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STATE COUNCIL BULLETIN

No 35, 10 JANUARY 1987

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CHINA

STATE COUNCIL BULLETIN

No 35, 10 JANUARY 1987

[Translation of the tables of contents and selected items from ZHONGHUA RENMIN GONGHEGUO GUOWUYUAN GONGBAO published in Beijing.]

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Beijing STATE COUNCIL BULLETIN in Chinese No 35, 10 Jan 87 p 1075

[State Council Circular on the Approval and Circulation of the Report by the Ministry of Urban and Rural Construction and Environmental Protection and the Ministry of Culture Requesting the Promulgation of the Second List of Historical and Cultural Cities (8 December 1986)]

(Guofa [0948 3127] (1986) No 104)

[Text] The State Council has approved the "Report by the Ministry of Urban and Rural Construction and Environmental Protection and the Ministry of Culture Requesting the Promulgation of the Second List of Historical and Cultural Cities," which we hereby circulate to you for study and implementation.

All localities and departments must make an earnest effort to do a good job in protecting, developing, and managing historical and cultural relics in accordance with the requirements laid down in the "PRC Law for the Protection of Cultural Cities" and the "State Council Circular on the Request for Instructions on the Protection of Historical and Cultural Cities Submitted by the State Construction Commission and Other Departments" (Guofa [0948 3127] (1982) No 26).

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REPORT ON PROMULGATION OF SECOND LIST OF HISTORICAL CITIES

Beijing STATE COUNCIL BULLETIN in Chinese No 35, 10 Jan 87 pp 1075-1077

[Report by the Ministry of Urban and Rural Construction and Environmental Protection and the Ministry of Culture Requesting the Promulgation of the Second List of Historical and Cultural Cities (24 April 1986)]

[Text] In February 1982, the State Council approved and circulated the "Request for Instructions on the Preservation of Historical and Cultural Cities" submitted by the former State Construction Commission and other departments. This circular, which promulgated the first list of historical and cultural cities, has given an important boost to the work of preserving the historical and cultural cities and the fine historical and cultural legacies of our country. Over the last few years, work has been unfolded in a positive way in various historical and cultural cities. Through conducting investigations and study, formulating preservation programs, adopting preservation measures, strengthening maintenance and management, and properly handling the relationship between preservation and development, they have scored considerable achievements. The promulgation of this list of historical and cultural cities has also influenced other cities in such a way that they also began to pay attention to the preservation of the historical and cultural legacies and their own special features while carrying out development. With the economy now thriving in the cities and the rural areas, construction and tourism are developing rapidly. In order to further carry forward the work of preserving the historical and cultural cities, it is of tremendous importance that we promptly promulgate the second list of historical and cultural cities and emphasize the need to make an earnest effort to preserve our fine historical and cultural legacies, promote the cultural and ideological advance of our society and develop tourism in the course of modernization.

With the approval of the General Office of the State Council and in line with the relevant provisions of the "PRC Law for the Protection of Cultural Relics," we started preparing for the second list of historical and cultural cities in April 1984. In view of the fact that the promulgation of historical and cultural cities by the state shall have great impact at home and abroad, we adopted the prudent policy of extensively soliciting recommendations and suggestions from below. A total of 80 cities were recommended by various provinces, autonomous regions, and cities governed by the central authorities at different times. We then solicited the opinions of the experts and the parties concerned in these cities and carried out on-the-spot investigation of selected cities. The cultural and economic construction groups of the CPPCC

specially gathered together its members and the experts to discuss the second list of historical and cultural cities, and made some proposals. After this, we invited leading experts and professors in such fields as history, cultural relics, archaeology, history of the revolution, construction, town planning, and geography from all over the country to a meeting to examine the second list of historical and cultural cities. On the basis of the list recommended by various provinces, autonomous regions and cities governed by the central authorities and the views put forward by the parties concerned, we decided on 38 cities (for namelist and brief introduction, see attached) for the second list of historical and cultural cities and submitted the list to the State Council for approval and promulgation (the list of historical and cultural cities for Taiwan Province to be announced).

We would like to suggest the following to ensure the better preservation and management of the historical and cultural cities:

1. China is a country with a long history and brilliant culture where ancient cities worthy of preservation abound. Considering that the promulgation of historical and cultural cities by the state as such shall have great impact at home and abroad, the number should be kept relatively small. We hereby propose that a two-tier system based on the historical, scientific, and artistic values of specific cities be adopted, that is, national historical and cultural cities promulgated by the State Council, and local level historical and cultural cities promulgated by the people's government of the province, autonomous region, or city governed by the central authorities concerned.

2. As to their criteria, historical and cultural cities, according to the "PRC Law for the Protection of Cultural Relics," should be "cities where rich cultural relics are preserved and which are of great historical value and revolutionary significance." In the actual examination and approval process, the following principles should be adhered to:

First, we should not only look at the history of the city but should look in particular at whether or not rich and wholesome cultural relics and vestiges are preserved and whether or not these are of great historical, scientific and artistic value.

Second, there is a distinction between historical and cultural cities and cultural relics subject to preservation. For historical and cultural cities, the historical features should be preserved in the present layout and appearance of the city, and there must be neighborhoods which can represent the traditional looks of the place.

Third, since the cultural relics and vestiges are mainly found in the urban areas and suburbs, the preservation and rational utilization of these historical and cultural legacies have much to say in the nature, layout, and development policies of these cities.

3. We should properly draw up programs for the preservation of historical and cultural cities. We should preserve cultural relics and neighborhoods with historical and traditional characteristics, preserve the traditional layout and appearance of these cities, and preserve the quintessence of their

traditional culture, art, and customs and habits, as well as the well-known traditional products. The preservation programs should be incorporated into the general development program of the cities and submitted to the higher authorities for examination and approval in accordance with the "Regulations Governing Urban Planning." The individual historical and cultural cities should formulate their own laws and regulations for preservation and management, clearly specify the units to be preserved, the scope of preservation and the zone subject to construction control, and adopt preservation measures as necessary.

4. Neighborhoods, clusters of buildings, small towns or villages where cultural relics are more concentrated, or where the traditional appearance and national and local characteristics can be presented in a fairly intact way, should also be preserved. The people's government of the province, autonomous region, or city governed by the central authorities concerned may, in the light of their historical, scientific, and artistic value, promulgate these as "historical and cultural preservation zones" after verification. Measures for the preservation of these "historical and cultural preservation zones" may be formulated in the light of those laid down for cultural relics subject to preservation, with the emphasis on the preservation of the overall appearance and characteristics.

5. We should continue to step up publicity with a view to enhancing the understanding of the vast number of cadres and the masses of the significance of preserving the historical and cultural cities and the historical and cultural preservation zones. Scientific research should be conducted to provide the necessary scientific basis for the preservation and construction of historical and cultural cities and for their social, economic, and cultural development. At the same time, the training of personnel specialized in the preservation of historical and cultural legacies should also be stepped up.

6. The central departments concerned and the local governments should, where their financial strength permits, provide the necessary funds for the preservation of historical and cultural cities and historical and cultural preservation zones. At the same time, we should also rely on other social forces and open up more sources of funds.

Please circulate the above report to various localities and departments for study and implementation if nothing inappropriate is found.

Attachments: Namelist and brief introduction of the second list of historical and cultural cities.

Names on the Second List of Historical
and Cultural Cities (38)

Shanghai, Tianjin, Shenyang, Wuhan, Nanchang, Chongqing, Baoding, Pingyao [1627 6674], Huhehot, Zhenjiang, Changshu [1603 3578], Xuzhou, Huaian [3232 1344], Ningbo, Shexian [2965 4905], Shouxian [1108 4905], Bozhou [0082 1558], Fuzhou, Zhangzhou [4545 1558], Jinan, Anyang [1344 7122], Nanyang [0589 7122], Shangqiu (County) [0794 8002], Xiangfan [5980 2868], Chaozhou [2600 1558], Langzhong [7046 0022], Yibin [1355 6333], Zigong [5261 6300], Zhenyuan [6966 6678] 6678], Lijiang [7787 3068], Xigaze, Hancheng Hancheng [7281 1004], Yulin [2810 2651], Wuwei [2976 1218], Zhangye [1728 2227], Dunhuang [2415 3552], Yinchuan and Kashi [0807 0087].

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RULES ON IMPORTS/EXPORTS BY FOREIGN DIPLOMATS, MISSIONS

Beijing STATE COUNCIL BULLETIN in Chinese No 35, 10 Jan 87 pp 1100-1102

[Regulations of the General Administration of Customs of the PRC on the Import and Export of Articles by Foreign Diplomatic Missions in China and Their Personnel (Approved by the State Council on 31 October 1986 and Promulgated by the General Administration of Customs on 1 December 1986)]

[Text] Article 1. The present regulations are formulated in accordance with the "Regulations of the PRC on Diplomatic Privileges and Immunities."

Article 2. Except when bilateral agreements have been signed in this connection, the import and export of articles for official use by foreign diplomatic missions in China (hereinafter referred to as diplomatic missions) and of personnel effects by their officers must comply with these regulations.

The term "articles for official use" mentioned above means furniture, decorative articles, office equipment and stationery, supplies for reception, vehicles, and other items directly needed by diplomatic missions for their performance of duties; the term "personal effects" means furniture, home electrical appliances, vehicles, and other articles of daily use directly needed by the diplomatic officers and their spouses and children living with them during their stay in China.

Article 3. Articles for official use imported and exported by diplomatic missions and personal effects sent into or out of China by diplomatic officers through consignment shipping or by mail shall be declared to the Customs in writing. Diplomatic officers entering or leaving China shall make verbal declaration of their accompanied baggage and effects as well as those conveyed by the same means of transport on which they are traveling. Such baggage and effects shall be released by the Customs without inspection.

However, the Customs shall have the right to inspect such baggage and effects when there are major justifications to suspect that they carry items that are neither articles for official use nor personal effects, or goods prohibited from import and export by the laws and regulations of China. The diplomatic officer or his authorized representative shall be present at such inspection.

Article 4. The import of articles for official use declared by diplomatic missions and the import of personal effects declared by diplomatic officers shall be duty free if the Customs have checked and found the number to be within the limit of their direct needs.

The export of articles for official use and personal effects declared shall be released by the Customs after verification.

Article 5. Diplomatic missions and their officers may not bring into or out of China articles whose import or export are prohibited by the laws and regulations of the PRC. If such articles must be imported or exported due to special circumstances, prior consent must be obtained from the authorities concerned of the Chinese Government, and must be dealt with in accordance with the relevant regulations of the Chinese Government.

The import of radio receivers and transmitters and their principal parts must be declared in writing and approved by the Ministry of Foreign Affairs in advance. Diplomatic missions and their officers should declare such imports to the Customs and submit the relevant documents of approval, and the goods shall be released by the Customs after verification.

To take cultural relics out of China, an application must be filed with the Customs beforehand. Such relics shall be examined by the departments of cultural administration of various provinces, autonomous regions, and cities governed by the central authorities designated by the State Administration for Cultural Affairs and issued export certificates. Diplomatic missions and their officers should present the relevant certificates to the Customs, and the Customs shall release the goods after verification.

The import and export of arms and ammunition must comply with the "PRC Regulations on the Control of Arms."

The import and export of articles subject to the quarantine laws and regulations of China shall be handled by the Customs in accordance with relevant laws and regulations.

Article 6. With the exception of those items authorized by the authorities concerned of the Chinese Government, articles declared by diplomatic missions and their officers that fall into category of commodities whose import and export are prohibited by Chinese laws and regulations shall be held in custody by the Customs. The diplomatic mission or officer concerned should cancel the shipment within 90 days. Items not claimed at the end of the stated period shall be sold by the Customs at the current price and the proceeds shall go to the Treasury.

Article 7. Articles imported duty free by diplomatic missions and their officers may not change hands. When there are special reasons for such transfer, permission must be obtained from the Customs.

The recipient or transferrer of articles whose transfer has been approved must pay the necessary Customs duties or go through tax exemption formalities with the Customs.

Article 8. Diplomatic bags of diplomatic missions shall be released without inspection. Such bags should be sealed and affixed with clearly identifiable marks, and may contain nothing except diplomatic papers or articles for official use.

Diplomatic couriers carrying such diplomatic bags must hold courier certificates issued by the competent authorities of the appointing country. Captains of commercial airlines may be entrusted to carry diplomatic bags for diplomatic missions, but they must hold official papers (indicating the number of bags) from the country that entrusted them the task. Those bags that are entrusted to captains of commercial airlines or sent through consignment shipping shall be handed over, received, or dispatched by diplomatic officers sent by the diplomatic mission concerned.

Article 9. Personal effects brought in by the administrative and technical staff and service staff of diplomatic missions who are neither Chinese citizens nor permanent residents of China, including articles for setting up their new homes imported within 6 months of their assumption of office, should be declared in writing to the Customs. Items found to be within the amounts of direct needs (cars being limited to one per household) shall be released duty free by the Customs after check and approval. Personal effects declared when they leave the country shall be released by the Customs after inspection.

Personal effects mailed in or out by the above-mentioned staff members shall be handled by the Customs in accordance with the relevant provisions concerning personal postal parcels.

Personal effects brought into the country through consignment shipping by the personnel mentioned in Paragraph 1 of this article shall be dealt with in the light of Paragraph 2 of this article by the Customs.

Article 10. The import and export of articles for official use and official bags by agencies of the United Nations and other its special organizations and agencies of other international organizations in China, and the import and export of personal effects by the officers, administrative and technical staff, and service staff, and their spouses and children living with them, shall be dealt with by the Customs in accordance with the relevant international pacts which China has entered into and the agreements concluded between China and the international organization concerned; circumstances not covered by these pacts and agreements shall be dealt with in accordance with the relevant provisions of the present regulations.

Article 11. The import and export of articles for official use and of consular bags by foreign consulates in China, and the import and export of personal effects by consular officers, consular staff and their spouses and children living with them, shall be dealt with by the Customs in accordance with the relevant international pacts which China has entered into and the agreements concluded between China and the country concerned; circumstances not covered by these pacts and agreements shall be dealt with in accordance with the relevant provisions of the present regulations.

Article 12. The present regulations shall go into force on the day they are promulgated.

CUSTOMS DECLARATION RULES FOR FOREIGN MISSIONS, DIPLOMATS

Beijing STATE COUNCIL BULLETIN in Chinese No 35, 10 Jan 87 pp 1103-1104

[Rules on Customs Declaration for Foreign Diplomatic Missions in China and Their Personnel (Promulgated by the General Administration of Customs on 1 December 1986)]

[Text] 1. In respect of the import and export of all articles for official use by foreign diplomatic missions in China (hereinafter referred to as diplomatic missions), and all articles for personal use of diplomatic officers sent through consignment shipping or by mail, the "Declaration Form of Articles for Official or Private Use Imported by Foreign Diplomatic and Consular Missions" (hereinafter referred to as the "Declaration Form") shall be filled out in triplicate and submitted by the diplomatic mission concerned to the Beijing Customs for completing the import or export formalities upon the arrival at the port of the incoming articles or before the dispatch of those outbound. Items listed on the Declaration Form should be clearly filled, and relevant papers such as packing lists and invoices should be attached. The Declaration Form should be stamped with the seal of the diplomatic mission concerned, and signed by the head of the mission or diplomatic officer authorized by him.

The filling of the Declaration Form may be waived in the case of small postal parcels sent by the diplomatic missions or their officers. The Customs shall process the parcels against official letters from the diplomatic missions and diplomatic identity cards issued by the Ministry of Foreign Affairs of China.

2. The import of radio receivers and transmitters and their principal parts, and arms and ammunition by the diplomatic missions or their officers must be declared to the Customs together with documents of approval from the Ministry of Foreign Affairs of China. The Customs shall give clearance against the documents of approval.

3. Diplomatic missions and their officers importing into China articles that fall within the category of things whose export is prohibited or restricted, such as cultural relics, gold and silver and articles made thereof, by the laws and regulations of China, should submit a packing list to have the articles declared and registered. These articles shall be cleared for reexport against such registration.

4. The shipping of cultural relics abroad must be declared to the Customs. The Customs shall release cultural relics bought in Chinese shops after checking against the sales invoices and the stamp of approval affixed by the departments of cultural administration of China; as regards cultural relics bought in China through other channels, the Customs shall release the articles after checking against the export permits issued and the stamp of approval affixed by the departments of cultural administration of China.

5. Diplomatic missions and their officers needing to transfer ownership of articles imported duty free from special reasons shall first fill out in triplicate the "Application Form for the Transfer of Ownership of Articles for Official or Private Use of Foreign Diplomatic and Consular Missions" and submit it to the Beijing Customs. Such transfer may be effected only after approval has been granted. Except at the termination of a tenure of office or in some other special cases, the ownership of cars may not be transferred before they have been used for 2 years after import.

6. Diplomatic missions should send the following specimens and namelist in quintuplicate to the Beijing Customs for the record:

- 1) Specimens of the mission seal for use on Customs Declaration Forms, and the signature of the Head of Mission or his authorized officers;
- 2) Specimens of the stamp used for sealing diplomatic bags and the diplomatic courier certificate;
- 3) A namelist for all diplomatic officers, administrative and technical staff, and service staff of the diplomatic mission, as well as their spouses and minors living with them, including their titles, date of assumption of duty, and address.

Any alterations in the above items should be promptly notified to the Beijing Customs in writing.

7. Administrative and technical staff and service staff of diplomatic missions bringing in articles for setting up their new homes within 6 months of their assumption of office should fill out "Customs Declaration Forms" and complete the declaration formalities at the Beijing Customs. The import of articles for private use imported through consignment shipping during their tenure shall be released by Customs after checking against the identification papers issued by the Ministry of Foreign Affairs of China to the person concerned.

8. Diplomatic missions wishing to send out articles purchased from the Chinese market for institutions in their own country or for other overseas institutions of their country should fill out the "Customs Declaration Form" for the export of the commodities and declare them to the Customs. The Customs shall release the goods after checking against the customs declaration.

9. When importing or exporting articles for official or private use, the following institutions and their personnel shall go through Customs declaration formalities with the Customs in the cities where they are located in line with these procedures:

1) Foreign consular missions and their consular officers, administrative and technical staff and service staff;

2) Agencies of the United Nations and its special organizations, and agencies of other international organizations which have concluded agreements with China, as well as their representatives, administrative and technical staff, and service staff.

10. The present rules shall go into force on the day they are promulgated. The "Procedures for the Customs Declaration of Articles Imported and Exported by Foreign Diplomatic Missions and Their Officers in China" implemented since 1 January 1977 shall be abrogated on the same day.

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END