 25, 28, 34 and 35 of these Regulations, in compliance with the requirements set in the protection plan or with the statutory procedures, the said people's government or the relevant department of the people's government at a higher level shall order it to make corrections and criticize it in a circular; and the person in charge with competent accountability and other persons with competent accountability shall each be given a sanction in accordance with law.

Article 40 Where the people's government of a city or county, in violation of the provisions of these Regulations, fails to give effective protection to a famous historical and cultural city, town or village that has been approved and announced as such, as a result of which the city, town or village is put on the in-danger list, the people's government at a higher level shall criticize it in a circular; and the person in charge with competent accountability and other persons with competent accountability shall each be given a sanction in accordance with law.

Article 41 Where a unit or individual, in violation of the provisions of these Regulations, commits one of the following acts within the area of protection of a famous historical and cultural city, town or village, the competent urban-rural planning department of the people's government of the city or county shall order it or him to stop the illegal act and restore the original state or take any other remedial measures within a time limit; the illegal gains, if any, shall be confiscated; if the unit or individual fails to restore the original state or take any other remedial measures within the time limit, the competent urban-rural planning department may designate a proficient unit to do that on its or his behalf, and the expenses thus entailed shall be paid by the violator; if serious consequences are caused, a fine of not less than 500,000 yuan but not more than 1,000,000 yuan shall, in addition, be imposed on the unit, or a fine of not less than 50,000 yuan but not more than 100,000 yuan shall, in addition, be imposed on the individual; and if losses are caused, the violator shall be liable for compensation in accordance with law:

(1) blasting a mountain, quarrying, mining, or committing other activities to the detriment of the traditional layout, historical style and features;

(2) occupying the gardens, green land, river or lake water system, roads, etc. as are reserved according to the protection plan; or

(3) building up any factories, warehouses, etc. for producing or storing explosive, inflammable, radioactive, toxic or corrosive substances.

Article 42 Where anyone, in violation of the provisions of these Regulations, inscribes or scrawls graffiti on a historical building, the competent urban-rural planning department of the people's government of the city or county shall order him to restore the original state or take any other remedial measures, and impose on him a fine of 50 yuan.

Article 43 Where a unit or individual, in violation of the provisions of these Regulations, commits one of the following acts without approval by the competent urban-rural planning department jointly with the competent cultural relics department at the same level, the competent urban-rural planning department of the people's government of the city or county shall order it or him to stop the illegal act and restore the original state or take any other remedial measures within a time limit; the illegal gains, if any, shall be confiscated; if the unit or individual fails to restore the original state or take any other remedial measures within the time limit, the competent urban-rural planning department may designate a proficient unit to do that on its or his behalf, and the expenses thus entailed shall be paid by the violator; if serious consequences are caused, a fine of not less than 50,000 yuan but not more than 100,000 yuan shall, in addition, be imposed on the unit, or a fine of not less than 10,000 yuan but not more than 50,000 yuan shall, in addition, be imposed on the individual; and if losses are caused, the violator shall be liable for compensation in accordance with law:

(1) changing the natural conditions of the gardens, green land, river or lake water system, etc.;

(2) conducting film or television production or holding large-scale mass activities;

(3) dismantling buildings, structures or facilities other than historical buildings;

(4) making external repairing and decoration of historical buildings, adding facilities to historical buildings, or changing their structures or uses; or

(5) carrying out other activities that may affect the traditional layout, historical style and features, or historical buildings.

Where a unit or individual carries out the aforementioned activities with approval, which, however, exert a damaging impact on the traditional layout, historical style and features or historical buildings, it or he shall be punished in accordance with the provisions of the first paragraph of this Article.

Article 44 Where a unit or individual, in violation of the provisions of these Regulations, damages a historical building, or moves it to another place or dismantles it without authorization, the competent urban-rural planning department of the people's government of the city or county shall order it or him to stop the illegal act

and restore the original state or take any other remedial measures within a time limit; the illegal gains, if any, shall be confiscated; if the unit or individual fails to restore the original state or take any other remedial measures within the time limit, the competent urban-rural planning department may designate a proficient unit to do that on its or his behalf, and the expenses thus entailed shall be paid by the violator; if serious consequences are caused, a fine of not less than 200,000 yuan but not more than 500,000 yuan shall, in addition, be imposed on the unit, or a fine of not less than 100,000 yuan but not more than 200,000 yuan shall, in addition, be imposed on the individual; and if losses are caused, the violator shall be liable for compensation in accordance with law.

Article 45 Where a unit or individual, in violation of the provisions of these Regulations, puts up, moves away, alters, damages or destroys the signboards of a historical and cultural block or a famous historical and cultural town or village without authorization, the competent urban-rural planning department of the people's government of the city or county shall order it or him to make corrections within a time limit; and if the unit or individual fails to do so within the time limit, a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed on the unit, or a fine of not less than 1,000 yuan but not more than 10,000 yuan shall be imposed on the individual.

Article 46 Where a unit or individual, in violation of the provisions of these Regulations, causes damage or destruction to the cultural relics in a famous historical and cultural city, town or village, it or he shall be punished in accordance with the provisions of laws and regulations on protection of cultural relics; and if a crime is constituted, criminal liability shall be investigated for in accordance with law.

Chapter VI

Supplementary Provisions

Article 47 As used in these Regulations:

(1) "Historical building" means a building or structure confirmed and announced as such by the people's government of a city or county, which has certain value for protection and can reflect historical style and features and local features, and which has not been announced as a site to be protected for its historical and cultural value or registered as a site of immovable cultural relics.

(2) "Historical and cultural block" means a district of a certain scale confirmed and announced as such by the people's government of the province, autonomous

region, or municipality directly under the Central Government, which has particularly rich cultural relics preserved and clusters of historical buildings, and completely and truly embodies its traditional layout and historical style and features.

The specific implementing measures for protection of historical and cultural blocks shall be formulated by the competent construction department of the State Council jointly with the competent cultural relics department of the State Council.

Article 48 These Regulations shall be effective as of July 1, 2008.