Regulations of the PRC on Scenic and Historic Areas

Dan Young Business Consultancy — www.danyoungcpa.com

Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Establishment 2

Chapter III — Planning 2

Chapter IV — Protection 3

Chapter V — Utilization and Management 3

Chapter VI — Legal Liability 3

Chapter VII — Supplementary Provisions 4

Adopted at the 149th Executive Meeting of the State Council on September 6, 2006
Promulgated by Order No. 474 of the State Council of the People's Republic of China on September 19, 2006

Revised in accordance with the Decision of the State Council on Amending Certain Administrative Regulations on March 1, 2016

Effective: December 1, 2006

Table of Contents

- Chapter I — General Provisions
- Chapter II — Establishment
- Chapter III — Planning
- Chapter IV — Protection
- Chapter V — Utilization and Management
- Chapter VI — Legal Liability
- Chapter VII — Supplementary Provisions

Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purpose of strengthening the administration of scenic and historic areas and effectively protecting and rationally utilizing the scenic and historic resources.

Article 2 — For the purposes of these Regulations, "scenic and historic areas" means the areas that have been approved by the State for establishment, where the natural landscape and the cultural landscape are

concentrated and the environment is beautiful, and which can be used for sightseeing, scientific and cultural activities.

Article 3 — The State shall adopt the principles of scientific planning, unified administration, strict protection and sustainable utilization in respect of scenic and historic areas.

Article 4 — The construction department under the State Council shall be responsible for the supervision and administration of scenic and historic areas throughout the country. The relevant departments under the State Council shall be responsible for the supervision and administration of the relevant scenic and historic areas within their respective functions and duties.

The construction departments under the local people's governments at or above the provincial level and the relevant departments under the local people's governments shall be responsible for the supervision and administration of the relevant scenic and historic areas within their respective functions and duties.

Article 5 — The people's governments at or above the county level at the places where scenic and historic areas are located shall incorporate the protection and administration of scenic and historic areas into their national economic and social development plans.

Chapter II — Establishment

Article 6 — Scenic and historic areas shall be divided into national scenic and historic areas and provincial scenic and historic areas.

Areas where the natural landscape and the cultural landscape can reflect important natural changes and major historical and cultural development processes, and are basically in a natural state or have maintained their historical appearance, and are nationally representative, may apply to be designated as national scenic and historic areas. Areas with regional representativeness may apply to be designated as provincial scenic and historic areas.

Article 7 — The establishment of national scenic and historic areas shall be proposed by the people's governments at the provincial level and submitted to the State Council for approval and promulgation.

The establishment of provincial scenic and historic areas shall be proposed by the people's governments at the county level and submitted to the people's governments at the provincial level for approval and promulgation.

Article 8 — Upon approval of a scenic and historic area, the people's government that approved its establishment shall establish an administrative body for the scenic and historic area in accordance with the provisions.

Chapter III — Planning

Article 9 — Scenic and historic areas shall prepare overall plans for scenic and historic areas in accordance with the law. The preparation of such plans shall reflect the requirements of harmony between man and nature, regional coordinated development and comprehensive economic and social progress.

Article 10 — The overall plan for a national scenic and historic area shall be prepared by the people's government at the provincial level and submitted to the State Council for examination and approval. The overall plan for a provincial scenic and historic area shall be prepared by the people's government at the county level and submitted to the people's government at the provincial level for examination and approval.

Article 11 — The overall plan for a scenic and historic area shall include the following contents:

(1) the evaluation of scenic and historic resources;

(2) the delimitation of ecological resource protection measures, and the determination of the scope of areas where major construction projects are prohibited or restricted;

(3) the determination of the nature, characteristics, scope and layout of the scenic and historic area;

(4) the plan for the protection, cultivation, development and utilization of scenic and historic resources; and

(5) other contents as prescribed by the State.

Chapter IV — Protection

Article 12 — The landscape and environment within a scenic and historic area shall be protected in accordance with the principle of sustainable development, and strict administration shall be exercised in accordance with the overall plan for the scenic and historic area.

Article 13 — The administrative body of a scenic and historic area shall establish and improve the protection and administration system, and shall strengthen the routine patrol, protection and monitoring of the scenic and historic resources.

Article 14 — The following activities are prohibited within scenic and historic areas:

(1) quarrying, mining, land reclamation, erecting graves and erecting tombstones;

(2) constructing storage facilities for hazardous articles such as explosives, combustibles, corrosives, radioactive substances and toxic substances;

(3) destroying the landscape, vegetation and landform; and

(4) other activities that damage the landscape and environment as prohibited by laws and administrative regulations.

Article 15 — Construction activities within a scenic and historic area shall be subject to the examination and approval of the administrative body of the scenic and historic area, and shall comply with the overall plan for the scenic and historic area.

Article 16 — The administrative body of a scenic and historic area shall strengthen the administration of safety, and shall establish emergency response plans to ensure the safety of tourists and the scenic and historic resources.

Chapter V — Utilization and Management

Article 17 — The administrative body of a scenic and historic area shall, in accordance with the carrying capacity of the environment and resources of the scenic and historic area, reasonably determine the tourist capacity and organize tourism activities in a planned manner.

Article 18 — Entities and individuals conducting business activities within a scenic and historic area shall obtain the consent of the administrative body of the scenic and historic area and obtain business licenses in accordance with the provisions.

Article 19 — The administrative body of a scenic and historic area shall improve the traffic, service facilities and sightseeing conditions within the scenic and historic area, and shall set up scenic area signs and safety warning signs in accordance with the provisions.

Article 20 — The income from tickets and paid services of a scenic and historic area shall be subject to the administration of separate accounts and separate accounting, and shall be used exclusively for the protection and administration of the scenic and historic area and the protection of the property rights of the owners and users of the resources within the scenic and historic area.

Chapter VI — Legal Liability

Article 21 — Whoever, in violation of the provisions of these Regulations, commits any of the following acts shall be ordered by the administrative body of the scenic and historic area to stop the illegal act, restore the

Source: https://www.danyoungcpa.com/scenic-historic-areas-regulations-prc/

original state or take other remedial measures within a prescribed time limit, and may be fined in accordance with the law:

(1) quarrying, mining, land reclamation, erecting graves, erecting tombstones or constructing storage facilities for hazardous articles within the scenic and historic area;

(2) constructing facilities without approval within the scenic and historic area; or

(3) engaging in other activities that damage the landscape, vegetation and landform within the scenic and historic area.

Article 22 — Where the administrative body of a scenic and historic area fails to perform its duties in accordance with the law, the relevant administrative department shall order it to make corrections; where serious consequences are caused, the persons directly in charge and other persons directly responsible shall be given administrative sanctions in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 23 — Where a relevant administrative department or the administrative body of a scenic and historic area, in violation of the provisions, approves construction activities within the scenic and historic area, the persons directly in charge and other persons directly responsible shall be given administrative sanctions in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter VII — Supplementary Provisions

Article 24 — These Regulations shall be subject to interpretation by the construction department under the State Council.

Article 25 — These Regulations shall come into force as of December 1, 2006. The Interim Regulations on the Administration of Scenic and Historic Areas promulgated by the State Council on June 7, 1985 shall be repealed simultaneously.

Disclaimer: This translation is provided for informational and reference purposes only. While every effort has been made to ensure accuracy, this is not an official translation and should not be relied upon as a legal document. For official purposes, please refer to the original Chinese text promulgated by the competent authorities of the People's Republic of China. Dan Young Business Consultancy makes no warranty as to the accuracy, completeness, or currency of this translation and accepts no liability for any loss or damage arising from reliance on it.