The handle http://hdl.handle.net/1887/45981 holds various files of this Leiden University dissertation

**Author:** Wang, R.

**Title:** A place of placelessness: Hekeng people’s heritage

**Issue Date:** 2017-02-16
In 2010, on my first visit to the Hekeng River Valley, I was told by the local residents that between 2006 to 2008 some protests had been made objecting to the World Heritage application. Interviews with the local people revealed that the main complaints had centered on three matters. The first objection was raised when, after nominating the Hekeng tulou buildings as World Heritage, the local government demolished some of the peasants’ houses built in non-tulou form and failed woefully to compensate properly for the economic loss suffered by the peasants after WH status was finally achieved in 2008. The second point of friction was that, during and after the nomination process, the local residents felt that they were no longer able to live in and use the tulou housing facilities in the ways to which they had been accustomed. The third dissension arose from the fact that the farming and industrial activities inside the buffer zone areas are strictly controlled. As mentioned in passing in the Preface, although the private ownership of land resources is forbidden by law in China, the peasants’ fundamental rights to their homesteads (zhaijidi) and dwellings have always been respected by Chinese law. That said, how did the conflicts between the local community and the local cultural authorities arise, and what was the real issue at stake in these controversies? This chapter seeks the answers to these questions by exploring how heritage-site planning, laws, regulations and international heritage policies have built up a discourse that has had a direct impact on the properties of the local people and their heritage counterparts.

2.1 MODIFICATIONS TO THE EXISTING BUILT ENVIRONMENT 2006 TO 2007

There is no shred of doubt that all the folk buildings in non-tulou forms discussed here are first and foremost an ancestral heritage. Under both the Property Law of the PR China (Zhonghua Renmin Gongheguo Wuquanfa) issued in 2007 and the Inheritance Law of the PR China (Zhonghua Renmin Gongheguo Jichengfa) issued in 1985, the owner of real estate has the right to ‘bestow, to inherit, or to purchase and to sell the property he/she owns’. If this is there in black and white, why were some of these houses demolished in Hekeng village in 2006 and 2007? As said in both the Preface and Chapter 1, vernacular buildings in non-tulou forms have been very actively constructed and used since the very inception of Hekeng village. The functions of these buildings are very wide ranging. Courtyard compounds were once probably the major dwelling form in the first century of Hekeng settlement history. In the following centuries, both courtyard dwellings and two-story earthen houses would have played a role in relieving recurrent housing shortages. Likewise, farmhouses in the form of either thatched or tiled huts can also have long been actively used in local farming activities, foodstuff processing, animal raising, tea processing, paper manufacturing and so forth. Historically speaking, they are also an indispensable part of household property. Furthermore, ancestral temples and halls are also constructed in the form of courtyard dwellings. All these buildings and structures are part of both the historical environment and the present settlement. They have all functioned in different ways to form the local people’s cultural identity and social memories (Rowlands and Tilley, 2006). Moreover from an ethical point of view, we cannot easily dismiss or deny the cultural significance of such ordinary buildings and structures, if the local people themselves do not consider them merely functional edifices. Nonetheless, in 2006 and 2007, some of this architecture was demolished by the local cultural authorities. The rationale behind their decision was that these buildings and structures were not nominated as, and therefore not consequently acknowledged as World Heritage sites. Moreover, compared to the magnificent tulou houses they just faded into insignificance and were consequently overlooked.

It is certainly true that the application for WH status for the tulou did not include any other types of vernacular buildings and structures. Not even the ancestral temples or halls displaying typical Hakka
esthetic and monumental values were registered on the World Heritage List. Obviously, although based on a series of principles approved by all States Parties, the designation of World Heritage status does indeed involve a kind of site selection process. At the heart of the matter lies the problem that, what the World Heritage Committee (WHC) can select as WH sites are only those features that have already been specifically nominated as WH candidates by the state-based cultural authorities. Unfortunately all heritage projects create conflict and destruction (Meskell, 2015). As they are technically only international policies, World Heritage regulations do not have any legal status or effect in any of the individual countries in which they might happen to be applied. To be more exact, they are not legislation in themselves. Their weakness in the implementation of heritage requirements seems to be reflected by their official denial of World Heritage status to some sites that actually violate the principles of authenticity and integrity after they have been registered. The most ironical question is: Does delisting necessarily lead to the denial of the importance of the sites in question, or do these sites need no further care? Originally on the basis of three key concepts, namely: significance, authenticity and integrity, the intention of the WHC and its major Advisory Bodies was to assist states to take a hand in the halting of intensifying physical deterioration, or at least in mitigating the repercussions on sites, particularly those caused by such social factors as urbanization and development. However, in the real world, before states submit their application to be awarded WH status, it is up to them to have read through all the relevant requirements and have transposed all these key concepts into their own heritage discourses. In a nutshell, the three key concepts have been converted into the three mandatory realms but ones that an applicant is obliged to construct itself. More precisely, to fulfill an application, local cultural authorities have to establish their position from both a regulatory and a practical perspective by inputting their own understanding of such key words as values, authenticity, integrity, buffer zone and so forth. To achieve the basic requirements of the WHC in their own minds, applicants might feel it necessary to make some modifications to the landscape with reference to their own scenario that, in their perception, closely adheres to the WHC stipulations. Under these circumstances, the key concepts advocated by the WHC are gradually metamorphosed into the cultural constructs of the applicants. Usually, what the WHC and its Advisory Bodies (represented by commissioned experts) might know about a proposed WH site commences only at the time the application is submitted, not before. The unfortunate upshot is that the WHC might be presented with no more than an outcome that panders to its taste. This begs the question: What might have happened before the application submission?

In the Hekeng case, any ‘modifications’ were certainly not made haphazardly. Rather, all the ‘edits’ made on the flatland within the Hekeng River Valley followed a series of principles founded on historical events, opinions about heritage, Chinese laws of inheritance and diverse regulations, commonplace knowledge about wenwu (literally cultural materials), especially vernacular houses, a balance of costs and benefits and, most importantly, the local government’s own understanding of the key WHC concepts. When push comes to shove, the local cultural authorities can have created their own theory to support their heritage modifications, especially the demolition of some of the peasants’ non-tulou houses. The best way to explain this theory is in examining the terms of several key concepts usually appearing in pairs.

2.1.1 Traditional versus Modern

From the late Qing dynasty right through the early Republican period, a large number of overseas descendants of the Hakka communities returned to their own or their ancestors’ birthplaces in the areas adjacent to Shuyang township, for example, to the Zhuta (now Qujiang) settlements to the south of the Hekeng River Valley. These rich merchants funded the construction of a large proportion of the local infrastructure, contributing to the building of an assortment of schools, bridges, roads, temples, tulou buildings and markets. The most representative of their contributions is the market in Qujiang (Fig. 26). Compared to the economic prosperity of the Qujiang settlements, particularly the new buildings and facilities with Western architectural features, in that period Hekeng was still rather ‘backward’, as all it
HEKENG: A PLACE SWAMPED BY REGULATIONS

had to offer was several old-fashioned square *tulou* buildings. Unlike what has been written into the American *National Historic Preservation Act* in 1966 (Duerken, 1983; King, 2004), no particular date is stated in the *Chinese Cultural Heritage Law* (1982) as clear starting point for designating cultural heritage (*wenwu*) in China. The truth is that, in practice, materials dating from later than the early Qing dynasty are usually underrated, even overlooked. In typological terms, from the Ming to Qing periods *guanshi jianzhu*, or official buildings, usually attract more attention in conservation disciplines than do vernacular buildings (*minju jianzhu*) in the rural areas. This preferential system inevitably leads to a weakness in the study of traditional Chinese folk buildings and structures. To date, no manuals or guidebooks for the significance assessment, designation process or conservation principles of rural folk buildings have ever been formally published by the Chinese cultural authorities on the national level. Crucially, no criterion has ever been established solely to make a differentiation between the traditional and the modern. Therefore, in the world of rural vernacular architecture, the boundary between the traditional and modern still remains very blurred.

According to the inventory in the *Zhongguo Wenwu Dituji* (An Atlas of the Chinese Cultural Heritage) (Zhongguo Guojia Wenwuju, 2007), the practical major lower time-limit for making a cultural resource designation is conventionally set at the Republican period, although new sites and buildings from the PRC age might be occasionally added to the inventory as a ‘red memory’, if and when appropriate. In the Hekeng River Valley, only a very few structures dating from the Republican period still exist. In fact, the lower time limit of traditional times in Hekeng is quite vague, simply because all the seven huge, magnificent round *tulou* buildings date from the post-1940s (Chapter 1), clearly a very recent date. The latest one was constructed in the 1980s, and nearly all the extant *tulou* buildings are still inhabited by the lineage community that built them. It is very important to be aware of all this information in order to be able to understand why some of the non-*tulou* houses in Hekeng have been demolished. In theory, the Hekeng site planners might have nurtured hopes that such an edifice in itself might incorporate a number of Hakka history elements, nevertheless they have chosen to select huge *tulou* buildings as the sole representations of the Hakka past. In their efforts to create a place imbued with valued Hakka cultural traditions (Graburn, 2016), the site managers decided to erase the atypical architectural elements displaying fewer historical attributes. Their choice leads to a strong suspicion that the *tulou* buildings have been designated representative of traditional times, whereas the non-*tulou* buildings are lumped together as representative of the modern times; and this is of course historically incorrect.

The traditional versus modern divide is also viewed as equal to the proportion between old and new materials, and as the opposition between the old-fashioned and new-fashioned in terms of architectural styles. For all these reasons, non-*tulou* buildings and structures have been accorded a much lower level of significance by local site managers and planners. Old building materials, in the eyes of the local site
managers, are primarily earth, wood, bamboo and metal, particularly iron. The Shiying-tang Ancestral Temple of the Hekeng lineage is now nearly a complete reconstruction. As described previously, the architecture, although in the style of a traditional courtyard dwelling, has already been transformed into a new building, part-brick, part-cement. Therefore, in the strict sense of physical composition, it cannot be described as ‘traditional’. This is the main reason the principal ancestral temple has not been registered on the cultural resource list and was not stressed in the cultural heritage discourse. In short, the temple is not so ‘traditional’ that the experts could give it any statement of significance from a CRM standpoint, despite the fact that for centuries it has served as the major place for making sacrifices to the ancestors of the Zhang lineage and its construction commenced in the early-seventeenth century and therefore has a much longer history than over 70 percent of the traditional buildings and structures in the Hekeng River Valley.

With tulou buildings as their major target of preservation and without any direct source of reference for dating criteria for the ordinary folk dwellings in the existing heritage legislation, it was up to the local heritage managers to judge the importance of the non-tulou buildings and structures themselves. In all fairness, in most cases they also relied on local cultural resource experts. In the Chinese cultural resource management system, it is usually the cultural authorities on the county (the lowest) level who set the designation process of a place or a building complex in motion. According to some of the local cultural resource managers with whom I talked when investigating cultural resources in Qionglai in Sichuan province in 2009, the cultural authorities on the county level have usually had to work out whether they have the economic capacity to preserve a designated heritage and still balance their budgets. This consideration overrides all other factors. Although the Zhongguo Guojia Wenwuju or the State Administration for Cultural Heritage (SACH) is supposed to play the leading role in looking after all kinds of cultural heritage throughout the country, it should be underlined that the SACH does not exercise any executive power over the cultural authorities on the county level, simply because it is the local county government (xian zhengfu), not the SACH, who pays the office expenses of the local cultural authorities (difang wenwu bumen). Similar situations to that in Qionglai also frequently arise in Fujian rural areas. If local government finances tend to be running low, in most cases, it might not be worth adding a new county-level site or building to the existing local cultural resource map at the price of costing for the expense of employing more caretakers. For all these reasons, the county cultural authorities might actually go as far as deliberately concealing some of the sites or buildings that do require good care and consequently such sites and buildings never appear in the preservation list of the SACH. Therefore, in most Chinese counties it is a county’s financial state that finally decides in what proportion of the old buildings can be registered and therefore preserved. The long and short of it is that the local cultural resource managers play a key role in deciding what to preserve for the country. The fate of Chinese vernacular buildings in rural areas especially is in their hands. It can be disastrous for a vernacular building of high historical value, if it is ‘omitted’ from the list of the local cultural resource managers. Generally speaking, although frequently running short of money, the local county cultural resource managers are in effect the most powerful decision makers in shaping the final list of endangered folk buildings. Their financial resources, their taste in particular dates and forms (as demonstrated in the traditional versus modern dichotomy discussed above), could both exert a direct impact on outcome of the heritage preservation. Unfortunately, since the 1990s by and large in the tulou settlements, all the attention of the local Hakka cultural resource managers was directed toward the huge earthen ‘castles’, when they began a campaign in the name of Hakka tulou architecture in order to attract more tourists. From a theoretical perspective, with the exception of a very small number of ancestral hall buildings, the local CR managers had also already overlooked the non-tulou buildings when designating the endangered cultural resources. Paradoxically, ancestral halls and temples are not as important in the cultural resource world as they might be in the everyday life of the ordinary people; indeed they are, as viewed by many local cultural resource managers, not cultural heritage at all.
Experts in China usually tend to think more about the technical aspects of heritage; and such elements as memories, emotions and the identity of people that are anchored in certain places are rarely taken into account when establishing the criteria for making a heritage designation. Therefore, a house as such might be preserved for its rarity, architectural achievement, esthetic and scientific value, but almost invariably not for its importance in local people’s memories.

2.1.2 Non-Heritage versus Heritage Site Planning

After having achieved the legal status of an ancestral heritage, the common farmhouses in the Hekeng River Valley still had to face the hurdle of heritage site planning (yichan baohu guihua). The SACH usually requires that the architectures or sites enlisted under national-level protection should be provided with a concrete baohu guihua. This baohu guihua has two major goals. The first target is to identify the significance of the built environment, whether the place in question is an archaeological site, a village, a town, a building complex or a landscape and, on this basis, decide what, for which reasons and how to preserve the physical parts that have proven to be important. The second objective is to set rules by which to begin a new relationship between the ‘place’ preserved and the people settling in or around it. In China, a zongti baohu guihua, or principal heritage planning, designates a legal status, denoting that once the major plan for site preservation has been established, the land-use in and around the site area should scrupulously adhere to the methods that have been prescribed in that plan, and therefore any violation of the plan is deemed a violation of the law (National Congress, 2007). Sometimes, colleagues in this discipline even use the term ‘guihua fa’ (literally planning law) directly when referring to the zongti baohu guihua.

In practice, when setting the rules, planners are more concerned about the future (use) of the heritage (indeed the land), the first goal, rather than the new relationship, namely, the second goal. In most cases, local governments usually want to transform the existing land-use patterns in the site area once and for all into theme park or ethnic culture village (minzu wenhua cunluo). This trend has been widely observed in Chinese guihua practice since the late 1990s. The truth of the matter can often be that, even long before the heritage evaluation work took place, the final goal of creating a theme park or a culture village had already preoccupied the minds of the planners. Once it has become ‘a law of the Medes and Persians’, it is usually the case that anything deviating from that preoccupation is deemed an obstacle. The upshot if existing land-use patterns such as farmland, industrial land, vernacular buildings, or even the local people in many cases, can be seen as obstacles, the planning, when it takes place, usually involves intensive removals of the elements of the existing built environment in the name of clearing away the ‘irrelevant’. Typical examples in China include the National Daming Palace Archaeological Site Park23 (Guo, 2011), the

23. The clearance of population from archaeological sites can result in complicated and radical social changes. The National Daming Palace Archaeological Site Park on the northern outskirts of Xi’an is one instructive example. The site is located to the north of Xi’an railway station. It dates from the Tang dynasty and is regarded by the majority of archaeologists and historians as the most important Imperial Court palace complex during the Tang dynasty. From the beginning of the 20th century, for a long time the site area was occupied by refugees from Henan province. Located outside the urban center, it became home to large numbers of immigrants from outside the Guanzhong river corridor. In 2009, the population inside the site area had reached over 100,000. (Zhou, 2009) In the process of urbanization, some external companies had long nurtured hopes of redeveloping the area around this important archaeological site. What worried these these developers most was the low price that the future ‘rural’ apartments might fetch. This consideration aside, they also hesitated at the price they would have had to pay for protecting the Daming palace site and the compensation due to the local people, who were supposed to be moved off the site and redevelopment areas. The only solution was to raise the price of the apartments. At this point, the transposition of the archaeological site to a park seemed to be the best excuse for raising the price. Their reasoning was clear: A good park is equivalent to providing a better environment for the future residents living in the new neighborhoods. A good environment has to be paid for. The advantage of this is: If the houses can be sold at a much higher rate, all the costs of the site transformation could be easily repaid by only part of the profits. With mutual benefit uppermost in their minds, the developers decided to support the site park project first. In the following years, the funding for the development project gradually ran out, posing the managers of the archaeological park a big financial challenge. They had to find new financial sources for maintaining the park facilities. The establishment of the National Daming Palace Archaeologi-
workshops was complicated by the delay in earthen houses, courtyard dwellings and tea in 2006 and 2007 the demolition of some two-story multiple sources of income for the local residents. pre-existing land-uses does at the very least maintain always rose-colored, the retention of some of the transformation leading to a theme park or a fully incompatible with other land-use patterns? As the landscape? Is the representation of the past really have the recent past involved in the future of the urbanization process had been finished, no one wanted to process had used the cultural resource in some way but, when the urbanization process had been finished, no one wanted to pay for the future of the park. The sustainability of the site park therefore presented a big problem. As McCannell (1989) says, `The separation of non-modern culture traits from their original contexts and their distribution as modern playthings.'

In 2006 and 2007 the demolition of some two-story earthen houses, courtyard dwellings and tea workshops was complicated by the delay in compensation that resulted in some local residents protesting against the local cultural authorities. Under the general practice of heritage site planning in China, house demolition is also one of the basic strategies resorted to to improve the environmental quality (huanjing zhengzhi or huanjing zhili) for future touristic use. Important places like sites, towns, villages or even whole landscapes are more often than not very densely inhabited and used. According to the 2012 statistics in the Ford-funded cultural heritage project (also, Zhang et al., 2008), nearly half of the most important Chinese heritage is located in rural areas, and in urban situations, even the traditional guanshi jianzhu in the capital can have been transformed into an overcrowded area (dazayuan). The degradation of the site environment as a result of population influxes and subsequent disorderly habitations is the fundamental reason dwellings and facilities of later dates usually have to be demolished in site plans. In the Hekeng case, the houses in non-tulou forms are usually viewed as new constructions, as mentioned in Chapter1, although the buildings of these sorts might have housed many of the lineage people who could not find enough room to accommodate themselves inside the tulou buildings. Apart from that, the local residents in Hekeng also built some ‘modern’-style brick houses that were all deemed insignificant in comparison to the magnificent mansions representing the themes of the Hakka past. Both Yan (2014) and Ye (2006) have discussed similar events in great detail in their works on the southern Fujian region.

The most controversial issue is the demolition of the two-story earthen houses, that traditionally supplement the tulou dwellings. As briefly mentioned above, each of the three settlements in the Hekeng River Valley had its early core dwellings, including both major tulou buildings and supplementary residences in diverse forms, one of which is called a ‘yizixing lou’ or one-wing earthen building by the local people. They are usually two-story structures. In Tianluokeng, people also refer to such buildings ‘zhugan cuo’, or bamboo post houses (Xiamen University, 2009). These buildings are actually stylized versions of tulou buildings. They are composed of a thick but truncated wall into which wooden beams and posts can be inserted to support...
the joists for the floor boards (Fig. 27). Various such small buildings of this sort are attached to a major tulou building. Other two-story structures can also stand as separate dwellings. Unlike the completely earthen tulou architecture, they are much easier to construct and could have helped alleviate the periodically crowded living conditions. In the past, these buildings might have been fairly numerous in the Hekeng River Valley. When asked how important such buildings are, Zhang Mintai, one of my informants, replied by asking a question,’ Do you know any village with just one big lou yet no small lou?’ His answer, again, affirmed the importance of these smaller cuo structures in local people’s mind, and highlights the wrong choice made by the local site managers when they decided to remove some of these buildings between 2006 and 2007.

For a long time, Chinese heritage settlements have been managed in a particular way. For a goodly number of years, the State Administration of Cultural Heritage has required that every settlement that has been registered on the National Cultural Heritage List be cared for and protected by the county government of the heritage place. The responsibility for finding accredited academic institutions or companies to undertake the conservation, management and representation plans usually devolves on the county government (Regulations on the Preservation of the Famous Cities, Townships and Settlements, issued by the State Council in collaboration with the Ministry of Housing and Urban-rural Development Department of China, 2008). In practice, planners are often required to do their work on the basis of the heritage values assigned by the local cultural resource
managers or experts in relevant research areas. Socioeconomic considerations are usually overridden by such plans. When it’s all said and done, it is usually not what the local communities perceive as important that leads to a policy decision but the experts’ point of view. This leads to two results: (1) the local people’s demand for socioeconomic development is underestimated and hence underrepresented in the planning process; (2) heritage planning is usually divorced from the socioeconomic planning made separately by urban design institutions.

2.1.3 Buffer Zone versus Core Zone

Buffer zones, though not ‘mandatory’ as the Convention states, have become extremely popular in Chinese heritage protection and management practices. In Chinese, they are known as the jianzhu kongzhi didai, or ‘construction control areas’.

Mürner (2009) has pointed out that buffer zones ‘are not formal (mandatory) components of World Heritage sites’, and the protective agenda involved should be considered on a case by case basis. In the World Heritage Convention and Operational Guidelines for the Implementation of the World Heritage Convention (the 2014 edition), a buffer zone is described as an area surrounding the nominated property, and therefore offering an ‘added layer of protection’. Buffer zones, first used in the area of natural heritage, are intrinsically a tool for separating the significant protected area from ‘incompatible human use’ (ICCROM position paper, 2009). In a cultural heritage area, it is also frequently applied to differentiate compatible from incompatible land-uses to protect a target site. In practice, when creating the buffer zone, site planners usually take the following points into account: view horizons (Mürner, 2009), immediate settings, building heights, massing, location of public open spaces, safety and sanitary issues. All these aspects are established and taken into consideration with only the interests of the protected properties in mind. As a separating instrument, the prime purpose of a buffer zone is to mitigate or even totally eliminate the negative impacts emanating from a human society. Consequently, the local populace and its use of the land can be largely deterred from taking any action. Consequently, the buffer zone of a cultural heritage area might have acquired the essential attributes of its predecessors and counterparts in the natural heritage area in that it, to a large extent, is put in place to discourage any actions by the surrounding society that is viewed as the major source of negative impacts, and hence antithetical to the preservation activities. In these discourses, a natural-social divide is replaced by a cultural-social divide. However, the WHC believes that a buffer zone should usually be neutral and, theoretically, even an unnecessary buffer zone should not threaten the properties in the ‘core zone’.

When evaluating situations in which a buffer zone is not necessary, the ICCROM has proposed the following likelihoods: ‘(a) the drawing of the World Heritage site boundaries amply enough to ensure protection of the OUV within the site itself; (b) the physical geography of a site (either mountainous or flat) which would render a buffer zone meaningless; (c) the OUV of a site which is located underground, inside, or in some other way not subject to the types of threats that a buffer zone is meant to protect against; (d) an instance where the setting of the site has already radically changed and for which a buffer zone would no longer be useful.’ One important situation, in relation to the physical geography point made in (b), has been excluded from the discussion: What happens if it is impossible to differentiate a so-called ‘core zone’ from the whole inhabitation area?

In the Hekeng case, the site planners took the ‘buffer zone’ matter very seriously for fear of any trouble arising in the evaluation and decision-making processes (ICCROM position paper, 2009), given
the fact that a buffer zone is not mandatory for registration on the WHL. In creating a buffer zone, the site planners chose to follow the view-horizon approach, that has been used for a long time to determine the boundaries of the buffer zone areas of cultural corridors/routes, for example, the Rhaetian Railway (Mürner, 2009). By linking the apexes of the foothills surrounding the village, the planners’ first step was to form a contour line; subsequently the area between the edge of the central flatland and the contour line constituted the buffer zone. What did this buffer zone mean in the Hekeng River Valley? To follow the very definition of the term scrupulously, a buffer zone should separate the core zone from the rest of the outer environment/atmosphere in order to reduce undisclosed threats. This gives rise to the next question: Is it possible to make such a difference between a ‘core zone’ and the ‘outer’ atmosphere in the Hekeng village context? Unfortunately, the answer is negative. As discussed in Chapter 1, the thirteen nominated tulou buildings in the three inhabited cores are all dispersed along the Hekeng River Valley, taking up nearly 30 percent of the total flatland area, leaving the remainder of the arable fields situated only at sporadic intervals among the earthen structures. The dispersion of the tulou buildings leaves no room between the residential area and the hillsides, making it impossible for the planners to differentiate any ‘core zone’ within the densely inhabited flatland area. Faced with the dilemma of fulfilling their task as they interpreted it successfully, the site planners finally chose to transform the hillside area into the buffer zone. Beyond this area also lie other hillsides on which farming and rural industrial work such as tea processing are usually carried out or that are just still just a wilderness with no inhabitation at all. In fact, no appreciable negative impacts could be identified, and so the proposed buffer zone was totally devoid of any reason and hence invalidated. Moreover, in Chapter 1 I have noted that all the flatland inside the river valley has long been densely populated, and the terraced fields and slopes in the foothills, that were finally designated the buffer zone area, are the sites of the major local subsistence and rural industries pursued since the very beginning of the settlement history, and hence an absolutely essential element in the local people’s living heritage. Consequently, what has been totally ignored is that these fields are actually crammed with cultural significance and should on no account be directly transposed into a (meaningless) buffer zone.

Obviously, zoning was devised to separate historical space to comply with the needs of protection, tourism, scenic preservation and so forth. As noted earlier, the buffer zone is regarded by many as a solution to the negative impact of human activities but in fact, as also said above, historically the local people have always had their own ways of zoning a landscape. Dwellings, cemeteries, rice-paddies, ancestral temples and mountain slopes are usually intersected by waterways, channels or small paths. The settlement pattern is therefore a specific reflection of the Hakka people’s innate knowledge of how to manage their land, and hence a living heritage of local people. The conflicts between the local residents and local cultural authorities all had their roots in the dramatic change in land zoning that was introduced in 2006 and 2007.

2.2 HEKENG TULOU BUILDINGS AS ARCHITECTURAL EXHIBITS

The dispersion of the nominated tulou ‘properties’ resulted in a decision to designate the whole flatland area the ‘core zone’, in which, according to strict regulations on authenticity and the local site manager’s specific tastes in dates and forms mentioned previously, no ‘eyesore’ buildings could any longer be allowed to be ‘a blot on the landscape’. However, this is not the only consequence of such zoning activities. Its effects range from such obvious examples as the physical removal of the ‘irrelevant’ to a prohibition on stalls (Xiamen University, 2009) and tea-processing facilities in the designated area. This creates the problem that the making of heritage can directly affect the pre-existing built environment in many ways in both the preparation and the post-registration stages. From the perspective of site planning, a new relationship between the inhabitants and their own place is gradually generated in the process that has been set in motion. Although they might be guaranteed the legal ownership and usufruct of their own properties, people’s private feelings about life in the newly created set-up might be quite different. Unquestionably, the World Heritage title
Attracts more tourists to their place but this means that, to some extent at least, their settlements have been transformed into a sort of public space.

The public use of the local built environment as heritage can have two outcomes. One is that the built environment is eventually reduced to a living museum,26 displacing the local inhabitants into other outer areas (Shepherd and Yu, 2013).27 The Daming site park is a prime example of this. People have good reason to doubt that these situations are confined only to the creation of archaeological parks. Indubitably, we were also able to identify a local government tendency to try to displace local people from the ‘core zone’ in the creation of ‘culture villages’ in some Fujian WH tulou sites. During my 2010 investigation, a letter from the ICOMOS addressed to the Nanjing Tulou Management Committee was discovered. In this letter, the examiners commissioned by ICOMOS expressed their concern about displacing local people from their own villages. ICOMOS suggested that the local county government should be very careful about making this decision (several inquiries by the ICOMOS in 2008, date unclear, information collected from the Archives of Nanjing County Government in July, 2011):

_We understand a decision has been made by county governments to move some of the tulou population in some of the nominated areas from within the core and buffer zones to reserved land beyond the buffer zone in order to relax population pressure within the nominated area and meet the requirements of the visiting public. However, at the same time, at some nominated properties, there appears to be a problem with depopulation and the need to find new and viable uses for vacated units. ICOMOS would welcome further clarification on these two issues. It would be helpful if more information could be provided on the reasons for moving people out of the core and buffer zones and on the overall policy for sustaining the buildings as living units rather than museums._

The second outcome is that, although the local people are still permitted to live in their original places, they are obliged to adjust their previous uses of house and land so as not to violate the newly issued site plans, laws, regulations and government policies. They are able to ‘negotiate’ with the government through dialogue, resistance, conflict or other possible means, and a compromise can eventually be achieved. Unlike the situation in what are called ‘living museums’ in which nearly every possible impact from the local society, as the local cultural authorities perceive these, is completely controlled, the local residents who still live in tulou houses are viewed dismissively by the local cultural authorities as the major source of negative impacts. It is ironic that the negative impacts are thought to have originated primarily from the inside, even though the defining buffer zone is an external imposition. To protect the tulou properties on the flatland inside the core zone properly, the cultural authorities of the Nanjing county government have built up a regulatory system consisting of a heterogeneous mixture of national heritage laws, county-level regulations and transactional policies. In many tulou villages, including Hekeng, the many direct impacts on the local communities from the local regulatory system are clearly visible.

Since the late 1980s, a resurgence in traditional culture began in China (Oxfeld, 2010). This newly awakened enthusiasm led to heritage display being treated as field of government and social regulation (Oakes, 2012). Following the registration of the Kaiping Diaolou and the South China Karst Landscapes on the WHL in 2007, a passion for World Heritage nomination (shenyi re) gradually gathered pace throughout the country. In many places, the acceptance of World Heritage applications has even been considered one of the local officials’ major
political achievements (Hou, L., et al., 2009). In order to win the coveted WH designation, government officials began to pay serious attention to the regulations and key concepts of the WHC. There is a widely known old saying in the Chinese architectural conservation discipline: “Try to conserve ancient architecture by following the way that it was constructed, and try to prolong the lifespan of what is being conserved by curing the diseases here and there.”28 This idea, I would argue, is to a large extent applicable to the conservation of the Chinese 

guanshi jianzhu, that is, the Imperial and official buildings or large temple structures built by scrupulously following a very detailed blueprint (yangshi in royal cases). For obvious reasons, these buildings have had a very strong symbolic meaning and most of them have been preserved and transformed into open spaces since the early Republican period in the 1920s (Wang, 2003). In legal terms, they are the property of the Chinese people. The spatial transformation has made them into exhibits that represent the Chinese past. Their new role as examples of the nation’s pride emerged much earlier than their role as World Heritage sites. To preserve the typically symbolic traits, attention has always been paid to the conservation of the layout, form, structure, arrangement, configuration, color, design, façade and other similar attributes. To be more exact, I see no appreciable differences between the Chinese 

guanshi jianzhu conservation strategies and the World Heritage conservation requirements, with particular reference to the 1994 Nara Conference29 on the contextualization of the authenticity of Japanese wooden architectures. In other words, their status as national symbol means that it is much easier for the restoration of guanshi jianzhu to follow the principles set out for conserving the ‘monuments’ advocated by the international cultural heritage regimes. In fact, their resplendent title of ‘national pride’ has reduced their role purely to the reception of visitors. Although the difference in the conceptualization of authenticity between different cultural areas was revealed during the 1994 Nara Conference, the guanshi jianzhu in China and their counterparts in Japan have rather similar public uses to those in European approaches to architectural monuments. Obviously, official buildings are no longer commissioned to house people and, in particular, their original purpose was eclipsed a very long time ago. The spontaneous metabolization (see Preface) carried out by the residents/users has been terminated. Eventually the sites have been transformed into a kind of architectural exhibit. The exception that proves the rule is Buddhist temples, that have been used for centuries as religious symbols. This is especially true of architectural elements with ritual significance, such as the Mountain Gate, the Buddhist Halls, in some cases, the Drum Tower and the Bell Tower. As has been mentioned earlier in passing, the authenticity of a ceremonial place requires first and foremost that all its ritual significance should be preserved fully intact so that it can fulfill its functions. Consequently, cultural traits represented by what Rapoport called ‘cues’ are the foremost goals when a conservation is undertaken. The result is that Chinese official buildings, as exemplified by the Forbidden City, plus huge temples of various kinds, are in themselves carriers of cultural traits and hence are basically architectural specimens.

At this point, I see no difference between a Chinese or Japanese architectural specimen and a monument in Europe, but I do see a big gap between a carefully conserved architectural exhibit and a vernacular building in the foothills of South China, whether or

29. The Nara Document on Authenticity is the first significant international document acknowledging the cultural diversity and heritage diversity in different social contexts. The contribution of this document lies in that it begins to recognize the complexity of heritage authenticity and the fact that a purely European viewpoint of what authenticity is is not enough to provide a rationale for non-European heritage management in the world, especially East Asia. For people living in less modernized areas, life cannot be arbitrarily simplified into a dichotomy of the present and the past. These people have their own attitudes about what conservation is about. Roughly their concept of conservation can be reduced to building maintenance. The idea of making anything a collectable museum object does come from a European antiquarian tradition, that can be traced back to the late Middle Ages. This type of thinking tends to blur the boundary between ‘their’ past and the world’s past. More-
not a *tulou* building. A fudged boundary between the two categories can lead not only to incorrect conservation strategies but also to disputes about the use of vernacular buildings. Unlike the interior of an ordinary folk building, the adaptability to modern use of such monuments is not mandatory.

It stands to reason that the foremost legislation under discussion in the field of *wenwu baohu* (heritage conservation) is the *Chinese Cultural Heritage Law (Zhonghua Renmin Gongheguo Wenwu Baohufa)*, that is, the cultural heritage laws passed in 1982. Another two related laws are the *Inheritance Law of the P.R. China (Zhonghua Renmin Gongheguo Jicheng fa)* issued in 1985 and the *Property Law of the P.R. China (Zhonghua Renmin Gongheguo Wuquan fa)* issued in 2007. However, under the terms of the *Chinese Cultural Heritage Law*, once ‘unmovable property’ such as buildings and structures is designated the cultural property of a county, province, or is said to be of national significance or even registered on the World Heritage List, it falls under the strict control of the government. On paper, according to the *Regulations on the Preservation of the Cities, Townships and Settlements of Great Historical and Cultural Significances (Lishi Mingcheng Mingzhen Mingcun Baohu Tiaoli)*, issued by the State Council in collaboration with the Ministry of Housing and Urban-rural Development Department of China in 2008, any modifications in structure, arrangement or façade of highly significant personal real-estate (*xianji, shengji, guojiaji* and World Heritage sites) should be ‘approved’ by the local government authorities on or above the county level. In practice, as far as we know, most of these modifications are prohibited by the cultural resource department of the local government, because the worry exclusively occupying the officials’ minds is the potential loss of any heritage traits in the wake of building renovation activities. These rules apply to not only guanshi jianzhu, but also to most of the highly significant vernacular buildings on different levels in Chinese rural areas, especially those inscribed on the National Registration of Cultural Heritage (*Quanguo Zhongdian Wenwu Baohu Danwei Minglu*) and the WHL. In places like Hekeng village, strict restrictions on *tulou* building renovation was already in force in 2006. Spontaneous renovation activities inside the buildings are strictly prohibited if they might lead to possible changes to the approved cultural attributes representing the Outstanding Universal Values. To make it a better place in which to receive tourists, the feeding of animals, acknowledged as part of traditional subsistence agriculture, was also banned inside the *tulou* building. If the truth be told, its World Heritage site status has turned the Hekeng River Valley into a museum-like environment for the display of Hakka *tulou* architecture, not of ordinary villages. Hence, the *tulou* buildings are also in part cultural exhibits. Caught between the devil and the deep blue sea, they are faced with the requirements of two major sources. On the one hand, the *tulou* buildings are required to be conserved following very strict Chinese traditional conservation principles, ‘*xiu jiu ru jiu*’, by the local cultural authorities so that they meet the basic requirements of the WHC. Any demand to improve the housing conditions by changing the structure itself or wooden sections is therefore unacceptable to the local government. On the other hand, as ordinary houses, the *tulou* buildings are also often required to be used adaptively by the local residents. In fact, we have already discovered these sorts of spontaneous adaptations in other non-WH villages, for instance, Taxia and Shiqiao. In local people’s opinion, the primary purpose of maintenance is to improve the housing conditions. In fact, the Hakka people, like any other cultural group in rural China, have long regarded habitation as the most essential way of maintaining houses, but this is just their own conservation philosophy.

For centuries, Taxia village served as a transfer stop on the crossroads between the hill settlements and the Nanjing county seat. As a hub of local trade, it has a long commercial tradition. Its commercial importance means that the culture of Taxia communities is very different from the cultures in other river valleys. The Taxia people have a reputation for being good at business. Compared with other settlements in Nanou, Hekeng and Shiqiao, Taxia is home to a large number of small retail shops built along the major watercourse in the center of the valley. Apart from this, since their renovation, some of the *tulou* buildings facing the river have been adapted and are even used as bars and restaurants.

This change in use has involved not only an external renovation, it has also entailed the alteration of some inner structures, particularly the addition of toilets in the corners of the wings. The narrow space between these *tulou* buildings and the river has now been paved with asphalt, making it impossible for any new pipes to be laid. Furthermore, no drain outlets, essential to the adaptive use of *tulou* buildings, are to be detected in the area of the rivers banks. This indicates that the local people have probably installed sealed septic tanks under the squatting pans and flush tanks inside the toilets. If this supposition is correct, this will surely have changed the floor structure at the corners but these alterations will not have upset the stability of the whole building. Similar adaptations can also be observed in some locally well-known *tulou* buildings, such as the Banyue (Crescent) (Fig. 28). This round example of *tulou* architecture was so seriously damaged by fire that half of the wooden framework has had to be demolished, and the extant half looks like a crescent. Some of the rooms on the second floor of this building have been adaptively used as hotel rooms. Usually, if one room is used as a living room, its neighbor has been adapted for use as a water closet. They have also installed squatting pans inside. The room in the same position on the first floor is also used as water closet allowing the drainage system to be designed, installed and managed vertically. The hotel managers have changed all the floor boards inside the living rooms and the water closets on the second and third floors. This has greatly improved the internal housing conditions (Figs 29 and 30). Some rooms are even equipped with air-conditioning. During the 2013...
investigation, Taxia emerged as one of the earliest villages to have embarked on an adaptive use of the *tulou* buildings, not to mention that of many other vernacular architectures.

Spontaneous renovation activities make up the most essential part of the metabolic process of vernacular buildings in Fujian and, in what has happened in Taxia, we came across some key changes to the earlier renovation methods. By and large, in the past the local residents never used varnishes when constructing or repairing the houses, but such new coating materials have now been commonly used on the wooden floor boards. Air conditioning is also widely installed in the rooms in these adapted *tulou* rooms. Toilet facilities and showers are all new additions to the original domestic amenities. Walls have to be strengthened so that new devices can be hung. Damp courses have to be built for the water closet, on ceilings, and on walls and floors, and this inevitably introduces new materials such as plastic. In any old building, the rooms on the top floors all share the same roof and therefore do not have separate ceilings of their own. In the newly adapted buildings, ceilings have to be added to each new hotel room, and this innovation can lead to big changes in the superstructure of the original buildings. In living-rooms, wooden panels have been attached to the original rammed-earthen walls, and sometimes, electric wires have to be buried inside the small troughs on the earthen walls behind these panels. In comparison to this rather drastic adaptive use of old buildings in both Shiqiao and Taxia, the renovations to the buildings in Hekeng and Nanou are more conservative. In Hekeng, ‘WH principles’ have undoubtedly prevailed in local managers’ minds and these have inhibited any adaptive use. In Nanou, economic depression has been the main force preventing the local communities from undertaking any radical alterations. At this point it is important to pause to and recall that the changes that have modernized buildings and structures in the *tulou* settlements have been part and parcel of these structures since the dawn of the twenty-first century. Although they do not seriously influence the WH-registered architecture or those building on the Chinese National Cultural Heritage List, new materials and new ways of adaptation have challenged the more static views of ‘authenticity’ held by the local cultural authorities.

In countries such as Britain (Ross, 1996; Wang, 2003), if the owner of a heritage attraction architecture can preserve and keep the façade as it was, that person might be granted permission to adapt the interior of that building in some approved ways, but is always subject to the restrictions imposed by the status of the listed building. However, to date no such a regulation setting out ‘to what extent a renovation/ an adaptation of an old building with high heritage values is acceptable as appropriate’ has been introduced in China. The ‘façade’ authenticity principle is certainly a practical measure by which to assess changes, but any alterations to *tulou* architecture only occur inside. In many non-WH *tulou* villages, such as Taxia, the local residents can modify their properties just as they wish, without having to make a preliminary assessment of the load-bearing capacity of wooden structures. This indicates that new adaptive uses of old buildings might be confronted with two major problems. The first is a possible violation of the authenticity principle; the second the risks the new materials and structural modifications might pose. Adaptive use as hotel rooms involves the installation of ceramic sanitary devices such as water basins, squatting pans, toilet seats and seepage floor pavements. There is a good chance that the ensuing weight could overload the posts, floor boards and joists. For safety reasons, the local residents have to substitute completely new modern materials for the posts and joists. If they want to preserve the original interior appearance, no bricks can be used for this purpose. These stipulations will eventually lead to the use of such new materials as lightweight steel. As we are aware, posts also bear the upper load exerted by such structural elements as rafters, roof beams and tiles. Substitutions for such wooden supports can cast the stability of the whole architecture to the winds. This is a speaking example of the low adaptability threshold of the old structures to modern use. In fact, this concern has already been formally, though briefly stated, in relation to the sustainable use of the *tulou* houses, in the same letter from the ICOMOS addressed to the Nanjing *Tulou* Management Committee:
If the tulou are to continue to be lived in as workable houses, there is clearly a need to upgrade them to provide modern services for the residents. How to achieve this transformation without impacting the authenticity of the buildings needs guidance and advice. We understand currently there is no overall guidance for residents on how this type of work should be carried out. ICOMOS would welcome further information on how advice of this sort might be put in place so that the buildings might be upgraded in the most sympathetic way possible. Similarly, it would be helpful to know if such guidance might also be considered for public facilities in order that visitor laboratories, for instance, might be constructed and sited in the least distractive and most sympathetic way...

This letter makes it palpably clear that the ICOMOS does not encourage local authorities to impose a rigid conservation approach in preserving authenticity. Unfortunately, for all the above reasons, it is impossible to preserve every cultural attribute that has played a part in the WH registration while satisfying basic demands to improve internal housing conditions. The goals of WH conservation and the needs of the local people are at complete odds with one another; they might not even be compatible. Unquestionably, the cultural/touristic resource designated by the cultural authorities in the case of the tulou is legally the property of the local communities. The Property Law and the Inheritance Law protect a person’s basic rights to inherit, preserve and transfer his/her own real-estate ownership and also the right to do make modifications to the property he/she owns to satisfy his/her basic housing needs in rural social contexts. In the matter of the basic rights to use personal property in accordance with needs and wishes, the regulations in the cultural heritage laws obviously collide with the what has been promulgated in the Property Law and the Inheritance Law, both regarded by many as the most fundamental laws of China.

2.3 THE CREATION OF THE HEKENG TULOU HERITAGE: A REGULATED PLACE

The creation of a World Heritage site involved the establishment of professional or management bodies, the passing of laws and the formulation of regulations and policies, many dynamic changes in socio-cultural rights plus profit-sharing agreements. This is especially pertinent when we consider how the insiders’ assets are being used by outsiders as tourist attractions, or simply as architectural specimens preserved purely in the public interest. More often than not, spatial transformation in itself is rather passive from the local perspective. To maintain the tulou WH sites, the local cultural authorities have been forced to establish certain social mechanisms in the form of a series of official documents in order to proceed with the heritage-making process during and after the WHL registration succeeded in 2008. These stipulate the prerequisites for transforming a village into a regulated place.

In response to the requirements of the Operational Guidelines (108 and 117), a government-based organization, the Nanjing Tulou Guanli Weiyuanhui or the Nanjing Committee for Tulou Buildings Management, was formally established in 2011. According to the stipulations set out in the Notice of the Decision to Establish the Nanjing Committee for Tulou Buildings Management 2007, the organization was to take the responsibility for making social and economic plans for the protected areas, for protecting, exploiting and managing the cultural, touristic and natural resources, putting WHC requirements, rules and regulations in law into practice, managing the routine work on the agrarian property as well as in construction, forestry, environmental, real-estate and cultural heritage. Regulations governing the WH tulou sites protection were issued by the People’s Government of Fujian Province. In fact, even before the WH registration succeeded in 2008, Regulations on Fujian Tulou Buildings Protection had already been issued in 2006 in preparation for the WHL application in 2007. In 2008, the Fujian Government finally established Regulations for the Protection of the Tulou Buildings Registered on the World Heritage List. Important information relevant to the present discussion can be paraphrased and summarized as follows:

2.3.1 Conservation and Maintenance Responsibilities

The listed tulou buildings should be cared for and protected in a way that adheres closely in both its strategic and practical aspects to the conservation
requirements advocated by the World Heritage Committee in its approval documents issued in 2007; special emphasis is placed on the stipulation that any proposed management plans should be made and implemented by implementing an explicit bipartite conservation zoning methods, namely: core zones and buffer zones. The delineation of the latter is conventionally set out along the view horizons of the nearest mountains in the vicinity of the property. It should be the responsibility of the municipal and provincial governments to supervise and oversee the management of the WH sites. The governments/committees of the counties, townships and villages in which the World Heritage buildings are located should be responsible for the preservation and protection of the buildings. Administrative villages (xingzheng cun) and hamlets (ziran cun) are entitled to establish their own protection units to undertake the duty of the day-to-day care and routine inspections. However, the physical conservation and restoration should be funded directly by the central government and undertaken by qualified institutions under the supervision of the central government. The day-to-day care and maintenance should be the responsibility of the owners or the actual users of the tulou apartments. (In the Meeting Notes of the 23rd Conference of the Standing Committee, Fujian People’s Congress, May 2011.)

2.3.2 Funding, Ticket Income and Reimbursement

One of the responsibilities of each county government is to raise funds for the protection and management of World Heritage buildings. This is easier said than done as this huge task has overburdened local officials who are obliged to maintain all forty-six registered buildings simultaneously. This problem is not insuperable. Drawing on the experience of World Heritage management work in China and abroad, the obvious conclusion is that it would be advantageous if the conservation and management work could be reimbursed by making over a proportion of the ticket income. A fixed proportion of the ticket income could be used to compensate the owners of the apartments

Fig. 29 Renovation inside a tulou room in Taxia village.

Fig. 30 Renovation inside a tulou room in Taxia village.
in World Heritage *tulou* buildings. To satisfy sightseeing stipulations, the forests in the nearest mountains should be purchased by the government and gradually made a part of the themed landscape. Multiple funding sources, such as the central government, the non-government organizations, as well as international or any appropriate funding agencies, should be encouraged. (In the *Meeting Notes of the 23rd Conference of the Standing Committee, Fujian People’s Congress, May 2011*.)

2.3.3 Business

Commodification is a relevant and inevitable challenge with which any managers and planners are constantly confronted and are forced to consider thoroughly. Effective control of such spontaneous activities tend to focus mainly on the limitation to the adaptive use of the listed buildings. Under no circumstances should any of the World Heritage buildings be allowed to be transformed into any type of hotel, shop, restaurant, workshop or other facility for the purpose of making a profit. The theme of residential dwellings should not be altered or shifted to any other use. Commercial activities should be cleared away from the core zones. A fee should be charged for making videos for commercial use. The World Heritage *tulou* building residents’ commercial activities should be planned appropriately and managed so that none of the authenticity principles is infringed. (In the *Meeting Notes of the 23rd Conference of the Standing Committee, Fujian People’s Congress, May 2011*.)

2.3.4 Land-Use

Land and other natural resources within both the core and buffer zones cannot be occupied by anyone for any purpose other than what is allowed by the WH guidelines and it should be kept intact as required in the basic stipulations in the *Operational Guidelines*. Quarries, sandpits, burials and trash pits are all prohibited in the core and buffer zones. Combustible and explosive substances are also forbidden within these areas. New tourist attractions (artificial landscapes) should be allowed to be created in the open areas. (In the *Meeting Notes of the 23rd Conference of the Standing Committee, Fujian People’s Congress, May 2011*.)

2.3.5 Facilities

County governments are expected to take responsibility for establishing museums, galleries or information centers to house and exhibit the intangible heritage that cannot be conveniently exhibited *in situ*. (In the *Meeting Notes of the 23rd Conference of the Standing Committee, Fujian People’s Congress, May 2011*.)

2.3.6 Economic Benefits

If any profits are made from the local people’s properties on the *World Heritage List*, the relevant owners of *tulou* apartments should be kept completely informed about the total sum of the annual tourist income the tourism exploiters have earned. (In the *Meeting Notes of the 23rd Conference of the Standing Committee, Fujian People’s Congress, May 2011*.)

2.3.7 Penal Clause

(a) No one, including the local residents, without a permit issued by the Urban-Rural Development (*Chengxiang jianshe bu*) of the People’s Republic of China, is allowed to construct any buildings or structures inside the core and buffer zones in which the World Heritage *tulou* buildings are located. (b) Anyone without proper qualifications issued by the State Administration of Cultural Heritage is not allowed to undertake any conservation, restoration or reconstruction work. (In the *Meeting Notes of the 23rd Conference of the Standing Committee, Fujian People’s Congress, May 2011*.)

How did the local site managers implement all these regulations and to what extent has the Nanjing County government fulfilled its roles in shaping the newly regulated places, for example, Hekeng village? What challenges did the local government and local people have to face? Thinking about this, it is worth our while to go through some possible impacts each of the abovementioned regulations could have on both the cultural resource authorities and the local communities.

2.3.8 Theming a Regulated Place

Heritage theming is an inevitable aspect of the shaping of a regulated place, because the theme
mirrors how the site managers evaluate and interpret the site, and indeed what they want to present to the visitors. The present assumption seems to be that only theming can make future touristic use possible. As discussed previously, to preserve the authenticity of the most representative buildings within the village, the local government has deliberately sanitized some of the contemporary buildings and structures. In step with the current conservation strategies popular in Fujian, local site managers and planners believe that the past cannot coexist with the present — and the theme required by the UNESCO is certainly a representation of the past, not the present. After ‘modifying’ the landscape, the river valley has been restored to its ‘pre-modern look’; in fact a complete fantasy. When ‘theming’ the place, local site managers chose to preserve the authenticity of the architecture, not that of the landscape or the living heritage. As has been elaborated in Chapter 1, site interpretation of a built environment is still generally very problematic in Fujian. Without a thorough multidisciplinary study on the WH sites, the local site managers might have to rule the significance of local people and their living heritage out of the themes of heritage representation. Even in the WH application materials, the interpretation of tulou sites remained focused on the explanation of the tulou architecture itself (Fujian Tulou Compilation Group, 2009). In essence, misunderstanding of the authenticity concept and the lack of an appropriate interpretive framework eventually both result in a de facto scenic spot selection. The past is not represented by what the local Hakka people actually believe to be their past, but by all the old buildings authenticated by experts. All those disparaged as irrelevant have been hidden. The above regulations established by the local government set out the rules for a representation of the past. As noted earlier, in the course of ‘theming as narrowing’ (Kolb, 2008), the regulations narrows Hekeng’s past to the display of only the thirteen tulou buildings, but the place to be exhibited is in fact the whole village landscape. It is very clear that the past of the local people has been interpreted controversially and simplistically.

In addition, as the Shuyang Township Government Announcement about the Control of Land use and Building Forms (2011) regulated, since 2011 the built environment in each river valley settlement of Shuyang township has been placed under the strict control of the government: ‘No one is allowed to build new architectures or change the forms of the buildings and structures without the permission of the government.’ Consequently, a village like Hekeng has been transformed into a regulated place in which to display architectural exhibits, or a living museum, not a place in which the local people can live in harmony with their past.

Does all this make the assumption that the theming of the Hakka heritage was successful? In 2013 I briefly interviewed various tourists to the Hekeng River Valley, all of them first-time visitors. The purpose of these interviews was to test the performance of the heritage representation and interpretation on the site to see if the ongoing Hakka heritage-making process might help tourists to learn more about the heritage and the people behind it. The questions asked included: How many settlements are there in this river valley? Where do the Hakka people live now? Where did they come from? Who first created the tulou buildings and did you hear anything about it when you visited the village? What do you think are the differences between your life and their life here? Do you know of any other types of Hakka architecture besides the tulou buildings? What do you think are the basic characteristics of Hakka culture?

These are difficult questions. None of the interviewees could answer them satisfactorily. Obviously, if there were no professional interpretation, the visitors would not even know what they were looking at, simply because these community-related inquiries had never even been recognized by the site managers and planners as the fundamental questions that the proposed themes should try to answer. WHL does provide an opportunity to spread the fame of the registered cultural heritage and therefore improve the condition of these heritage sites, financially and technologically. However, WHL registration and regular reviews by the World Heritage Committee do not necessarily guarantee a sound interpretation. In essence, they can only provide a list of values and periodically review whether or not such values still exist after the listing of the heritage has been successfully completed; they are responsible only for the registered parts.
2.3.9 Budget for Sustaining a Regulated Place

Dramatic changes in land-use usually involve huge costs. As discussed previously, the management of such heritage sites as the Hekeng tulou village did follow a rigid conservation approach characterized by excessively strict restrictions on tourist hygiene. McCannell (1989) describes such as a museumization process as indeed a ‘separation of non-modern culture traits from their original contexts and their distribution as modern playthings’. Because the local cultural authorities transformed the tulou into building specimens, the spontaneous metabolic process has been lowered to its minimum level. As in many other heritage places, to conserve a huge earthen tulou ‘castle’ in its entirety can cost a very large sum. In China, it is usually the SACH that provides the funding for undertaking the site planning and making the site management plans. Conventionally, the local governments on the municipality or county levels can apply for such funds. They can use these to hire experienced specialists or organizations with expertise in cultural resource management to make management and conservation plans. Site conservation costs are also covered by the SACH. However, the SACH is not supposed to have the responsibility to provide further support for the practical construction of the heritage attractions in the forms of heritage parks, ethnic culture tourism villages or historical streets. Generally speaking, maintenance fees and expenditure on tourist facilities should be paid for by the local government from its annual income. These costs can amount to a large sum of money. Again, taking the Daming Site Park as an example, its chief designer, Zhou Bing, has calculated (2009) that the construction of the National Daming Palace Site Park cost nearly 2.8 billion yuan and it requires annual maintenance costs amounting to about 0.2 billion. This has placed a big burden on the Xi’an government, whose annual financial income is around 12.5 billion (Zhou, 2009). In a nutshell, it gave birth to a child who does not seem as easy to bring up as it had expected. This financial burden is especially pressing in counties as small as Nanjing. What would be a realistic price if the country wants to conserve a tulou building fully by scrupulously following the most rigorous conservation methods?

If the Chinese cultural resource management authorities decide to conserve/repair an unoccupied wooden building fully, they could be faced with a bill much higher than just the daily maintenance costs. Using China fir tree wood, the conservation of an ordinary courtyard dwelling measuring between 200 and 300 square meters could cost on average 100,000 to 200,000 yuan RMB. For single tulou buildings, the conservation budgets announced by the Fujian Local Cultural Resource Management Authority are often very large: In 2002 the SACH spent 2 million yuan RMB in conserving the rammed-earth walls, the inside wooden parts (posts, beams, rafters and staircases), plus the stone and wood carvings and the wall paintings of the Eryilou (Chen and Chen, 2002). In 2002 the Hu’a’an County government spent 3 million yuan RMB on improving the immediate environs of the Dadi tulou clusters (Chen and Chen, 2002). In 2011 the Yongdong County government drew up a budget of over 5 million yuan RMB for conserving the twenty-three enlisted tulou buildings over the following five years. In 2013 the Yongdong County government budgeted 16 million yuan RMB to conserve the Wuyuan-lou in the course of the next two years.

As Meng (2013) has pointed out, the bulk of the funds for conserving tulou buildings come primarily from two sources. The major part of the funding comes from the financial budget of the Chinese central government. Usually, it is the SACH on behalf of the central government that allocates the funds to the counties in which the heritage sites that qualify to be looked after are located. Nonetheless, it is also quite clearly regulated that the local governments have to find funds to make up for the shortfalls themselves. This can be an uphill battle as they know from bitter experience that these shortfalls can turn out to be a sizeable sum. It is no easy matter for the county government to find the money for conservation costs

31. A personal communication from the CRM researcher of Fujian Provincial Institute of Archaeology Zhang Jinde.
33. Ibid.
34. Information on Fujian Investment, January 17, 2011.
36. Regulations on the protection of the well-known towns and villages, issued by the State Council, 2008.
Table 1. The demographics of Hekeng residents living in *tulou* buildings, 2011.

<table>
<thead>
<tr>
<th>Building</th>
<th>household</th>
<th>permanent</th>
<th>male</th>
<th>female</th>
<th>age over 60</th>
<th>age above 50</th>
<th>age under 16</th>
<th>rooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chaoshui-lou</td>
<td>7</td>
<td>16</td>
<td>8</td>
<td>8</td>
<td>12</td>
<td>3</td>
<td>2</td>
<td>60</td>
</tr>
<tr>
<td>Yongsheng-lou</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>120</td>
</tr>
<tr>
<td>Shengqing-lou</td>
<td>6</td>
<td>10</td>
<td>6</td>
<td>4</td>
<td>5</td>
<td>1</td>
<td>4</td>
<td>78</td>
</tr>
<tr>
<td>Yongrong-lou</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>54</td>
</tr>
<tr>
<td>Nanxun-lou</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>63</td>
</tr>
<tr>
<td>Yangzhao-lou</td>
<td>7</td>
<td>16</td>
<td>8</td>
<td>8</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>96</td>
</tr>
<tr>
<td>Yonggui-lou</td>
<td>8</td>
<td>25</td>
<td>12</td>
<td>13</td>
<td>9</td>
<td>2</td>
<td>8</td>
<td>78</td>
</tr>
<tr>
<td>Yuchang-lou</td>
<td>11</td>
<td>26</td>
<td>13</td>
<td>13</td>
<td>4</td>
<td>7</td>
<td>5</td>
<td>108</td>
</tr>
<tr>
<td>Dongsheng-lou</td>
<td>9</td>
<td>19</td>
<td>9</td>
<td>10</td>
<td>4</td>
<td>8</td>
<td>3</td>
<td>66</td>
</tr>
<tr>
<td>Chungui-lou</td>
<td>11</td>
<td>16</td>
<td>16</td>
<td>14</td>
<td>8</td>
<td>7</td>
<td>10</td>
<td>96</td>
</tr>
<tr>
<td>Chunxiao-lou</td>
<td>15</td>
<td>17</td>
<td>17</td>
<td>18</td>
<td>14</td>
<td>4</td>
<td>17</td>
<td>96</td>
</tr>
<tr>
<td>Yongqing-lou</td>
<td>11</td>
<td>19</td>
<td>19</td>
<td>12</td>
<td>6</td>
<td>7</td>
<td>18</td>
<td>96</td>
</tr>
<tr>
<td>Yuxing-lou</td>
<td>7</td>
<td>11</td>
<td>11</td>
<td>8</td>
<td>7</td>
<td>4</td>
<td>8</td>
<td>60</td>
</tr>
</tbody>
</table>
at such a high rate. ‘Money is always a big problem in doing conservation in these tulou settlements’, Meng said. Current management plans, even if desirable, will not be economically sustainable. As an indispensable source of conservation funds, the local county governments are often forced into a very embarrassing position. The more heritage attractions that are designated, the more economically overburdened they feel. As some of the architectural conservators say, in some settlements of extremely high cultural value, only one-third of the vernacular buildings have been designated heritage buildings of county-level significance by the local government. Many cultural resource authorities on the county level throughout China withhold information about local cultural resources to varying degrees when they are compiling cultural resource inventories. This is not a bolt from the blue; the sustainability of conservation has always been a problem.

2.3.10 Maintenance Responsibility

Each year, every resident living inside the tulou buildings in Hekeng is awarded 19 yuan RMB for room maintenance. For example, there are only nineteen people still living inside the Yuxing-lou; therefore, the total expenditures spent on the building maintenance of that tulou building is only 361 yuan RMB per year. Not to put too fine a point on it, by paying each person who still lives in it 19 yuan, the local cultural resource, on behalf of the county government, have in fact completely shifted the responsibility of day-to-day maintenance of the tulou buildings on to the local communities. The assumptions they use to support this shift in responsibility include: (1) As a resident who lives in the building, a person enjoys the ownership of the rooms he/she possesses. Therefore, (2) he/she has the requirement, indeed the duty to keep his/her own property in good condition. (3) If a person accepts the 19 yuan reward from the government, this is tantamount to him/her agreeing to repair their tulou apartment under the stipulations of the World Heritage Convention and the Operational Guidelines. (4) The person who accepts the money also tacitly has the duty to look after his/her own property, keeping it as ‘traditional’ as the cultural resource managers require. In fact, 19 yuan is a ridiculous sum to undertake any repair work. Nevertheless, with the lure of 19 yuan, the local government has successfully attracted many tulou-keepers. In a nutshell, by paying only a small amount of money, the local government has successfully involved itself in the housing property management in the Hakka people’s daily life.

As Table 1 shows, there is always only a very small population still living in the tulou rooms. Only those living in the apartments are eligible to receive the 19 yuan and to assume responsibility for maintenance as the managers direct, but the majority of the present owners, who live elsewhere most of the time, neither receive anything nor do they have any responsibility. Nineteen yuan means nothing to these residents; yet it does indicate a sort of right that the local government could claim or even use as a basis to intervene directly in the daily management of the Hakka heritage. Ever since the 1990s, the Hekeng economy has been on the wane. The loss of its young labor force means that not only are there high vacancy rates in the tulou apartments and consequently poor conditions for preservation, but also the land resources have been badly neglected. Moreover, the shift in the labor force demographic has eventually resulted in the collapse of the agricultural economy in such rural settlements as those in the Hekeng River Valley. While it is certainly true that the changes in the agricultural landscapes must have emerged long before the decline in the local economy, before the 1990s no one could have imagined the collapse of the rice-cultivation system. Interviews with the Hekeng people suggest that nearly all the younger generation have chosen to work in Zhangzhou and Xiamen. The rice cultivation has been totally abandoned since the early twenty-first century. Agriculture no longer brings the local people large profits; working in urban centers, young peasants can earn more. The elderly and children usually do very little in the fields; their major income comes from the earnings of the ‘peasant workers’ (migrant workers) outside the valleys. The result is serious; urban centers have become the predominant source of income. Although not highly profitable and not particularly reliable, the new economy has still been strong enough to make the local people decide to quit working in the fields. Some old people might
still grow tea on terraced fields, but tea is subject to large fluctuations in the market. Slowly but surely, Hekeng village has shed its agricultural image. The old have depend heavily on their children working outside the hilly region. Like many rural places elsewhere in China, Hekeng is now a village relying heavily on ‘money transfers’. Although the residents cannot use the 19 yuan RMB to repair their roofs properly, they can still fall back on their children’s bank transfers to fulfill such tasks. Presenting these data, I would argue the repair jobs are funded de facto by the young peasant workers.

In fact, the use of cultural resources as site parks, museums or museumized places usually involves the exploitation of rural cultural resources by urban centers. In the case of Hekeng, although almost every travel agency prefers to choose this village as a heritage attraction to lure the tourists, no one wants to reimburse the settlement for the exploitation of its heritage. Likewise, the county government is also set on making good use of ‘its’ heritage, and the way that it achieves this goal is to set strict limits to human activities inside the tulou settlements. It believes that the World Heritage status can conjure up development opportunities. Therefore, it is very important to keep this title by doing as UNESCO requires. As analyzed above, the local government usually follows the ‘keep it as it was’ principle. Human activities are strictly limited to ensure that the basic security and authenticity requirements are met. By the consistent implementation of its own regulations, it has successfully museumized the tulou buildings. The buffer zone requirement has meant that the Hekeng people are losing even more chances to process tea in the buffer zone areas. In the Hekeng people’s own words, they are not allowed to do what they did in the past; ‘they are not kept as they were’. The Hekeng people have lost not only their traditional way of life but their chance indeed their good right to develop their own society. In legal terms, they are the inalienable owners of the tulou rooms, but their rights to use the spaces fully as they would wish are limited not by law but by local regulations. In this case, we can see how the principles are being juggled by the local authorities to achieve their own goals. By paying the 19 yuan RMB, the local government successfully involves itself in the preservation and protection of the tulou buildings, and it has given itself the right to a say in the management of ‘its’ property. When it’s all said and done, the property of the Hekeng people is heavily exploited by outsiders. Museumization as a World Heritage attraction is not necessarily a pleasant fate.

2.3.11 Redevelopment37 and Authenticity

The local people’s desire to redevelop their village area is another practical problem that the local government has to face from time to time. Their property is now no longer regarded as innately or self-evidently important as it was in the past. Compared with modern frame-type architecture, the quality and durability of earthen buildings is fairly poor. The enclosing outer walls usually measure about 2 meters in thickness (Dai, 2012) and therefore a solid foundation is an absolute must. The sheer thickness makes it impossible to reserve enough space underneath to install huge pipes; the upshot is that the sewage system is fairly restricted. Looked at from every angle, the adaptability of the tulou to modern use is rather limited. Unable to put in sewerage pipes the local residents have to build toilets outside the tulou buildings and their waste water has to flow into the open ditches first before it

37. The Appleton Charter for the Protection and Enhancement of the Built Environment defines redevelopment as ‘insertion of contemporary structures or additions sympathetic to the setting’. For vernacular settlements in Fujian, as in most of the rural settlements elsewhere in China, rural redevelopment has always been carried out in a fairly decentralized way. Redevelopment of its very nature is the main social mechanism that leads to new land-use patterns. As it is extremely ‘deconstructive’, redevelopment is usually viewed by many as one of the major threats to heritage preservation, even when it is carried out by the local communities themselves. As analyzed in this part of the discussion, redevelopment is in effect a quite spontaneous construction activity of local residents in response to the changing demands of life. This sort of redevelopment has happened all the time throughout settlement history. Spatial compensation should also be considered as the outlet of new housing demands. For many reasons, spatial compensation is usually the weakest part of heritage site planning. Without any guidance about the locus in which redevelopment is allowed to happen, local residents can improve their use of even a densely inhabited part of a settlement. This is not a result of the failure of heritage conservation practice, but of the incompetence of site planning and the low adaptability to new uses in an old rural built environment.
runs into the pipes or gutters under the gateway and is finally discharged outside the building. Many local residents have to use the night-stools. Most such facilities are placed along the floor corridors in the daytime. Another sanitary hazard is that chickens, ducks and big domestic animals such as cattle and pigs are usually raised inside the buildings, so when it is all said and done, the inside of a *tulou* building is terribly overcrowded and insanitary. The younger generation of Hekeng people have spent almost their entire childhood with their parents in urban areas and cannot stand these unhygienic conditions. They simply cannot accept such a basic humble flat as their home. Their dilemma begs a very challenging question: Who will want to live here in the future? The second-generation peasant workers aged from 20 to 30-plus are more open-minded than their parents, the first-generation peasant-workers. When interviewed, young and middle-aged people both talked about their own futures. Having been long alienated from the farming society, they have lost basic agrarian skills and would no longer be able to make a living from agriculture and are totally unfamiliar with the rural environment. Even though they are still registered as permanent rural residents in official demographic documents, the majority have made a decision to settle down in the urban areas in which they work. Consequently, although stability of ownership is assured, it does not necessarily guarantee the permanent residential use that would gladden the heart of the ICOMOS. In fact, if the WHL had not intervened, local residents might have redeveloped the whole river valley by building brick or timber-frame-type residences.

Right now, the local people are trapped in a dilemma. They do not want to live in old buildings, but they are not allowed to build modern residences inside the settlement area (core zone). As far as the local residents are concerned, the WH nomination came at an inopportune moment when a radical change in the traditional built environment was poised to happen in the Hekeng River Valley. The urge for ‘authenticity’ is largely to blame for thwarting the redevelopment of the local Hakka society. In such international documents as the *Aoi An Protocols for Best Conservation Practice in Asia* (2009), and also in ICOMOS suggestions, local residents are frequently encouraged to live at home, in the old houses. Although this has not been set out in black and white in these documents, the essential purpose of such encouragement is that people keep using the buildings, constant habitation being a condition particularly important to the maintenance of wooden-earth type architectures. However, apparently completely absorbed with preserving the past, these principles have never made any mention of methods that might improve the internal living conditions in the old houses.

As mentioned above, one of the major duties of the local government is to preserve cultural heritage. The primary legal doctrines on which it relies to do this are the articles in the *Chinese Cultural Heritage Law* pure and simple. The snag is that the law fails to offer any clear-cut suggestions about to what extent a building or structure of cultural significance can be modified, in the event that redevelopment is not allowed as it would interfere with the cultural significance of the built environment. Apart from this oversight, no regulations in the form of operational guidelines or any equivalent have ever been worked out. Therefore, when talking about cultural heritage protection, officials usually take an ‘intact’ attitude toward those houses and *tulou* buildings that have been designated culturally significant on different levels. Pragmatically, it goes without saying that people might need to change the inner structure in order to improve the internal living conditions. Such an operation might involve changing the floor boards, plastering the surfaces of the earthen walls inside the rooms and installing new bathroom facilities such as toilet seats, that would be a totally new innovation. Unfortunately, no basic laws address a problem like is the installing a toilet seat in a World Heritage site building ‘legal’. Up the creek without a paddle, on behalf of the government the heritage site managers have to fall back on a plethora of regulations to make their judgments. I would argue that the feasibility of the regulations in the *Chinese Cultural Heritage Law* that cover the preservation of real estate is quite limited, and that the regulations themselves have not been compiled rigorously. The ambiguity lies in the fact that, on the one hand, houses are symbols of the cultural heritage of the country, but on the other hand they still serve the residential needs of the
local people. Caught in this dilemma, officials who are responsible for the preservation and protection of cultural resource therefore hesitate to take any decision. Nowhere do the fundamental laws (for example, land management laws, property laws) state concisely and to the point that a property of cultural significance should be used in strict accordance with the ‘intact’ principles advocated in such professional laws as the Cultural Heritage Law. In other words, a person’s basic rights should encompass the right ‘to modify personal property as he/she wishes, provided that he/she has the ownership of it’. No one knows what should be done to transpose a historical space into a modern residential area without violating the heritage requirements. The embarrassment of such officials is that: In their duties as public cultural resource managers, they have no room to manoeuvre and have no choice but to apply the ‘intact’ rules. Despite the fact that the fundamental laws surely have a much higher status than the bylaws, they say nothing about the legitimacy of spatial transformation. Although it has less legal force, the cultural heritage law does say something about this transformation, but this is both vague and negative. By keeping to the latter, at least, the government authorities lower the risk of being blamed for misconduct. In practice, without appropriate guidance to the making trade-offs between preserving authenticity and improving the adaptability of the tulou to modern use, the local cultural resource managers find themselves having to defend the baseline of authenticity principles very strictly. Everyone knows that adaptive use is not completely prohibited, but no one knows to what extent he/she can undertake any moderations. A local conservation specialist criticized as follows:

‘... We need not only the regulations and laws. They are, of course, important, but you know, the Chinese Cultural Heritage Law was first issued in 1982. Therefore, it may be outdated. When it first came out, vernacular buildings were even not regarded as places of cultural heritage significances, so nothing about such buildings has ever been clearly written into the conservation regulations of that law. We cannot find even a single word about what are wrong doings in the conservation of vernacular buildings in that law. This has brought us troubles in management work. For instance, can it be a violation of any regulations if a peasant would like to change the structure of his/her own property for accommodating other uses, or they simply hope to change the wideness of a window or other features of their own property? We’ve got no answers. According to our basic knowledge about cultural heritage authenticity, such activities are surely not encouraged, but you know, these essential requirements on authenticity are foreign rules, international principles. They are not clearly written in any Chinese laws. They are not illegal. They just make changes on their own houses. We cannot stop them doing such things. We protect, we conserve, and we persuade, only following our basic sense about authenticity principles advocated by foreign NGOs, not any Chinese law articles in written forms.’

During the 2013 investigation in the Hekeng River Valley, I was informed that the local county government had just launched a new project, that was called ‘Fu Mei Xiangcun’ (Wealthy and Beautiful Countryside). The core of the project is the construction of some basic infrastructures for the villages; however, the rules were adamant: Hekeng was not allowed to pave the roads in the valley. Again, the reasoning behind this prohibition is that new materials could interfere with the authenticity of the traditional settlements and negatively affect the OUV on whose basis the buildings were registered on the WHL. WHL is, as many, especially the local government officials, have perceived, provides the basis for a better tourism economy. What the Hekeng people have been complaining about for a long time is that the local government, in conjunction with external travel agencies, have made use of their property but at the price of sacrificing the future of Hekeng village.

Among all the tulou villages scattered throughout Fujian, Hekeng is very special. It is the only one in which all the tulou buildings have been nominated for and registered on the World Heritage List. This is the most important difference between this small river valley village and other Hakka and Minnan villages.

Some the villages have only one tulou building registered on the WHL. Usually, the buffer zone in these villages is quite limited in area. In the ICOMOS letter cited previously, the commissioned experts have even stipulated that the local cultural authorities enlarge the buffer zone of such villages. Obviously, development pressures in these villages are much less than those in the Hekeng River Valley, in which the built environment has been transformed into a representation of the past or into functional zones serving the same purpose. Hekeng could be said to be a fully regulated place. The people there have long been walking the tight-rope between the property law and the heritage law and that between their desire to modernize their settlements and the requirements of the local cultural authorities. The chief embarrassment of the Hekeng people is that, although they have done everything the cultural heritage principles require of them, they are unable to squeeze any acceptable compensation from the county administrators for the resultant inconvenience and economic backwardness, largely derived from the need to keep the tourist resource ‘intact’. By contrast, Shiqiao, where the Zhang surname established their first settlement, is also very famous for its tulou buildings. Registered on the National Famous Village List, it has been less impacted by heritage regulations than Hekeng, that really is a fully regulated place. The investigation in 2013 discovered that more new, modern buildings had already been built in the peripheral areas of Shiqiao village. Most of them have been constructed using bricks and cement. As the local people said, the local cultural resource managers have permitted them to build these small buildings that are in the style of either courtyards or small two-storied bungalows. Some have been built in the buffer zone and are located quite near the old tulou houses. In recent years, some outsiders have also paid rent for using the land of the local peasants, and some of the small bungalows are theirs. As it is not a World Heritage attraction, land-use at Shiqiao village is much more flexible.

2.3.12 Profit-sharing and Compensation

At the time of the investigations, nothing to do with the profit-sharing issues had been regulated. Hekeng, like most of the tulou settlements in Fujian, has been a major tourist destination since the 1990s. Many believe that the local people, especially the owners of the tulou apartments, could be reimbursed from the tourist-generated income; however, this is still a pipe dream. Tianluokeng and Yunshuiyao are the best examples of the tourist economy in the hilly region. Their success, I would argue, derives from the local people’s participation in cultural resource management. Unlike these two places, in most other settlements, including Hekeng, Nanou, Taxia and Shiqiao, visitors are free to enter any buildings, and no one is going to be charged. In these places, the tulou buildings are still sites of daily use and residence; they have not yet been developed as tourist attractions. In 2007, 420,000 tourists came to visit the hilly region. In 2009, this had risen substantially to 518,000 people. In 2010, the settlements in Yongding had to handle a tourist ‘invasion’ of around 710,000. It is estimated by the local government that Yongding county alone generated a total tourist income of 0.3 billion yuan RMB in 2007. This figure is only a rough estimate. In 2011, Tianluokeng settlement for the first time in its post-developed (tourism) era, even welcomed a migrant-workers’ backflow from the urban centers. The wanderers returned home to help their families manage their businesses. The local residents and tourists immediately began to complain about a deterioration in the environment. Stalls are scattered throughout the buffer zone, that is extremely crowded, dirty and disorderly. This ‘return to base’ is evidence that tourism had already generated copious economic benefits and had therefore become the

39. ‘It was the opinion of the ICOMOS Mission experts that it would be beneficial to extend the buffer zone for Zhenfu-lou further down the valley. ICOMOS would welcome a response to whether consideration has been given a slightly larger buffer zone for this complex or if one could be considered.’ (Several inquiries by the ICOMOS in 2008, date unclear, information collected from the archives of Nanjing County government in July, 2011).

40. Profit-sharing can always be a problem. Ye (2006) has recorded the income-sharing at Eryi-lou heritage site, also a WH site in southern Fujian. According to Ye, an ordinary visitor who wanted to visit Eryi-lou and the small museum housed in another tulou building might be charged 30 yuan RMB. At that time, the local government alleged that the ticket income was used for the maintenance of the buildings and employing caretakers. In short, none of the income was allotted to the tulou residents as compensation.

major income source of the local people in Shangban. No one knows how many people will come to Hekeng each year, but surely ‘there will be a great many’, as some of the residents said. It seems that Hekeng has been a tourist ‘hot spot’ for quite a long time. The disappointing news is, in the settlements in Hekeng and Nanou, people cannot expect more from tourism; they are only stations on the way to somewhere else. In the 2011 investigation, I began to sense a tension between the local residents and the outsiders. Some of the local people even refused to allow the tourists to go inside the tulou buildings. At the time of the investigation, the Hekeng people were all talking about their wish to develop settlement tourism. As noted earlier, the local government was encouraging people to live inside their real estate. On the one hand, only residents would have the right and feel the necessity to repair their dwelling and thereby preserve the buildings. On the other hand, this might certainly reinforce the impression that the village is still densely occupied and actively used (which it is obviously not, owing to younger generation’s exodus), one salient condition for attracting more tourists. The sad truth is that almost every tourist line passes the ‘tulou village in Hekeng’, the well-known World Heritage site, by. Before reaching their final destination, perhaps Yunshuiyao, perhaps Shangban, visitors are able to get their first glimpse of the magnificent buildings of the Hakka people in the Hekeng settlements from their bus without paying a penny. Indeed, although a WH site, tourism development in Hekeng lags far behind that in many other places nearby. Between 2006 and 2012, the Hekeng River Valley became a tourist destination generating no ticket income. According to communications with some of my informants, it is possible that some of the local residents in these two site villages, namely: Shangban and Yunshuiyao, are ‘government cadres’ and were adept at making good use of these ‘advantages’ to initiate the tourism development process there very early. This is a very feasible reflection of the uneven distribution of political influence and the advantageous position of rural cadres in the use of local heritage resources. In reality, a WH title might not necessarily lead to an advantageous position in regional tourism competitions. Compared to Shangban and Yunshuiyao, whose tourism economy is run basically by the local people themselves, the local residents in Nanou, Shiqiao and Hekeng rarely have the chance to participate in any form of tourism development. In 2011, in an interview, the staff member of a travel agency in Taxia said that the local people were never invited to play any part in tourism management. Theoretically, tourism would seem to be one of their best options. However, as mentioned earlier, the taxes from tourism companies only find their way into government coffers: they are not the gateway to a better quality of life for the tulou residents in Hekeng. The companies share the tourist income with only the local government. As noted earlier, a fairly paltry 19 yuan RMB is given to each Hekeng resident as recompense. Only when the residents began to realize what role they had been allotted to play did they begin to voice their complaints about the museumization process and the tourism development in which they are pawns.

In many instances in China, compensation for heritage preservation is usually closely linked to the relocation of the local people. The relocated local communities are entitled to compensation for the loss of their property as well as subsidies for both relocation and interim housing. A good example of this process is the Fangyan cultural heritage site in Zhejiang province. Zhao (2013) claims that a total number of 3,500 people were moved out of the site area. Some of the local people were able to obtain additional compensation for the decorative components of their houses. Some of them received ‘one-time’ compensation for having had to close a business. The local government even issued Detailed Guidelines for Demolition, Compensation and Settlement Plan for the Central Scenic Area of Fangyan. The Fangyan case sets a good example for other local governments in the compensation of local people for the economic loss incurred during the creation of national heritage. In a situation radically different to the Fangyan case, the Hekeng people have suffered two kinds of losses. The most appreciable one is the loss of their real-estate, including the two-story earthen houses and tea processing places. The compensation for these losses was actually underlined in the Fangyan compensation plan cited above. However significant
HEKENG: A PLACE SWAMPED BY REGULATIONS

this material loss is, there is also another important loss that should be paid more attention, but this has been overlooked in the details of that plan, namely: the complete or partial loss of the local people’s right to inhabit or use their own properties conveniently and in the way in which they were intended to be used. As most people were not satisfied with the two relocation places proposed by the local township government, the plans for relocation in the Hekeng River Valley did not go ahead. To add insult to injury, as their properties were treated as a national treasure, they were not eligible for damages. That said, as discussed previously, the Hekeng people’s right to use their built environment has already been seriously eroded. Therefore, the compensation for this invisible loss should take the form of renting.

2.4 THE LEGITIMACY OF ‘OVERREGULATED PLACES’ IN THE CHINESE LAND RESOURCE MANAGEMENT FRAMEWORK: A BROADER VIEW

As Silverman and Blumenfield (2013) have observed, since 2000 on many formal occasions Chinese officials have begun to lay a growing emphasis on the importance of cultural heritage resources, domestic tourism and economic development as a whole. They have often raised the question: ‘How should the contradictions of simultaneously destroying and protecting heritage be understood?’ If they go back to the drawing-board, they might well discover that such contradictions can be the direct result of the contested zoning activities in land resource management.

The term ‘regulated place’ refers to those Chinese cultural places registered on the international, national, provincial and county cultural heritage lists, that are subject to being influenced to various degrees by certain laws and regulations pertaining to land-use. The Chinese cultural heritage is ‘administered’ in a hierarchical top-down system. On the one hand, the Chinese heritage management system, like that of any other countries, is used to place all the cultural resources on a ladder ascending from the sites of least significance to those of overriding importance. Although this might seem all clear and above board, ‘cultural significance’ does not necessarily make sense in the overall Chinese land resource management system. At least five Chinese ministries can have a direct impact on the preservation of Chinese cultural resources. The most significant is, of course, the Chinese Ministry of Culture (Zhongguo Guojia Wenhuabu) with which the SACH is affiliated, whose role is to guard the cultural resources of the country. Second in descending order of importance is the Ministry of Land and Resources of the PRC (Zhongguo Guotu Ziyuanbu), or the MLR. This government department was established to manage all Chinese land resources (tudi ziyuan), most pertinently such natural resources such coal-mines, forests, other natural reserves and so forth. The third one in the pecking order is the National Committee for Development and Reforms (Guojia Fazhan yu Gaige Weiyuanhui), or the NCDR, whose major role is to make plans for urban and rural development. It is followed in influence by the fourth one, the Ministry of Housing and Urban-Rural Development of the PRC (Zhonghua Renmin Goufu ji Chengxiang Jianshebu), or the MHUD, that is responsible for overseeing and managing Chinese infrastructure, real estate and public facilities in urban and rural areas. Finally the Ministry of Agriculture, that has complete charge of Chinese agriculture and rural development is also entitled to have its say as well.

In view of the inconsistency and inconvenience that inevitably result from these cross-managing practices, since 2007, the National Committee for Development and Reforms has embarked on a new program: ‘One Map for the Whole Country’ (Quanguo Yizhang Tu) whose purpose is to draw all the urban and rural land resources into one geographical mapping system. It states unequivocally that there is absolutely no doubt that cultural heritage is one of the primary land resources, and on this ground, in seeking its support they proposed various notions to the SACH. However, for reasons unknown the then incumbent director of the SACH was not prepared to lend a willing ear to whatever it had to say.42 Abashed by the director’s refusal, the officials of the NCDR turned directly to the local governments

42. Personal communication from Prof. Wang Xuerong in 2014.
for their help. Finally, in 2014 the NCDR put forward its periodic plan in the form of a series of zoning plans, entitled Quanguo ji Gediqu Zhuti Gongnengqu Guihua or the Primary Plans for National and Provincial Function Zoning. As the primary strategy for guiding Chinese development in both urban and rural areas, the plan re-divided the total land area of China into four principal categories, namely: redevelopment areas (youhua kaifaqu), development areas (zhongdian kaifaqu), limited development areas (xianzhi kaifaqu) and cultural and natural reserves (jinzhi kaifaqu). As the officials of the NCDR might have initially assumed, cultural resources such as archaeological sites, official buildings in historical urban areas and vernacular buildings in rural areas should have been incorporated into the reserves category. Under the plans published in 2014, their goal was only partially achieved. Without the help of the SACH, the NCDR could have only included the WH sites and natural heritage parks in the reserves, and this limitation would have entailed an oversight of nearly all other important cultural heritage sites. Obviously, the existing Chinese CR management hierarchy cannot match the new land resource management orientations. Its impotence can only expose the cultural sites and buildings to a greater threat from urban and rural development and redevelopment, especially those sites located in or around the areas belonging to the first two newly developed land resource categories. As I mentioned previously, in urban and rural planning in China zoning activities play an enforcing role in legislation. When this affects Chinese cultural heritage preservation and protection, it is highly likely that a vernacular building site, such as the Hekeng tulou heritage, could be subject to the regulations and laws from at least seven sources: (1) the NCDR function zone regulations that do recognize the World Heritage Conventions and follow the authenticity and buffer zone principles of the Operational Guidelines; (2) the Regulations on the Preservation of the Cities, Townships and Settlements of Great Historical and Cultural Significances (Lishi Mingcheng Mingzhen Mingcun Baohu Tiaoli) issued by the State Council in collaboration with the MHUD; (3) the Chinese Cultural Heritage Law (Zhonghua Renmin Gongheguo Wenwu Baohufa) issued by the State Council in collaboration with the SACH; (4) local government regulations, decisions, policies in relation to cultural heritage protection, such as the ones cited in this chapter; (5) Land Resources Management Law of the PRC (Zhonghua Renmin Gongheguo Tudi Guanlifa) issued by the State Council in collaboration with the MLR; (6) the Chinese Property Law (Zhonghua Renmin Gongheguo Wuquanfa) issued by the National People’s Congress; and (7) the Chinese Inheritance Law (Zhonghua Renmin Gongheguo Jichengfa) also issued by the National People’s Congress. Excessively burdened with rules and regulations, Hekeng has had to wrestle with many serious restrictions on land and house use, ensuing economic hardship, unpromising compensation for the transference of right of usufruct and a nugatory tourism income.

Hekeng was once a small but densely inhabited lineage village located along a brook in southern Fujian region, particularly well known for its high density of tulou houses. From 2006 to 2012, using the rules and regulations laid down in WH policies, regulations and concepts as an excuse, the local county government, in collaboration with site planners invited from other parts of China, transformed the village into a ‘museum’ in which the tulou architectural specimens are the principal exhibit. During this spatial transformation, even though the local residents were still living there, the built environment began to change dramatically. Essentially, a new function, that of serving visitors, was imposed upon the inhabited area. To create a heritage theme that would attract more tourists, the local site managers accorded representation of the past the most prominent status among the many other tulou uses. Not to put too fine a point on it, between 2006 and 2012, Hekeng was swamped in regulations.