

**From Public Information to Public Consultation
-- Improving the Land Use Master Planning Process at the County and
Township/Town Levels in China**

by

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A Thesis submitted to the Faculty of Graduate Studies of

The University of Manitoba

in partial fulfilment of the requirements of the degree of

MASTER OF CITY PLANNING

Department of City Planning

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Abstract

The purpose of this study is to examine public participation policies and the resulting practices in land use planning both in Canada and China and to explore the possibility of applying the Canadian public consultation experience in a Chinese context. In China, along with rapid urbanization and industrialization, the conflicts of interest in land use among stakeholders have become increasingly complicated and multidimensional. The literature review demonstrates that there is a need to enhance the democratic nature of land use planning by improving the level of public participation in China. Several participatory mechanisms, such as public notification and public hearing, have been used in the land use planning process in the last decade in China. However, the level of public participation in land use planning remains very low and the opportunities for the public to be involved are also quite limited. This study interviewed seven Chinese land use planning practitioners from three different groups, representing policy regulators and planning officials from the central government, planning officials from the local government at the county and township/town levels, and planners from land use planning institutes.

The research suggests that the present public participation requirements in the Chinese land use planning system can be improved by incorporating the features available in the Canadian land use planning system. However, given the social, economic, political, and cultural differences between these two countries, some techniques often implemented in Canada may be difficult or require a long-term effort to be successfully implemented in China. Based on the results of the analysis, this study provides recommendations for improving public consultation in the land use master planning process at the county and township/town levels through enhancing the effectiveness of land use planning regulations. It also identified three areas for further research, including research respecting the general farmers' attitudes towards the effectiveness of the current public participation practice in China, evaluation of the implementation of the proposed recommendations, and investigation of how the improvements of the planning mandates may affect the planning practice at the local level.

Keywords: Public consultation; Planning mandate; China's land use master planning

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Glossary of Terms

Public Participation: As defined by the International Association of Public Participation (IAP2), public participation is any process that involves the public in problem-solving or decision-making and uses public input to make better decisions. This term may refer to a process of involving the public at different levels in different arenas. In this paper, public participation is used as an umbrella concept that covers the five levels of participation, including public information, public consultation, public involvement, public collaboration, and public empowerment. An examination of the planning mandates of the three Canadian provinces suggests that in land use planning in Canada, the involvement of the public is generally at the level of public consultation or a little bit higher. In China, however, the involvement of the public remains at the public information level. In some areas, a very low level of public consultation may be involved.

Public Consultation: Similar to the term public participation, public consultation is also a widely used term without a widely accepted definition. Sometimes, public participation and public consultation are interchangeable in the literature. In this paper, based on the public participation spectrum developed by the IAP2, public consultation refers to public participation at the second low level. It is a process that obtains public feedback on analysis, alternatives and/or decisions.

Public Participation Activities: Public participation in land use planning generally remains at the levels of public consultation and information. The participatory techniques used in land use planning are also the ones at the informing and consulting levels. In this paper, unless otherwise specified, public participation activities refer to participatory activities that employ informing and consulting techniques.

Land quota and classification system (Zhi Biao Jia Feng Qu): This system was created in the second round of China's nationwide land use master planning process for the purpose of farmland protection. Land quota includes four parameters: the total amount of cultivated land, basic farmland, cultivated land occupied for non-agricultural construction purposes, and land for reclamation. Land classification in land use master planning at the prefecture and upper levels mainly classifies the types of land uses and provides guidance for the land use master plans at the county and township/town levels to follow. The land use master plans at the county and township/town levels then define the areas for the

utilization of land and define the purpose of each tract of land according to the actual conditions for the use of that land (Cai, 2004).

Basic farmland: According to the 2004 Land Administrative Law of China, the following cultivated land shall be demarcated as basic farmland protection areas and subject to stringent control according to the land use master plans:

1. Cultivated land for grain, cotton and oil-bearing crops located within production bases approved by the land administrative department of the State Council or the local people's governments at and above the county level;
2. Cultivated land with good water conservancy and water and soil conservation facilities and medium-and low-yielding land where the execution of an amelioration plan is in progress, or medium-and low-yielding land that is transformable.
3. Vegetable production bases;
4. Experimental plots for research and teaching;
5. Other cultivated land that should be designated as basic farmland protection areas as provided for by the State Council.

Areas of basic farmland demarcated by various provinces, autonomous regions and municipalities should make up over 80% of the cultivated land within their administrative areas (Article 34, 2004 Land Administrative Law). The requisition of basic farmland shall be approved by the State Council (Article 45, 2004 Land Administrative Law).

Land for farm use: This term refers to land directly used for agricultural production, including cultivated land, wooded land, grassland, land for farmland water conservancy, and water surfaces for breeding (Article 4, 2004 Land Administrative Law).

Land for construction use: This term refers to land on which buildings and structures are put up, including land for urban and rural housing and public facilities, land for industrial and mining use, land for building communications and water conservancy facilities, land for tourism and land for building military installations (Article 4, 2004 Land Administrative Law).

Land unused: This term refers to land other than that for agricultural and construction uses (Article 4, 2004 Land Administrative Law).

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Chapter One: Introduction

1.1 Introduction

In China, governments have great control over land uses and the general public's access to land use planning processes is limited. However, the current situation of China's land use master planning indicates that many land use issues cannot be solved independently from the political or economic arenas. The North American planning literature also suggests that land use planning requires collective decision-making processes and the involvement of the public is crucial to an effective planning process (Hodge, 1998; Forester, 1999).

The traditional government dominated planning system in China results in a low level of public participation in the land use master planning process. Public participation activities mainly focus on seeking insights from academics and experts. Farmers are usually excluded from the planning process. Lack of farmers' input has caused many problems, such as insufficient technical information, nontransparent planning processes, and less practical land use master plans (Wang, 2005; Cheng, Hao, and Yang, 2005).

In the face of these challenges, many Chinese planning officials and planners have recognized the need for improvements to the public participation mechanisms in the land use planning system. Feng (2003) stated that involving the public could improve the scientific basis of land use planning, increase the transparency of land use decision making, and enhance the implementation of land use plans (p 52). Cheng et al (2005) also pointed out that public involvement activities could allow the public to be directly

involved in land use master planning, enhance public capacity to participate, and achieve cooperation between governments, planners, and the public. Zheng Z. Y. (2004) argued that the public should be involved in the whole planning process.

The Chinese central government has also shown a desire to improve the level of public participation in land use planning. For example, a planning principle of the third round of the nationwide land use master planning revision initiated in 2003, for the first time, places emphasis on the advice of experts and public suggestions. Similarly, China's Ministry of Land and Resources (CMLR is a Ministry of the Chinese central government) has also expressed an interest in and willingness to learn about the public participation experience of foreign countries.

Canada has a long history of public consultation in land use planning. The planning process in Canada is not just considered a series of technical steps, but also a process of participation through which diverse people, firms, and institutions work together to achieve desired results (Hodge, 1998). Harry (1976) suggested that effective land use planning would depend more on "human relations in the process of arriving at decisions" than "on the planner's science and art of preparing plans." Brown (1996) also argued that while it was important and necessary for national and provincial governments to "define basic land and resource policies in the broad public interest," the need for local people and governments to "reflect local conditions and aspirations in planning and decision-making" was equally important (Brown, 1996, p.5).

The preliminary study and initial informal interviews indicated that an absence of mandated requirements in land use master planning legislation has been a significant barrier to the improvement of public participation in land use planning processes (Cheng, Hao, & Yang, 2005). The municipal planning process in Canada is highly formalized. Relevant public consultation mandates have been written in provincial planning acts for many years with an aim at ensuring avenues for public comment and consultation (Hodge, 1998). While the cultural backgrounds, political institutions, and planning systems in Canada and China all differ from each other, according to function and content, the land use master plans at the township/town level in China play a role more or less similar to that of the municipal plans in Canada. Some Canadian experience and participatory techniques used in Canada may be applicable in China.

Therefore, a study of the planning mandates and the resulting practice in Canada will be of great value for the development of effective public consultation mandates for land use master planning at the county and township levels in China.

1.2 Problem Statement

Public participation mandates provide legislated rights for the general public to participate in planning processes. However, until recently, public rights to be involved in planning have never been written in land use planning legislation in China.

The 1998 amended *Land Administrative Law* in China announced for the first time that the Land Use Master Plan at the township/town level shall be made known to the general public (Article 20). Article 20 entitled the land owners and land users the right to be informed of land use decisions. This step represented a turning point at which the land use planning process at the town level developed from a non-participation stage to an informing level. However, since the mandated public notification process takes place after the approval of the land use master plans and no regulation is issued to deal with subsequent dissenting public opinions, the function of this process is limited to just an announcement. As Feng (2003) stated, the general public was still excluded from the whole planning process, not to mention that many towns still do not implement public notification as stipulated in Article 20 (p.53).

In February 2004, China's Ministry of Land and Resources issued a regulation to adopt a land and resources hearing system in accordance with the *Land Administrative Law* (Xinhuanet, May 1, 2004). The regulation of land and resources hearing system strongly suggests a public hearing be held by county governments when preparing or amending Land Use Master Plans (Rule 12, 2). This regulation provides further opportunities for the general public to be involved in land use planning processes. It showed the efforts of the

Chinese government to move forward to a higher level on the participation continuum.

However, because this regulation was not developed with reference to the specific characteristics of land use master plans, it fails to provide detailed guidance for planners and government officials. Particularly, the regulation does not specify when the public hearing should be held during the land use master planning process, what the objectives of hearings are for preparing and amending land use master plans, and who should be involved in the process.

Implementation of the public notification and public hearing systems improves the democratic nature of the land use planning system and enhances the public's right to participate in planning processes. However, the involvement of the affected public during land use planning processes in China is far from being adequate. Public participation activities have been conducted routinely with little meaningful input from the general public.

CMLR is presently preparing a *Land Use Planning Act* that likely will include a mandated public consultation process, which will provide detailed guidance to local governments and planners on how to involve the public in land use planning. This study aims to learn from the Canadian public consultation experience and to explore the possibility of applying the Canadian experience and techniques in the county-and-town-level land use master planning in China. It is expected that the results of this study will provide useful information for the transformation of the Chinese planning use master

planning system towards a more open, transparent, accountable, and consultative one.

1.3 Objectives

This study has three objectives:

- (1) To investigate the implementation of the public notification and public hearing systems in land use master planning at the township/town level in China and to probe the need for a public consultation process in China's land use master planning.
- (2) To analyze the planning processes of the municipal plans in three provinces of Canada, including British Columbia's Official Community Plan, Manitoba's Development Plan, and Ontario's Official Plan, with a focus on the public consultation mandates, approval processes, and the resulting practice of public consultation.
- (3) To learn from Canadian experience and to explore public consultation mandates that are applicable to China's land use master planning processes at the county and township/town levels.

1.4 Research Questions

This research aims to explore the current situation of public participation practice in China's land use master planning at the county and township/town levels, to learn from the Canadian experience, and to provide insights for the improvement of public consultation in China's land use master planning. In order to fulfill this goal, the study

will examine four key questions:

1. How are the public notification and hearing systems implemented in planning practice at the town level in China?
2. What is the significance and value of improving public consultation processes in land use master planning in China?
3. How do the land use planning system, planning mandates and the resulting planning practices regarding public consultation work in Canada?
4. What Canadian experience of public consultation could possibly be applied in a Chinese context?

1.5 Scope of the Study

The scope of the research focuses on the public participation policies and their resulting planning practices in land use master planning at the county and township/town levels in China. While increasing the level of public participation requires a collaborative effort of many planning components, planning mandates have a strong influence on local governments and planners in designing public participation programs. In addition, the openness of planning approval influences the level of public participation in planning processes. In China, no public consultation mandate is readily available and planning approval is completely in the hands of governments at different levels. The general public is largely excluded from planning approval processes. As such, this research studies the planning mandates and approval processes in three provinces in Canada and explores how public consultation is achieved during the planning processes.

1.6 Assumptions and Limitations

This study was based on the following four assumptions. (1) The Chinese government is

willing to move a step forward to implementing the public consultation process in land use master planning. Public notification has already been mandated in land use master planning at the town/township level. A public hearing has also been strongly suggested by China's Ministry of Land and Resources during the master planning process at the town/township level. These facts may indicate that China recognizes the importance of involving the public in land use master planning and would like to improve the land use planning process; (2) The improvement of planning mandates can help increase the level of public participation in land use master planning at the township/town level in China; (3) The public consultation mandates developed in land use planning in Canada are valuable to China; (4) China could adopt or learn from the Canadian experience to improve its land use master planning processes.

This study is also subject to the following four limitations:

(1) Some of the Canadian experiences might not be easily applied in the Chinese context. Public consultation has been integrated in land use planning processes in Canada for many years. In China, public notification was just written into the *Land Administrative Law* seven years ago in 1998, and a public hearing system was adopted in land use master planning in 2004, which is just two years ago. In addition, differences in political systems, land ownership, and culture in China will also affect the adoption of a Canadian style public consultation process. Additional research that evaluates the implementation of the recommended strategies would be a useful supplement to this study.

(2) The interviewees were primarily from land use planning institutes and government agencies who were working on the establishment of land use policy, or the design or implementation of land use master plans. Without research from the general public, the findings of the study might be biased because they only reflect the perspectives of the land use planning practitioners. Furthermore, public participation is a sensitive topic in China. Due to its political dimension, interviewees from government institutions or government may provide answers in favor of government opinions.

(3) The research results may not represent a general situation across China. Although this study seeks to provide general recommendations for improving the level of public participation at the county and township/town levels, research at the local level was conducted with planning practitioners in three pilot cities. The attitude of local land use planners and government officials to public participation and the way they deal with the public may vary from region to region. As a result, the research results from these specific regions may not represent a broader perspective.

(4) This research mainly focuses on the public consultation process which is one of the lower levels of public participation in decision-making processes. Taking the public participation spectrum developed by the International Association for Public Participation (IAP2) as an example, public participation in decision-making processes can be defined by five levels: inform, consult, involve, collaborate, and empower (IAP2, 2003a). The more that the public is involved; the more sensitive to public interests the decisions/plans would likely be. However, each type of project in each country may involve the public at

various levels depending on the political environment, cultural background, and socio-economic situations. This study targets land use master planning at the county and township/town levels in China. The level of public participation in land use master planning in China still remains at the stage of being informed. Therefore, it is reasonable for China to move forward incrementally toward public consultation in the land use planning arena. Along with the advancing reforms of the political system, growth of civil society groups, and development of the economy in China, public participation in land use planning in China may increase to a higher level of collaboration in the participatory continuum.

1.7 Outline of Chapters

Chapter One sets the context for the research and provides an overview of the objectives and research questions. It then outlines the scope and limitations for achieving these goals.

Chapter Two establishes a framework for the research. It describes the research methods used to undertake this study, including a literature review, a case study and key-informant interviews.

Chapter Three provides an overview of the social, economic, and cultural background to public participation in land use planning in China. It starts with an introduction of China's rural land policies, levels of government administration, and land use planning system. The chapter then summarizes the history and development of the land use master planning system in China. Finally, it outlines the current planning regulations relating to

public participation and explores the needs and challenges of mandating public consultation in China's land use master planning.

Chapter Four provides the theoretical basis for the research. It introduces the levels of public participation by using several theoretical models; examines the values of involving the general public in land use planning processes; and identifies the criteria for analyzing the planning mandates in the case study.

Chapter Five consists of two sections. The first section introduces the planning system, policies, and related planning policies in Canada, and how they influence public consultation in land use planning. The second section describes land use planning processes at the municipal level in three provinces in Canada. It analyzes the planning mandates of three provinces, and the level of public participation that typically results from these requirements. The results of the case study were presented to interviewees in the second round of interviews in order to help them evaluate the possibility of adopting Canadian experience or features in the Chinese setting.

Chapter Six reports the results of the interviews and examines the results in relation to the research questions. The analysis explores the implementation of public notification and public hearing systems in land use master planning at the county and township/town levels in China, investigates the value of improving the land use master planning process from the perspectives of planning professionals and practitioners, and identifies the main concerns and opinions of the interviewees with regard to the implementation of public consultation in land use master planning in China.

Chapter Seven provides recommendations for improving the level of public participation in land use planning in China through enhancing public consultation mandates. The limitations of results and suggestions for future research are also discussed.

Chapter Two: Research Methods

2.1 Introduction

The purpose of this study is to examine the implementation of the public notification and public hearing systems in China's land use master planning; to understand the need for mandated public consultation in China; to learn from the Canadian experience of land use planning processes; as well as to provide recommendations for improving public consultation in China's land use master planning. Three research methods were applied to fulfill these objectives, including a literature review, a case study, and two rounds of key-informant interviews. This section outlines the reasons for selecting these three methods and how these methods help answer the research questions.

2.2 Literature Review

Given the cross-cultural features of this study, the literature review consisted of two parts.

The first part was a preliminary study of the literature on China's land use planning system, landownership, and related policy reforms. It also provided an overview of the development of public participation in land use master planning in China. This led to a better understanding of the necessities and challenges related to improving the level of public participation, by mandating public consultation in China's land use master planning at the county and township levels.

The second part was undertaken to provide the theoretical groundwork for this study. It included an introduction to public participation by using three representative participation

theoretical models. Following this, this part of the literature review examined the values of public participation in land use planning. Finally, it identified the criteria that were used to analyze the planning mandates in three provinces in Canada.

2.3 Case Study

The case study for this research focused on the planning mandates in three provinces in Canada. The proposition of this study was that planning mandates influenced the level of public participation in planning. By summarizing the requirements for participation and planning approval processes in Canada, insights could be provided for the development of a public consultation process in land use master planning in China.

In this case study, the theoretical propositions not only guided the process of data collection, they also provided a basis for the analyses. The analyses addressed the proposition through categorizing and comparing the land use planning processes and the levels of public participation practices of three provinces in Canada.

This case study included two sections. The first section introduced the Canadian planning system and land use planning. The second section reviewed and analyzed the planning processes of municipal plans in three Canadian provinces: British Columbia's Official Community Plan, Manitoba's Development Plan, and Ontario's Official Plan.

The second section was conducted in two steps. The first step was to study the planning process of each province separately. Each case study started with an introduction of the

general information of the province, provincial planning policies, planning processes and approval processes of municipal plans. In addition, based on the consultation requirements specified in planning regulations, this section outlined how the public could get involved during the planning process.

The second step was a critical and comparative analysis of three planning processes. This step employed the six critical choices planners must make when designing participatory programs identified by Brody et al. (2003), including administration, objectives, stage, targeting, techniques, and information. These six choices were used as criteria to analyze the differences among the planning theories and public participation practices in the three provinces. It then used IAP2's Public Participation Spectrum as a theoretical model to illustrate the degree to which the general public was involved in the planning processes. Finally, the analysis built connections between the features of public consultation requirements and the resulting level of participatory practices.

The results of the analysis from the above two steps were presented to the Chinese interviewees for their reference.

2.4 Interviews

Key-informant interviews were an essential component of this research. Primary data was collected directly from Chinese land use planning practitioners from land use planning departments and planning institutes. The interview questions included two parts. The purpose of the first part of the interviews was to gain an in-depth understanding of the

implementation of public notification and hearing systems at the township/town level and to explore the value of improving public consultation in China's land use planning. The second part of the interview process aimed to explore what features of the Canadian experience of public consultation may be applicable in China and how to contextualize them.

2.4.1 Interviewing Methods

The interview method was chosen because open-ended and probing questions can be used to gain in-depth responses. This method also allows for small sample sizes but deep inquiry. This research used two types of interview method: in-person interviews and phone interviews. Most interviews were in-person interviews, which are more effective when interviewees are asked complicated or sensitive questions. Phone interviews were also selected in this study because some interviewees are dispersed in two different regions in China.

2.4.2 Interview Guides

Each of the interviews used similar interview guides to ensure that the interviewer covered all the topics and issues. I tried to be tactful about sensitive topics, which could cause discomfort for the interviewees.

Interviewees were given an estimate of the interview time at the beginning. In the first part of interviews, I started with an introduction of myself, the topic of the study, and how the information would be used.

The questions of the first part of interviews were designed to be more open-ended, in order to explore in-depth information and identify potential responses. The second part of interviews included several close-ended questions. Interviewees were asked to choose answers from the results of the literature review and case study. These close-ended questions allowed me to develop a general picture of the Canadian experience that could be applied in China.

2.4.3 Study Participants

This research selected the participants based on the purpose of the study and on their ability to provide the information (Kruger, 1988). In this study, those people with experience in land use planning and knowledge of participatory approaches are the optimal population to provide insight into this research. In addition, the interviewees should cover planning professions from different levels of governments in order to gain a range of perspectives.

Thus, this study selected the interviewees from three groups. One group consisted of land use policy regulators and planning officials from the Chinese central government. The second group included planning officials from local government land and resources management institutes at the county and township/town levels. The interviewees of the third group were land use planners from land use planning institutes. The above three groups of interviewees were chosen because they were directly engaged in land use master planning and were familiar with the current situation of public participation. The interviews with people from the central government helped provide a political context for

this study. The interviewees from the local communities and planning institutes were those planning professionals who worked closely with the public in the planning process. Their attitudes to public consultation were of great value to this research.

In addition, this research attempted to obtain an equal number of interviewees from the different groups for the purpose of conducting a comparative analysis. Two to three interviewees were recruited from each group. This research involved a total of seven interviewees.

2.4.4 Data Analysis

The main focus of the analysis was on four aspects in relation to the research questions stated previously: (1) the implementation of public notification and public hearing requirements; (2) the value of public consultation in China's land use master planning; (3) the challenges of mandating public consultation requirements in China's land use master planning process; and (4) the features of the Canadian experiences that might be adopted in the Chinese context.

The analysis concentrated on the relationships between the mandated requirements and public participation activities in practice. The interview responses were analyzed by using quantitative and qualitative techniques. In addition, the differences among the various groups were also analyzed to compare perspectives between different levels of government.

2.5 Research Steps

This study was conducted in five steps.

The first step was a preliminary study of the current situation of public participation in China's land use master planning. It explored the needs for mandating public consultation in land use master planning in China. The land use master planning process and related policies of China were also studied for a better understanding of the institutional and political context. Several informal interviews were conducted with a focus on the necessity of mandating public consultation in land use master planning in China. The responses were analyzed for the purpose of refining the research emphases of the case study.

The second step was a literature review of the development of public participation approaches in land use planning in North America. This part of the literature review explored the values of public participation in land use planning; examined the role of planning mandates in terms of their effects on planning practice; and defined the criterion to evaluate participation requirements in land use planning.

In the third step, a case study was conducted to review the planning mandates in three provinces in Canada. The objective of this step was to study the Canadian land use planning processes at the municipal level in three provinces and to analyze the relationships between planning mandates and participation practices. It reviewed the mandate regarding public consultation in land use planning processes, and investigated

the degree to which the public was engaged in the planning processes as a result of the participation requirements.

The fourth step was two-part interviews. Based on the results of the literature review and preliminary research, the interview questions were developed in two parts. The first part of the interview was designed to investigate the implementation of the current public participation requirements. The second part aimed to explore the Canadian experiences that could be applied in a Chinese context. During the second part of the interviews, the interviewees were provided with several charts showing the results of the case study. They were asked to evaluate the different public consultation and planning approval processes in Canada and to discuss what Canadian experience might be applicable in China's land use planning processes.

The final step made a series of recommendations for the improvement of public consultation in land use master planning at the county and township/town levels in China.

Chapter Three: Chinese Context of Public Participation in Land Use Master Planning

3.1 Introduction

This chapter provides an overview of the social, economic, political, and cultural background to public participation issues in China's land use planning. First, China's rural land policies, political administration system, and land use planning are introduced. Second, this chapter describes the history and development of China's land use master planning system. Finally, integrating the results of the literature review and primary study, this chapter offers a broad exploration of the social, economic, and cultural context of the need for more public participation in China's land use master planning, and identifies the challenges of involving the public in planning processes.

3.2 Background Information

3.2.1 Rural Land Ownership Policy

Under the 1982 Constitution, urban lands in China are owned by the State and rural lands are owned by collectives. Land tenure rights and land ownership are separated from each other. Farm households are assigned the rights to use specified pieces of land for a certain period. In 1984, the Rural Work Document #1 issued by the Chinese Communist Party Central Committee stipulated that the land use term should be at least 15 years. This land use right to farmland was extended for another 30 years after the original 15 years expired in September 1994 (*People Daily*, December 21, 1994). This policy more or less increased land security of land users. Both state and collective entities can expropriate

agricultural land with or without compensation, and farmers are usually excluded from expropriation processes (Prosterman et al., 1998). Until 1998, the amended *Land Administrative Law* required that each expropriation of Basic Farmland be approved by the State Council.

3.2.2 Administrative Division and Governmental Organization of China

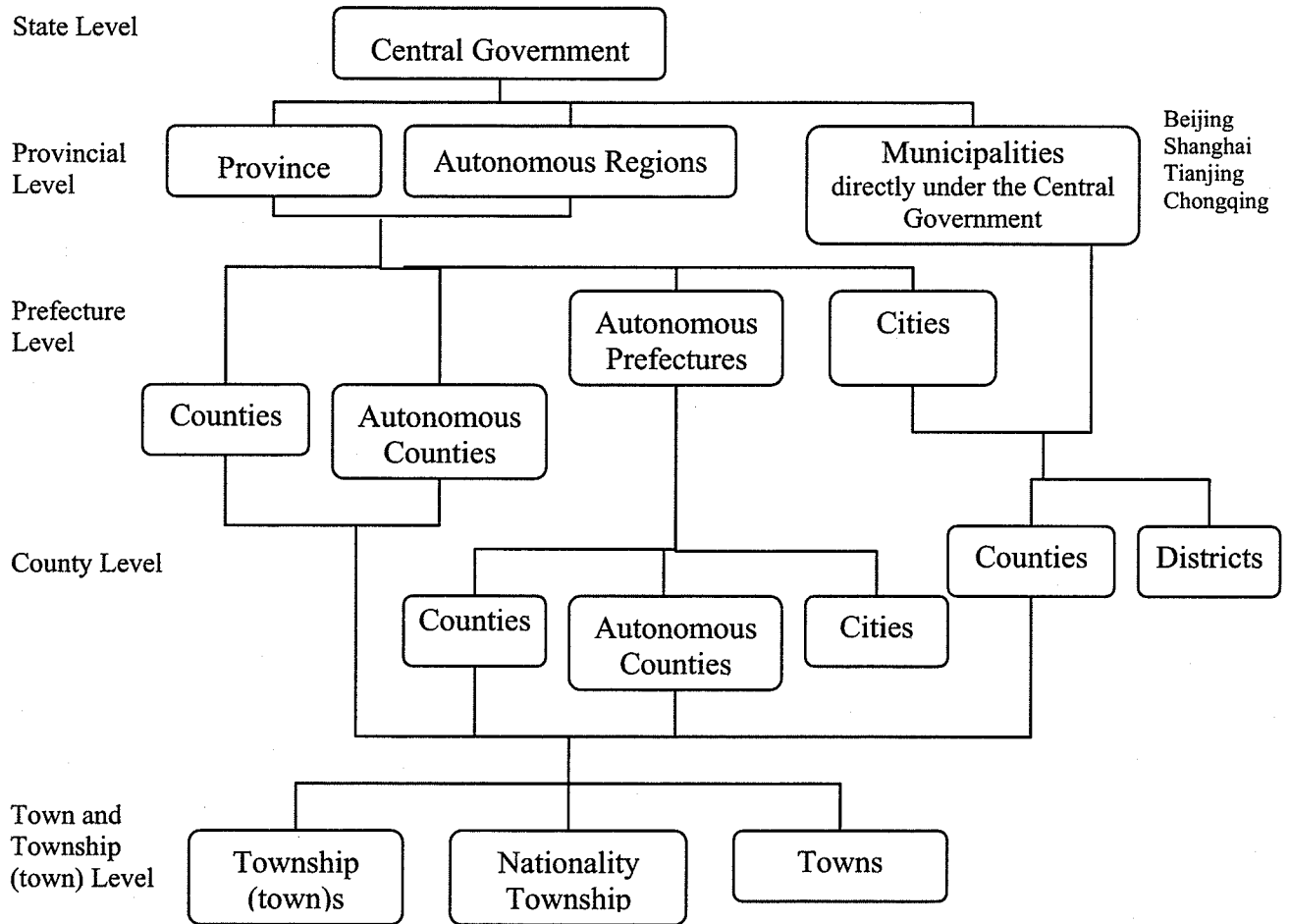
According to the 1992 Constitution, the country is divided into provinces, autonomous regions, and municipalities under the Central Government. The provinces and autonomous regions are divided into autonomous prefectures, counties, autonomous counties and cities. The counties and autonomous counties are divided into townships, ethnic townships and towns. The municipalities directly under the central government and large cities in the provinces and autonomous regions are divided into districts and counties. Autonomous prefectures are divided into counties, autonomous counties and cities. People's congresses and people's governments are hierarchically established at five levels: state, provincial, prefecture (city), county, and town and township (village). The structure of China's administrative divisions and governmental organization is shown in Figure 3-1.¹

Within this five-level administrative system, county and township/town governments are local governments established in rural areas. Governments of township and towns (urban centers in rural areas) are grassroots governments. They receive leadership from governments of counties, autonomous counties, county-level cities and districts (China

¹ 1992 The Constitution of the People's Republic of China Art. 30 and Art 95.

Internet Information Center, n. d.).

Figure 3-1: Administrative Division of China



3.2.3 Scale of Population in Counties and Townships in China

While the size and scale of counties or township/towns may differ from each other distinctively, China might have the largest scale of population in counties and township/towns in the world (Xiang, 2006).² The following data can help explain the

² The author compared the average population of counties and township (town)s in China with that of counties and township (town)s in United States and France. The author also stated that the population scale in township (town)s of United States and France was only equivalent to the village level in China.

scale of a county and a township/town in China. The requirements for establishing a township/town, declared by the State Council in 1986, are: total population less than 20,000 and the non-farm population of the local town government seated area over 2000; or total population more than 20,000 and the non-farm population of the local town government seated area more than 10% of the total population of the town. According to the requirements for establishing a county, set by the State Council in 1993, the minimum total population is 100,000 and the non-farm population must be equal to or larger than 20% of the total population of the township/town.

3.2.4 Rural Area Vs. Urban Area

Understanding the classification of rural and urban areas in China is important to understand the pace of urbanization and its impact on rural land uses. Geographical boundaries between rural areas and urban areas in China have become increasingly unclear in recent years, due to the expansion of cities and towns. Rural land is generally expropriated cheaply from farmers for high-value urban development by local governments, which leads to the issues of allocation of profit generated from the land conversion. The expansion of urban area can be illustrated by population changes in rural areas. Based on the data from China's national census, approximately 63.91% of China's population lived in rural areas with a population of 824.43 million persons in 2000, which had decreased by 9.86% since 1990. The total population living in rural areas in 2005 decreased by 9.67% to 744.71 (57.01%) million.³

³ National Bureau of Statistics of China (2006), *2005 National 1% population Survey Report*, retrieved April 23, 2006 from URL http://www.stats.gov.cn/tjgb/rkpcgb/qgrkpcgb/t20060316_402310923.htm

3.3 China's Land Use Master Planning System

3.3.1 Land Use Planning in China

In most countries, land use planning usually deals with both urban and rural land uses. In China, however, there are two separate land use planning systems dealing with urban and rural land use issues respectively.⁴ The rural land use planning system defines the boundaries of the cities and township/towns, and classifies land uses and manages land use issues outside of the cities and township/towns. The urban planning system deals with land use issues within the cities and township/towns, where the local governments are seated. These two planning systems are operated by different planning authorities and regulated by different laws. The discussion of this thesis focused on the rural land use planning system, which is usually called the land use planning system.

The land use planning system in China is a complicated and multidimensional network.⁵ According to the plan content, this system is divided at three levels, including land use master planning, detailed land use planning, and special land use planning. Based on the planning area, this system can be divided according to administrative divisions, natural divisions, and economic divisions. In terms of planning components, this system includes land use planning (policy related), land use design, and land use plan implementation.

⁴ The separation of the city planning system from the entire land use planning system has already proved to be an unsuccessful policy. Along with rapid urbanization in China, the conflicts between these two systems are getting more severe than ever. Some efforts have been taken to integrate and coordinate these two systems. However, the discussion of this issue is outside the scope of this study.

⁵ This paragraph is based mainly on section 2, chapter 1 of Yan (2001), *China's Land Use Planning, Theory, Methods, and Strategy*, Economic Management Press.

3.3.2 Land Use Master Planning in China

Land use master planning is an essential component of China's land use planning system. It manages land resources and coordinates land uses, with a focus on the designation of land use, the preservation of resources, and the protection of the environment. The present land use master planning system is structured in a strict hierarchical top-down form according to the administrative divisions. Under this system, land use master plans are conducted at five levels: national, provincial, prefecture, county and township/town (Cai, 2004).

The Chinese nationwide systematized land use master planning started in 1988, after the first Chinese land law – the *Land Administrative Law* – was adopted by the National People's Congress. The law required the land use master plans, drawn by the local government at each level, to be submitted to the upper level government for approval (Article 15). To date, China has completed two rounds of nationwide land use master planning and the third round of nationwide land use master planning is on-going.

The first round of China's nationwide land use master planning was carried out in 1987. The implementation of these master plans was poor because of the lack of detailed planning examination and approval regulations. For example, the local and national plans happened simultaneously resulting in a disconnection between national and local plans (Pieke, 2002).

The *Land Administrative Law* was amended in 1998 in an attempt to strengthen the

protection of cultivated land and the environment, and to enforce the implementation of land use master plans. Guided by this law, the second round of nationwide land use master planning was initiated in 1998. Article 18 of the amended *Land Administrative Law* requires that each level of government draw up a land use master plan in accordance with plans from the upper level government. Higher-level plans set and allocated agricultural land quotas for each subsequent lower level of government.⁶ In the second round of land use master planning, the agricultural land quotas and land classification were used as a strategy to maintain the total area of farmland within provincial administrative districts.

However, ineffective implementation was still a major issue of the second round nationwide land use master plans (Wu and Cong, 2005). In particular, the top-down administrative system and huge profit to be gained through land conversion contribute to accelerated drainage of farmland. According to the 2003 Chinese Land and Resources Review, China had lost approximately 6.7 million hectares of cultivated land in a seven-year period, thus dropping the average farmland per capita by 3.15 percent in 2003 over the previous year to 0.095 ha (Xinhuanet, Oct 5, 2004). In addition, discord between central and local governments was also escalating (Skinner et al. 2001; Xu, 2004). The reasons that had affected the implementation of land use master plans are multidimensional. One important reason is the absence of effective planning mandates to protect the public's right to be involved in land use planning (Huang, 2004).

⁶ 1998 Land Administrative Law. Art. 18.

In this context, China's Ministry of Land and Resources (CMLR) initiated a third round of nationwide land use master planning in early 2004 in order to balance rapid economic growth and agricultural land deterioration and degradation. Recognizing the importance of local communities' opinions and support, this initiative started to place increasing emphasis on involving the public in the land use planning process (Lu, 2003; Zheng, 2004).

3.3.3 China's Land Use Master Plans

Land Use Master Plans in China (also translated as "the Overall Land Utilization Plan" or "the Overall Plan of Land Use")⁷ are guiding documents that regulate and guide rural land uses from a macro perspective. They also consist of a map showing the layout of land uses. Land use master plans are the essential basis for each land use activity, such as construction and land development (CMLR, 2004). They are enforced by the *Land Administrative Law*.

The planning duration of China's land use master plans generally is 15 years.⁸ Land use master plans at the five levels of government have different emphases. The plans at upper levels establish goals, policies and directions for lower level plans, and the lower level plans are meant to be consistent with plans at the higher level.

Based upon the *Land Administrative Law*, the land use master plans at national,

⁷ These three terms appeared in different translated documents issued by China's Ministry of Land and Resources (CMLR) referring to the same concept.

⁸ Regulations on the Implementation of the Land Administration Law. Art. 9.

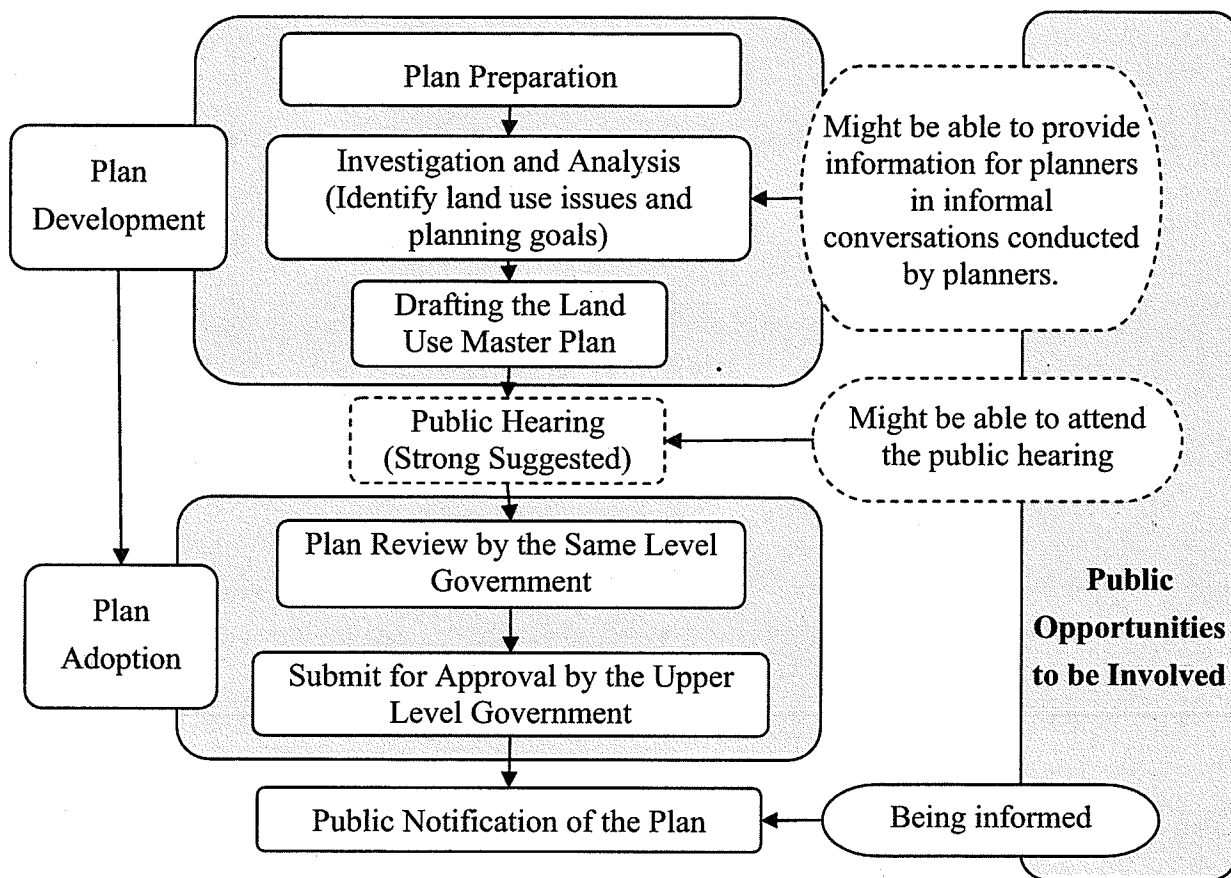
provincial, and prefecture levels particularly emphasize the control over the specific percentages of land for designated uses. The land use master plans at the county and township levels deal with land classification, based on these percentages. Mainly, the land use master plans at the county level define the areas and purposes of land use, including Land for farm use, land for construction use and land unused. The land use master plans at the township level further define the areas for the utilization of land and define the purpose of each tract of land according to the actual conditions for the use of land.⁹ The plans at the township/town level are the ones that are eventually implemented. Usually, land use master plans at the county level are presented at a scale of 1:50,000 and plans at the township/town level are presented at a scale of 1:10,000.

3.3.4 Planning Steps of Land Use Master Planning

Land use master planning at the county and township/town levels in China generally include two phases: plan development and plan adoption. The planning steps are shown in Figure 3-2. Land use master plans are usually conducted by the land use departments of local governments or consigned to land use planning institutes by the local authorities. In China, land use planning institutes are subordinate bodies of government. Planning institutes study the local situation and draw up the outline for land use master plans. The outline of a town level's land use plan requires review by related departments of the provincial government. After the plan outline is approved, the planning institute continues to draft the land use master plan.

⁹ Regulations on the Implementation of the Land Administration Law. Art. 20.

Figure 3-2: Planning Steps of Land Use Master Planning at the County and Township/Town levels



Sources: Yan (2001), Cai (2004)
 Landlist_news (2005) *What are the Planning Steps of Land Use Master Planning?* Retrieved May 25, 2006, from URL <http://www.landlist.cn/2005-8-23/494457.htm>

Land quota is an important planning criterion in land use master planning in China. In order to maintain a certain amount of farmland, the central government sets agricultural land quotas for each cascading local government to allocate and meet (Zheng, Z.Y., 2004). Land quota exchanges are sometimes permitted within the same province. This causes each level of government to prepare plans that meet the farm land quota, in favor of the upper level government. However, those plans might not be related to the plans of lower-tier local governments.

According to the 1998 *Land Administrative Law*, land use master plans are required to be approved and implemented hierarchically.¹⁰ Article 21 further stipulates that land use master plans of provinces and cities of more than one million people, and other designated cities require examination by provincial governments and approval by the State Council. All other land use master plans must be submitted for approval to the provincial government. Provinces may delegate the responsibility of land use master plans at the town level to their governing cities.

Article 21 also states that, once approved, the plans must be strictly enforced. Usually, the land use master plans are implemented through detailed land use plans and special land use plans. However, because these planning implementation instruments were not developed very well and not in line with local context, the implementation of land use master plans has not achieved the expected results (Cai, 2004, Zheng, W.Y., 2004).

3.4 Public Participation in Land Use Master Planning at the County and Township/town Levels

3.4.1 Public Participation Requirements in Planning Policies

In recent literature about China's planning process, public participation has increasingly been the focus of attention because of the significant role it can play in balancing diverse interest groups and enhancing plan implementation. Many researchers recognize that involving the public can have a promising influence on major problems related to land use in China (Yan 2001; Feng 2003; Xu, 2003; Huang, 2004; Zhao et. al. 2005).

¹⁰ 1998 Land Administrative Law. Art. 21.

Land use planning legislation has also been amended to provide more opportunities for the public to participate in planning processes. Since 1999, the amended *Land Administrative Law* requires land use master plans at the township/town level be made known to the general public, and a public notification system has been developed in many local communities. This stipulation represents the first time that the public's right to be informed of land use decisions has been stated in law. Five years later, in February 2004, CMLR issued a regulation to adopt a land and resources public hearing system for preparing or amending Land Use Master Plans (Xinhuanet, May 1, 2004). This regulation has the potential to provide the general public more opportunities to express their concerns about the preparation and amendment of land use master plans in a public hearing. It further increases public participation from the level of public notification to public consultation in China's land use planning processes.

3.4.2 A Need to Improve Public Consultation in Land Use Master Planning

The enforcement of the public notification and public hearing regulations creates opportunities for more democratic planning processes and enhances the public's opportunities to participate in land use planning. However, the overall situation of public participation in planning, generally, is quite low. Based on Arnstein's (1969) ladder of citizen participation (see Chapter Four, p. 38.), public participation in land use planning in China is approximately between step 2 (therapy) and step 3 (informing). As Wang (2002) and Feng (2003) stated, public participation in China generally remains at the stage of being informed and the public's opinions have not been sufficiently recognized.

In China, along with the fast pace of social and economic development, the social structure, public expectations, and government policies are also changing. These changes, described below, significantly affect the distribution of interests in land uses, and present a growing need for more effective public consultation in China's land use master planning.

(1) Diversified social structure

China is presently experiencing a transition of economic systems from a centrally planned economy to a more market-oriented economy. This transition has created a lot of competing interests for the usage of land resources, thereby contributing to new land use conflicts between various interests. The traditional elite planning model, which only consulted academics, institutions, and experts, cannot reflect dynamic socio-economic changes in today's Chinese society.

Under the centrally planned economy, land use planning was based on a state economic plan and served the governments at different levels and state-owned companies. Negotiations mainly took place among government economic planning departments and land use planning departments. No access was provided for the general public to obtain any information about land use master plans.

During the transition toward a market system, the economy became more dynamic and land use patterns became more complicated, for example hi-tech industrial zones and development zones emerged. Correspondingly, China has seen a rapid development of

civil society. While there is still no civil society in the North American sense in China at present, Friedmann (2005) observes that China's society is becoming more diversified as the result of more system transparency (p.122).

In order to balance the expectations of various interest groups, land use planning must not only recognize the demands of many related government departments, such as environment, agriculture, hydro, and transportation, but also respect the public's needs and expectations.

(2) The need for a more transparent and open planning system

Conflicting interests and huge commercial profits relating to land uses have drawn increasing public attention to instances of corruption and government controlled planning decision-making processes. In 1987, land was assigned a value and was allowed to be bought/sold in the market system in China. Since then, land has been a key area of conflicting interests and contradictory decision-making. Many critical social and economic issues currently afflicting China all relate to land use, such as drainage of fertile farmland, environmental degradation, and widespread corruption.

The land use master planning system was improved to solve these problems. However, the combination of the agricultural land quota control and district/regional control leaves little space for the general public to be heard and to provide their input during planning processes. Under the current top-down system, planners and officials tend to be more responsive to the upper level institutes and government and less attentive to the public's

needs.

Lack of effective public input resulted in deficient land data and poor implementation of plans. The agricultural land quotas set by the central government either did not match local governments' economic objectives, or did not reflect the real situation (Huang, 2004). Many local governments do not implement the land use master plans or even change the plans to seek maximum economic profits. A more transparent and accountable planning system is needed.

(3) Increasing public demands for participation in planning decision-making processes.

The huge potential profit of the land market has stimulated the exchange of power and money between some government officials and developers. The increased value of land was reallocated among governments of different levels, individual officials, and private organizations, while general farmers can only obtain a very small portion of the value arising from land conversion. The public has become increasingly vulnerable.

Consequently, it is no surprise to find the much stronger public demands for participating in the planning decision-making processes. Many people started to be aware of their own rights, and to take advantage of the greater openness of media and legal systems to fight against plans they think are unreasonable, and the treatment they believe is unfair. In many urban areas, the public can express their opinions through certain means, such as responding to public surveys, attending public notification meetings, and mailing their concerns to designated government agencies (Ma, 2005). However, in rural areas,

participation unfortunately often takes the form of violent protests due to the absence of adequate dispute resolution systems (Prosterman et. al, 1998). It is, therefore, critical to improve and develop public consultation strategies and methods to accommodate the growing individualism and awareness of participation, particularly in land use master planning.

(4) Related reforms in peripheral areas

All land management components are linked to each other. Changes in land use planning could not happen without corresponding reforms in related areas, especially social development and land property rights. Some positive improvements are also happening in these areas.

In the social development arena, the public has been given more opportunities to state their views. Several relevant laws were introduced to protect individuals' opportunities to be heard and their right to participate. For instance, the *Pricing Law* and the *Environmental Impact Assessment Law*, which took effect in 1998 and in 2003 respectively, both stipulate the use of public hearings, requiring the government to hold hearings when it is going to make decisions that will affect individuals' lives on a very large scale or when a project will likely have a significant impact on the environment, such as Three Gorges project.

In the dimension of land property rights, while land is owned by the state in China, the Chinese government has realized the importance of secure property rights for land users.

The newly amended *Land Administrative Law* adopted in 1997 contains many positive features that provide farmers with increased protection of tenure security (Prosterman, Hanstad, Schwarzwald, and Li, 1998). This law extends the use rights to farmland for 30 years after the original 15 years expires. China's first civil code, which is currently under legislative review, includes an entire chapter devoted to the protection of private property rights (*China Daily*, Dec 24, 2002). Farmers obtained more secure land-use rights after the adoption of the Rural Land Contracting Law in August 2002 (*China Daily*, Nov 24, 2003). All these policies help improve the property right security of land users and will likely draw more attention to land use decisions among the general public.

3.5 Conclusion

While the need to improve the public's rights in land use planning is urgent and China's central government also endeavors to improve the current situation, there are many challenges and difficulties in involving the general public in land use master planning. Many problems still exist and much work needs to be done in order to conduct meaningful public consultation in China. Given China's specific social, economic, political and cultural situation, multiple efforts should be made in order to enhance the effectiveness of public consultation processes and increase the level of public participation, including the promotion of government accountability, the provision of awareness campaigns and adequate resources, as well as the improvement of planning mandates. While all these approaches are important, this study focuses on the development of appropriate planning mandates for China's land use master planning at the county and township/town levels.

The importance of planning mandates in promoting public consultation has also been recognized by the CMLR. A new *Land Use Planning Act*, which is currently being drafted by the CMLR, might include a chapter concerning public consultation mandates. However, the current planning literature rarely explores how planning mandates influence public participation practice and what kind of public consultation requirements have the potential to encourage Chinese local governments and practicing planners to include more meaningful public consultation in land use master planning processes. Only a few pieces of research broadly discussed possible public consultation procedures that may be applicable in China's land use planning processes (Cheng, Hao, & Yang, 2005). More research should be conducted on the implementation of these consultation procedures.

The integration of consultation requirements in planning legislation in China is a relatively new field in land use planning. A study of the planning mandates in terms of how these public consultation requirements affect planning practices in other countries will be of great value to the development of public consultation mandates in China. Planning mandates in North America are generally designed to promote public consultation in planning processes. In Canada, each province establishes and amends planning legislation based on their individual planning objectives and priorities. Therefore, for this study, three provinces with different degrees of urbanization, population density, and processes for approving land use plans have been selected. The planning mandates and related policies of these three provinces that affect public consultation in planning processes are comparatively analyzed.

This study also includes personal interviews with officials in land use planning

departments at different levels of government, and planning practitioners. Through thorough discussions on the current public participation situation in China and the features of Canadian planning mandates, this research aims to learn from the Canadian experience and to provide recommendations for the development of appropriate public consultation mandates for China's land use master planning.

Chapter Four: Planning Mandates and the Level of Public Participation in Land Use Planning

4.1 Land Use Planning

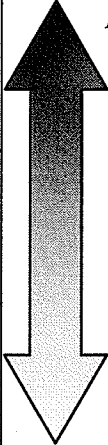
Land use planning is a decision-making process carried out in a sequence of consecutive steps to determine the best land use options. When planning decisions are made, the general public will be the direct “beneficiary” or “sufferer.” As a result, it is important and necessary to provide opportunities for the public, especially the more directly affected public, to participate in planning processes at all planning stages and through different means.

4.2 Public Participation

Public participation, as defined by the International Association for Public Participation (IAP2), is “any process that involves the public in problem-solving or decision-making and uses public input to make better decisions” (IAP2, 2003b). The public’s role in decision-making processes may vary depending on the levels of participation.

Arnstein’s (1969) ladder of public participation has been widely cited in public participation studies. This typology simply and clearly describes the role of citizens in eight steps from manipulation to citizen control, and associated degrees of participation from non-participation to citizen power. Randolph (2003) improves the ladder by adding a measurement of the degree to which citizens are actually involved from non-participation, passive participation to active participation (Figure 4-1).

Figure 4-1: Ladder of Citizen Participation and the Role of Citizens

8	Citizen Control	Degrees of citizen power		Active Participation	Citizens as decision maker
7	Delegated Power				Citizens can make educated decisions
6	Partnership				
5	Placation	Degrees of tokenism		Passive Participation	Citizens as respondent
4	Consultation				Citizens as constituent and voter
3	Informing				
2	Therapy	Non-participation		Non-participation	Citizens as constituent and voter
1	Manipulation				Citizens left out

Source: Adapted from Arnstein, 1969, p. 216 and Randolph 2004, p. 63.

More recently, IAP2 developed a *Public Participation Spectrum* (IAP2, 2003a) that explains the various goals, promises to the public, and tools that relate to different levels of public participation, from informing to empowering (Table 4-1). This theoretical model further links the levels of participation with project goals, and more importantly, it defines the promises that should be made to the public at each participation level. Clarification of promises helps the decision-makers and participants understand their responsibilities and expectations, and thereby improves the efficacy of participation practices.

Rather than focusing on the role of citizens in the process, this model emphasizes improving the overall quality of participation at each level. The goals, promises and tools provided by this participation spectrum can also be used as the standard to examine the degree to which participants are allowed to be involved in the decision-making process.

Table 4-1: IAP2 Public Participation Spectrum and Corresponding Techniques

		Public Participation Goal	Promise to the Public	Example Tools
 <p>Increasing Level of Public Impact</p>	Inform	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	We will keep you informed.	<ul style="list-style-type: none"> • Fact sheets • Web Sites • Open houses • Advertisement • Newspaper reports, news releases • News letters and other publications • Reports or position papers • Displays and exhibits
	Consult LT	To obtain public feedback on analysis, alternatives and/or decisions.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	<ul style="list-style-type: none"> • Public Information Feedback • Public surveys and polls • Community Profiles • Public written submissions in response to position papers and reports • Tours • Public comment <p>Consultation</p> <ul style="list-style-type: none"> • Focus groups • Public meetings and hearings • Open houses • Conferences • Phone lines • Simulation games
	Involve	To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	<ul style="list-style-type: none"> • Workshops • Deliberate polling
	Collaborate	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	<ul style="list-style-type: none"> • Citizen Advisory Committees • Consensus-building • Participatory decision-making
	Empower	To place final decision-making in the hands of the public.	We will implement what you decide.	<ul style="list-style-type: none"> • Citizen juries • Ballots • Delegated decisions

Sources: Compiled from the International Association for Public Participation (2003a) and Brenneis (1990)

Theoretically, the more the public is involved in the planning process, the more successful the implementation of planning decisions will be. However, the appropriate level of public participation may vary from one case to another, depending on project goals, available resources, and capacity building of both the public and planning agencies (Randolph, 2003, p.62). Employing the IAP2's Public Participation Spectrum, the case study of this research measures the planning policies and practices in three provinces in Canada for a better understanding of the participation level of each planning process.

Various techniques can be used to achieve the goals of participatory approaches. Depending on particular situations, the outcomes of each participatory method may be different. In addition, no one technique can cover the complete spectrum of public participation. Further, the utilization of one technique may require the integration of a number of other techniques. The combination of the information techniques with consultation and negotiation methods may enhance the efficiency and effectiveness of participatory practices (Brenneis, 1990). As a result, it is important to select appropriate techniques in order to accomplish the participation objectives. Brenneis (1990) categorized the public participation techniques according to the degree of public participation these techniques may achieve. The participation tools listed in Table 4-1 were compiled from IAP2 spectrum (2003a) and Brenneis (1990).

4.3 Public Participation in Land Use Planning

The practice of public participation in planning has been one of the controversial issues over the last several decades. Planning in North American has a long history of physical

design. Since 1965, when Davidoff put forward the concept of the advocacy planner, the debates and experiments about the compatibility of technical approaches and political processes have continued in North American planning literature. After forty years of development, public participation has become widely recognized as a key component in land use planning practice.

However, many critics of planning question the representation of participants, biases of local views, accountability of governments, as well as the methods used in planning practices. Hester (1996) argues “participatory design is more likely to be used to preserve the quality of life for affluent and powerful citizens than to fight poverty and environmental racism” (p. 46). Sandercock (1998) contends that what is called the “public interest” represents only a small, white, masculine middle class (p. 197). Forester (1989) also observes that democracy is losing representation in an increasingly capitalist society. Blakney (1997) described some participatory approaches as “Decide, Announce, Defend”, which cause loss of trust, and damaged relationships, and thereby, an inability to resolve conflicts (p. 15). Randolph suggests that such public participation is a waste of time and money, and can be worse than no participation at all (Randolph 2004, p. 61). Working among many affected parties or stakeholders, today’s planners and policy makers face the challenges of making participatory processes “a practical reality” rather than an “empty ideal” (Arnstein 1969, Healey 1997, Forester 1999).

Even though there are so many dissenting views, public participation is an irreplaceable method to realize democracy in planning, and is probably the best way to achieve

ultimate success in land use planning. Many planning practitioners make great efforts for the improvement of the participation process and techniques. Benefits of public participation in land use planning differ in terms of the scope, type and nature of the projects. Recent research demonstrates that it has four basic values as follows:

Involving the public in planning processes provides opportunities for participants to exchange land use information. Information is always the critical element of planning. However, a common issue that faces almost all planners is a lack of access to substantial and accurate sources of land information (Barry et al, 2002). The authors further stated that one reason is probably because public participation and public education are often undervalued by people assembling a budget, developing plans, and seeking acceptance and support. Many professionals believe that the amount of concrete data gathered depends on the degree to which the public is involved. As the *Instructors Guide to the Land and Resource Management Planning* (LRMP) states, the participation process offers good opportunities for participants to bring and exchange their expert knowledge and local information (IRPC, 1997). Through participation activities, the public cannot only provide necessary information for the development, maintenance and implementation of effective plans through participation in the process (Rohse and Ross, 1992), but also be provided access to land use information and decisions.

Secondly, public participation can help build a sense of community, enhance public accountability, and improve the implementation of land use plans (ILSG and LCC, 2004; Wondolleck and Yaffee, 2000). Participation programs allow people to share information,

understand each other's needs, and work together to solve problems. During this cooperating process, a sense of community among people can be created. People may be more aware of their community and be more likely to take care of it. In addition, public participation may provide long-term public acceptance and support to land use plans. On the one side, involving the public in the whole planning process increases the public's recognition and responsibility for the final plan. Usually, the more knowledge the public has of land use plans, the more cooperative and supportive they might be in the implementing and monitoring processes. On the other side, public participation activities provide a stage for communication between decision makers and the public, and help decision makers better understand the public's needs and concerns. Thus, decision makers may tend to choose those land use decisions that can better reflect the needs of the majority, and that can be accepted by the majority of society. These will ultimately improve the effectiveness and practicality of land use plans.

A third benefit of public participation is the management of conflicts among stakeholders and creation of innovative solutions. Different interest groups often present certain aspects of the information that support their own cases. When the available land resource is limited, land use conflicts usually cannot be avoided. Public participation activities allow conflicts to be explicit during the process. Moreover, people not only express themselves and pursue their interests through participation, but may also reproduce and reconstitute their social and political relationships with one another (Forester 1999). This process helps participants to learn about what they want and what they can do, and encourages them to generate new ideas and develop better practical hypotheses.

Furthermore, public participation has an educational function at the broader societal level (Beatley, 1994). Land use planning involves multidisciplinary cooperation and requires a more holistic and integrated perspective, which embraces economy, ecology, social equity, as well as broader concerns. Public participation processes encourage and facilitate interaction among conflicting individuals and groups in the local community. Through the participatory processes, participants meet people with various backgrounds and share interdisciplinary knowledge. Consequently, they may realize that their particular objectives are not the only priority, and consider alternatives that can provide more balance among interests groups.

Public participation brings many benefits to land use planning, so it seems obvious that a functional planning process must include effective public participation. Brenneis and M'Gonigle (1992) identified ten key procedural components that contribute to greater success with public participation as follows:

1. Understandable process
2. Democratic accountability
3. Proper and adequate notification
4. Legislated mandate
5. Comprehensive opportunities
6. Access to information
7. Adequate resources for participation
8. Written responses
9. Conflict resolution mechanisms
10. Appeal mechanisms

All these components are interrelated and work together to achieve an integrated and

effective process. While performance of each component is important to the success of a planning process, this study will focus on the legislated mandates of public consultation in land use planning.

4.4 Planning Mandates and the Level of Public Participation in Planning

The legislated right to participate is an important criterion for public participation (Brenneis and M'Gonigle, 1992). It “instills confidence in the process and makes the process more credible” (p. 7). Planning legislation in most jurisdictions in North America mandates a public participation process in planning. These public participation requirements guide local governments and planners in designing public participation programs. The planning mandates are different from one jurisdiction to another, and the degree to which the public is actually involved in planning processes also varies.

Although not many researchers explore the relationship between planning mandates and their influences on real public consultation, the research conducted by Brody et al. shows that “participation mandates do affect local government attention to citizen involvement” (2003, p.245). Palerm (2000) also defines two components of best-practice public participation, as legal provisions, and actor’s attitudes and capacities toward participation (p.581). The author further states that public participation evaluative models usually concentrate on the assessment of legal provisions and opportunities for participation (p.589).

Comprehensive participation mandates can provide more direction and guidance to local

governments and planning practitioners. Brody, Godschalk, and Burby (2003) identify six critical choices that planners must make in designing participation programs and enforcement measurements. The six choices include:

1. Administration-whether to prepare a participation plan and how to staff citizen involvement efforts;
2. Objectives-whether to educate citizens, seek their preferences, or grant them influence.
3. Stage-when to start encouraging citizen involvement in the planning process;
4. Targeting-which types of stakeholder groups to include in participation efforts;
5. Techniques-which types of participation approaches to employ; and
6. Information-what types of information and dissemination processes to incorporate in participation activities (p.246).

The clarity and specificity of planning mandates affect planners' decisions about when and how to involve the public in planning processes (Brody, Godschalk, and Burby, 2003). Planners' attitudes to public participation directly affect the quality of public participation in planning processes. Through examining the level of attention to public participation given by local planning practitioners, the above six choices can be used to evaluate the effectiveness of planning mandates at the local level. As a result, the case study of this research will use these six choices and planning approval processes as the criteria for the analysis of municipal land use planning processes in three provinces in Canada.

Chapter Five: Case Study

5.1 Introduction

This section first briefly introduces the planning system and land use planning in Canada. It then examines the planning mandates and planning processes in three provinces in Canada. Finally, employing the criteria identified in the literature review chapter, it analyzes the features of the planning mandates and approval processes of the provinces and their levels of public participation. The results of the case study will be presented to the interviewees in the second part of interviews. This will assist them in understanding the relationships between participation requirements and the level of consultation; how consultation mandates work in Canada; and how Canadian experience could potentially be applied in land use planning in China.

British Columbia, Ontario, and Manitoba were chosen for case studies of public participation in land use planning processes at the municipal level. They have different planning emphases, percentage of publicly owned land, and population densities. These contrasts help determine whether the features of the participation requirements in the specific province might be applicable to satisfy various Chinese township/towns' needs.

5.2 Land Use Planning in Canada

5.2.1 Background

Canada is a confederation with a division of power and responsibilities between the Federal Government and Provincial/Territorial governments (Microsoft Encarta Online

Encyclopedia, n. d.). Provinces delegate some of their responsibilities to municipalities based on the Constitution. The three levels of elected governments in Canada are the federal, provincial and territorial, and municipal governments. A municipality may refer to a city, a town or a township/town determined based on its population size and population density (Statistics Canada). In some provinces, another level of municipal government, a county or region, has been established to provide services on the regional scale (Swift, 2006).

Local government operating systems vary in different provinces in Canada. For example, a two-tier municipal-regional district system operates in B.C.; while in Ontario, it is a mix of two operating systems, with a two-tier system operating in southern Ontario, and a single-tier local government system in northern Ontario. Manitoba has a single-tier local government system. However, the planning system is multi-tiered. The Planning Act in Manitoba encourages district planning. More than one municipality will be engaged in developing the plan and each community has representatives on the planning board responsible for the implementation of the plan.

Canada had a population of just over 30 million in 2001. During the same time, the proportion of population living in urban areas was 23.9 million (80%).¹¹ According to Statistics Canada, an urban area refers to an area that has a minimum population concentration of 1,000 persons and a population density of at least 400 persons per square kilometer (Statistics Canada, 2001). All territory outside urban areas is classified as rural.

¹¹ Statistics Canada - Cat. No. 93F0050XCB2001009

It should be noted that the estimated total area of urban land is just above 31,000 square kilometers¹² of a total of 9,984,670 square kilometers. This means 80% of Canadians live on approximately 0.34% of the total land of Canada.

In fact, 90% of people in Canada live in the area along the southern border, where much of the dependable agricultural land is located¹³. As a result, continuing urbanization in Canada has consumed a large amount of agricultural land. According to Statistics Canada, urbanization consumed approximately 15,200 square kilometers of surrounding land between 1971 and 2001. Thus, nearly half of urbanized land was located on dependable agricultural land by 2001.¹⁴ Many land use planning solutions have been introduced to limit the development on the urban fringe, such as agricultural zoning, the infilling of vacant sites, and the re-use of brownfield within existing urban areas (Wolfe, 2005).

5.2.2 Land Policy

Ownership of most of the land in Canada was claimed by the Federal and Provincial governments after the initial settlement by Europeans (Howay, 2004). These federal and provincial owned lands are called crown lands (Neimanis, 2006). Individuals acquire land ownership by purchasing the land. The private owner is able to convey the land to other individuals. Now, less than 11% of the land in Canada is privately owned. The Federal Government owns 41% of the land, and the remaining 48% is owned by the provinces (Neimanis, 2006). Municipal governments in Canada levy property tax on real estate

¹² Statistics Canada – Catalogue no. 21-006-XIE. The estimated urban land is calculated by using Census Enumeration Area (EA) digital boundary files and Census Enumeration Area (EA) repetitive points in this study.

¹³ Statistics Canada - Catalogue no. 21-006-XIE. p.3.

¹⁴ *Id.* p.5.

based upon the use and value of the land. Property tax is the main financial source for most municipal governments.

5.2.3 Land Uses

In Canada, all land uses including urban and rural are subject to land use planning. Urban land uses include open spaces, residential, industrial, commercial, community facilities (recreational, educational, or cultural), mixed uses, transportation, land supply, and other infrastructure (Leung, 2003). Rural land uses are usually divided into agriculture, forest, extraction (minerals and aggregates), recreation, tourism and conservation, and hamlets (or small villages) (Wolfe, 2005).

5.2.4 Land Use Planning System

According to the Canadian Constitution, land use planning is a provincial jurisdiction. Each province establishes its own planning legislation and policy for the governance and administration of the land use planning system. Subsequently, the provincial government transfers some of its authority for planning to the municipal level (Figueiredo et al, 2003).

Mainly, the Federal Government influences land use activities in municipalities through indirect means; for instance, housing policy and mortgage rates, and certain land uses (such as ports, canals, airports). Provincial governments establish land use laws, such as planning and municipal acts, which set up the basic structure for municipal governments to follow. Many provinces also issue regulations providing guidance for municipal plans, particularly in the following areas: housing, industrial development, historic conservation,

transportation, natural resource protection, subdivision of land, environmental protection, and sustainable development (Wolfe, 2005). Along with the continuing expansion of metropolitan regions and amalgamation of small municipalities, regional planning authorities have taken some of the responsibilities of coordinating the municipalities and solving regional problems.

Under this system, municipalities have the authority and power to design and implement land use plans based on the laws set out by the governing planning and/or municipal acts. Municipal governments are responsible for preparing the municipal plans, adopting planning by-laws, such as zoning, density control, subdivision, building and environmental regulations. They are also responsible for the plan implementation and administration (Wolfe, 2005). Furthermore, some large urban municipalities or regions may have their own regulations to meet the needs of development, such as the City of Toronto, the Greater Vancouver Regional District, and the City of Winnipeg.

5.2.5 Municipal Plans

Most municipalities in Canada have an overall plan with various names, for example, the official plan, the community plan, or the development plan. The municipal land use plan is a document having legislative effect and providing a framework for government decision making. It sets goals for the municipality to achieve within a 15-20 time period. Most provinces require the plan to be amended every five years. The municipal plan is known as the "Official Community Plan" in British Columbia, the "Official Plan" in Ontario, and the "Development Plan" in Manitoba.

A municipal plan is used commonly as a guide for more specific planning regulations, such as Zoning By-Law, Subdivision Control and Site Development Control. It designates land uses, structures residential neighborhoods, assigns land for economic activities, and identifies areas for development, redevelopment, remediation, preservation or protection (Wolfe, 2005). The document usually includes basic development policies (programming and design considerations), a living and working area plan, a community facilities plan, urban design guidelines, and a transportation plan (Leung, 2003).

5.2.6 Public Consultation in Land Use Planning

Public participation in land use planning in Canada generally remains at the level of public consultation. Public consultation is recognized as an important component of land use planning in Canada. In fact, under the planning regulations, public consultation is mandated in the land use planning processes in most provinces. While all planning legislation across Canada is designed to maintain and enhance public consultation in planning processes, the planning mandates and approval processes vary from province to province. Depending on the different participation requirements, municipalities in different provinces may employ different participation approaches to the development of the municipal plans, and therefore achieve different levels of public consultation in planning processes. The planning legislation in three provinces that mandates public consultation in the planning processes of their municipal plans are British Columbia *Local Government Act* in British Columbia, Ontario *Planning Act* in Ontario, and Manitoba *Planning Act* in Manitoba.

5.3 Public Consultation Mandates in the Planning Process of Official Community Plans in British Columbia

5.3.1 Background

The total area of British Columbia is 944,735 square kilometers.¹⁵ As of 2001, B.C. had approximately 4,100 square kilometers of urban land,¹⁶ and a population of roughly 4.2 million.¹⁷ About 3.3 million of British Columbians live in urban areas, which means more than 85% of the population live on 0.4% of the total land of the province.

Local governments are the authorities responsible for adopting official community plans. Local governments in B.C. consist of municipalities and regional districts. As of 2004, B.C. has 156 municipalities, including cities, towns, villages, district municipalities, and island municipalities.

5.3.2 Regional Growth Strategies

A distinctive feature of land use development in B.C. is that regional districts are allowed to prepare and adopt a regional growth strategy under the *Local Government Act*. A regional growth strategy provides a policy context for official community plans of the member municipalities. Although the planning process of regional growth strategies is not the main focus of this section, a brief explanation might be useful for Chinese planners, as the relationship between regional growth strategies and official community plans is very similar to that between land use plans at the county level and at the

¹⁵ Statistics Canada, Natural Resources Canada, GeoAccess Division.

¹⁶ Statistics Canada - Catalogue no. 21-006-XIE.

¹⁷ Statistics Canada, CANSIM, table (for fee) 051-0001

township/town level.

Regional districts are federations of municipalities and electoral areas. In 1995, regional growth strategies were initiated for the coordination of municipal actions on regional issues. Regional growth strategies are long-term plans covering a time frame of at least twenty years. They provide a framework for coordinating and integrating land uses among local governments, the provincial government and other stakeholders (IRP, 1998). In 1997, regional growth strategies were incorporated in the *Local Government Act* in the pursuit of sustainable urban land uses at the regional level. Before that, the provincial government regulated local land uses mainly through plans at the local level, such as official community plans, zoning, and subdivision requirements.

Since 1997, all by-laws adopted by a regional district board and all services undertaken by a regional district board must be consistent with the regional growth strategy after the adoption of a strategy (BC, 1996; s.856 (1)). Specifically, a regional context statement identifies the relationship between the official community plan, the regional strategy, and how the plan is to be made consistent with that strategy. The statement must be included in official community plans of affected local governments.

The preparation of regional growth strategies also requires public consultation. The requirement of a public consultation plan was first written into planning legislation to provide opportunities for early and ongoing consultation with citizens and affected local governments. This planning process may provide some insights for the development of

consultation processes in land use planning at the county level in China. In order to make a comparison with municipal plans in other provinces, the following section will analyze in detail the public consultation requirements in the process of adopting an official community plan.

5.3.3 Official Community Plans

An official community plan in B.C. is a general statement of objectives and policies of a municipality that guide planning and land use decisions within the area covered by the plan (BC, 1996; s.875 (1)). Section 875 (2)(a) further stipulates that a local government must include an official community plan in the adopting bylaw as a schedule.

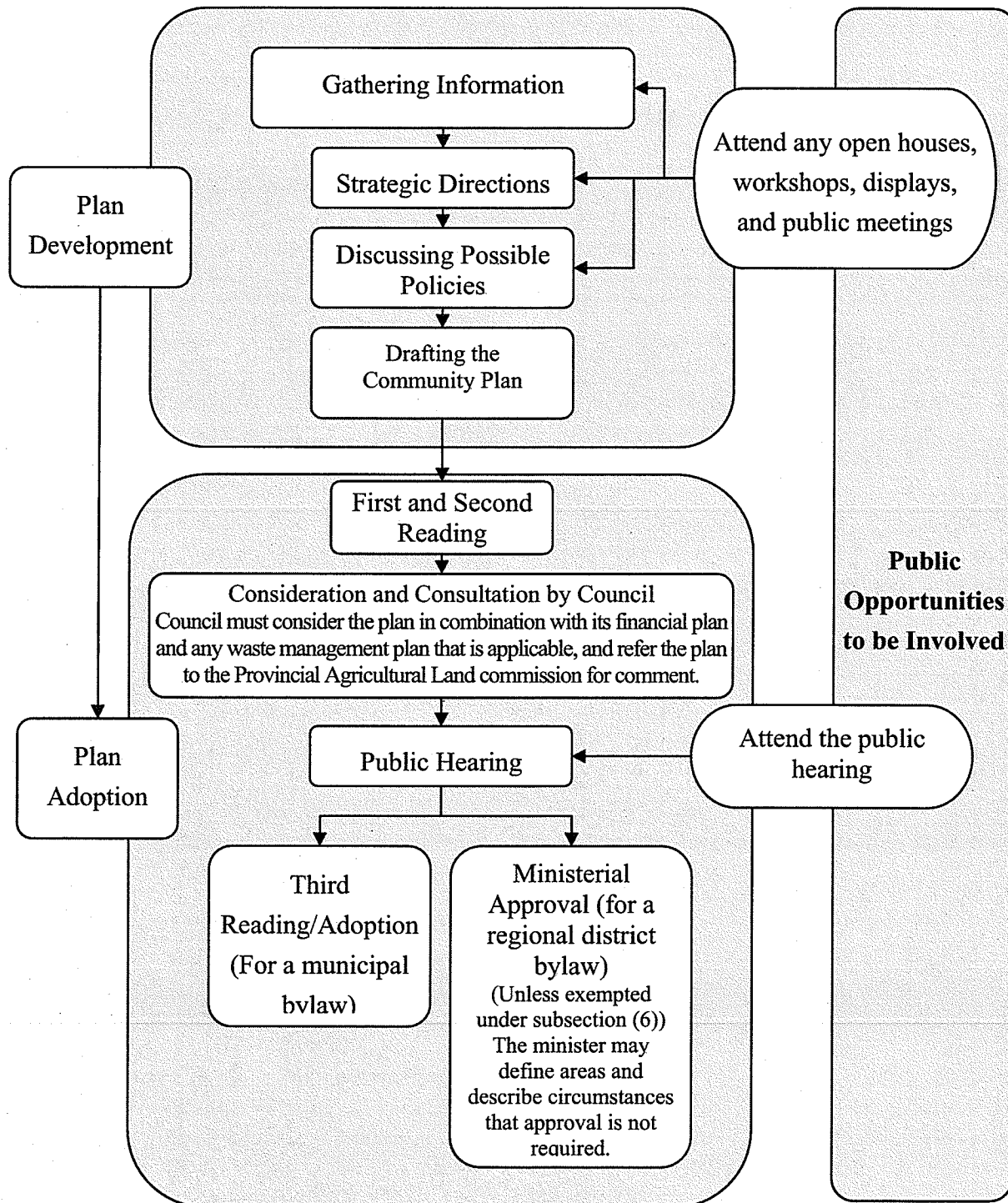
Administered by the Ministry of Community, Aboriginal and Women's Services, local governments in B.C. have the power, under the British Columbia *Local Government Act*, to adopt an official community plan. The new *Local Government Act* provides local governments great flexibility and broad scope in deciding the content of the official community plans without provincial involvement, once provincial guidelines are in place. It also requires both early and on-going consultation at the local level before the development of an official community plan.

5.3.4 Planning Development/Review Processes and Plan Adoption

The planning processes in B.C. broadly consist of two parts: plan development/review and plan adoption (Figure 5-1). According to the *Local Government Act*, local communities have much flexibility in designing their own planning processes.

Figure 5-1: Official Community Plan Process in British Columbia and the Opportunities for the Public to Get Involved in the Planning Process.

Source: British Columbia *Local Government Act*



This section summarizes the general planning process by reviewing four planning processes of the newly adopted or ongoing official community plans of the District of West Vancouver (2004), the District of Lantzville (2005), the District of Coldstream (2005), and the City of Port Coquitlam. The plan development/review process usually includes the following four steps: gathering information, visioning, discussing possible policies among the citizens, councils, and community organizations, and drafting the community plan.

Section 882 of the *Local Government Act* basically divides the process for adopting a plan into the following steps (Figure 5-1): (1) first and second reading by council/board; (2) council must consider the plan in combination with its financial plan, any waste management plan, or refer the plan to the Provincial Agricultural Land Commission for comment if applicable; (3) notice of public hearing; (4) public hearing; (5) third reading, and adoption by council/board. (A regional district bylaw may only be adopted with ministerial approval unless exempted under subsection (6)).¹⁸

5.3.5 Public Consultation Mandates

Official community plans must be developed through a public process. According to the *Local Government Act* Section 879, the local government must provide one or more opportunities for consultation with affected individuals, organizations and authorities. The local government can choose any consultation methods it considers appropriate. In addition, the adoption and amendment processes must undergo a complete public hearing

¹⁸ The minister may define areas and describe circumstances that approval is not required.

and approval by council before adopting an official community plan bylaw. When and how the public can get involved in official community plans is also illustrated in figure 5-1.

5.4 Public Consultation Mandates in the Planning Process of Development Plans in Manitoba

5.4.1 Background Information

Manitoba, one of the three Prairie Provinces in Canada, has a total area of 647,797 square kilometers. As of 2001, the population of Manitoba is 1.1 million (Statistics Canada), among which approximately 0.8 million (72%) Manitobans live in 1,100 (0.2%) square kilometers of urban areas.¹⁹ In 2004, there were 199 municipalities, including local government districts, cities, towns, villages, and rural municipalities.

5.4.2 Development Plans

The development plan in Manitoba is a formal long-term land use planning document, which sets out broad objectives and policy statements for land uses in municipalities or districts. The main policy tools used to regulate land use planning in Manitoba include the *Planning Act*, the *Municipal Act*, and a land use regulation – *Provincial Land Use Policies*, which are legally binding and apply to all of Manitoba.

Under the new Manitoba *Planning Act* (*Planning Act* Section 40 (1) (2)), local governments in Manitoba must adopt development plans as by-laws. The administrative provincial department responsible for municipal development plans is the Ministry of

¹⁹ Statistics Canada - Catalogue no. 21-006-XIE.

Intergovernmental Affairs. Public consultation activities are also required in the process of adopting a development plan.

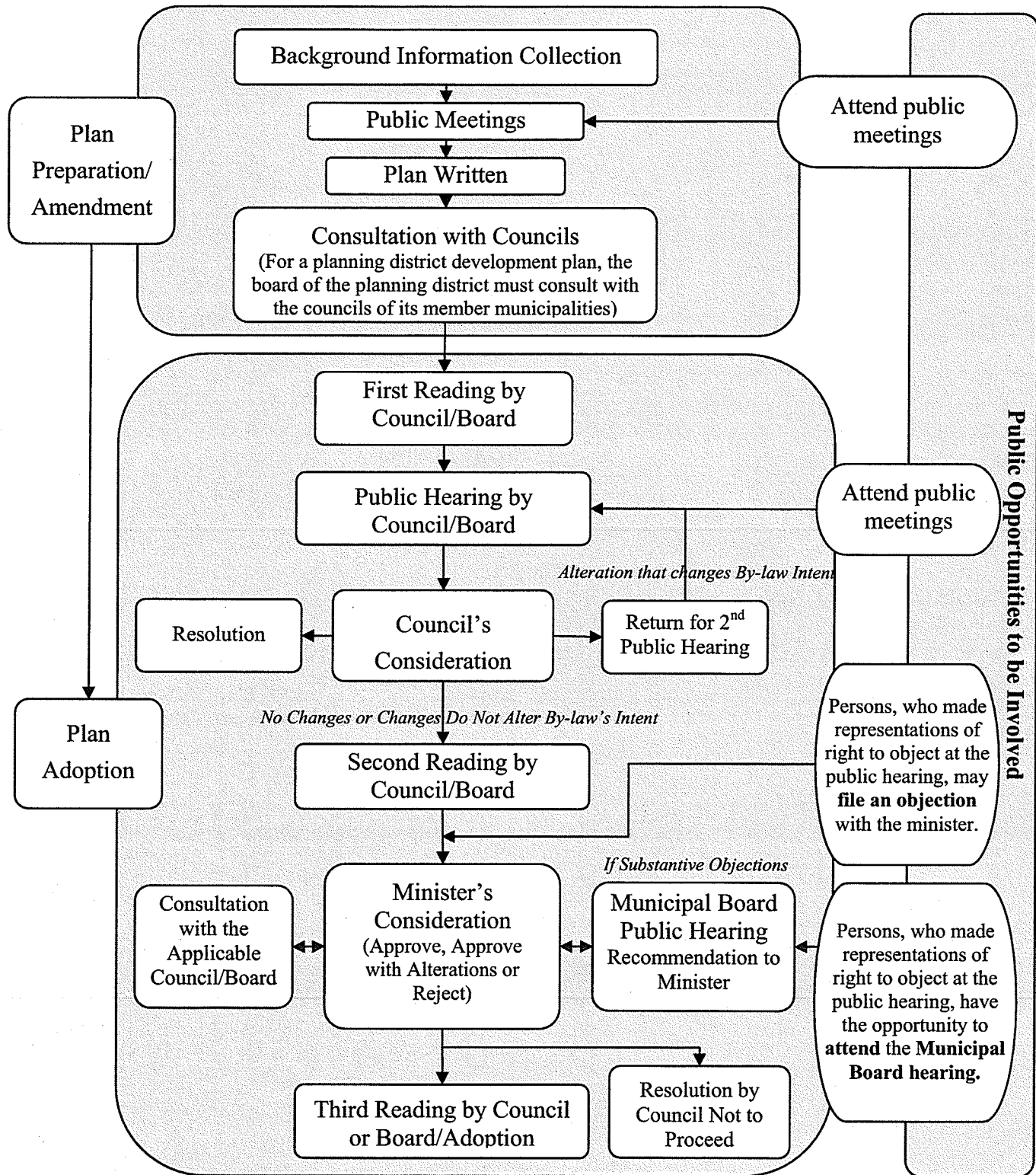
5.4.3 Plan Preparation/Amendment Processes and Plan Adoption

Plan preparation processes for development plans in Manitoba generally include collecting background information, holding public meeting(s), and writing plans (RPAC 2003, MIA 2002). Differing from a preparation process, amendment to a development plan is not required to hold public meetings to receive representations on the plan.

The adoption of development plans in Manitoba is made jointly by the Province and local governments. Development plans must be submitted to the Province (Minister of Intergovernmental Affairs) for a decision before final approval by the local planning authority. The board (Planning District Board) or council cannot give third reading to the plan until it is approved by the minister (Section 47(3)). According to the *Planning Act* Section 46 to 55, the process of adopting a plan in Manitoba (Figure 5-2) consists of the following steps: (1) first reading by council/board; (2) public hearing; (3) council's consideration, and (a) the council may give it second reading, (b) make the required alteration that changes the intent of the plan, and hold another public hearing, and give the altered by-law second reading or reject it, (c) reject it; (4) second reading and refer the by-law to the minister for approval; (5) minister's consideration, the minister may approve the by-law, approve it with conditions or alterations, refer it to the Municipal Board for a report and recommendations, or reject it; (6) third reading and adoption (once adopted, a development plan is not subject to appeal (Section 54)).

Figure 5-2: Development Plan Process in Manitoba and the Opportunities for the Public to Get Involved in the Planning Process.

Source: Manitoba *Planning Act*



5.4.4 Public Consultation Mandates

While planning authorities in Manitoba often use a variety of public consultation tools when preparing or amending plans, legislatively, the public has the following ways to participate in the preparation/amendment and adoption process of development plans as illustrated in Figure 5-2. First is to attend public meetings held by the board or council during the plan preparation. According to the *Planning Act* Section 44(1), a board or council must hold one or more public meetings to receive representations on the plan. A second option is to attend the public hearing held by the board/council between first and second reading of the development plan (Section 46(1)). The third opportunity for participation involves the filing of an objection with the minister after council submits the development plan to the minister for approval. Any person having previously made a representation at the hearing may file an objection within 14 days after the notice is given (Section 48(c)). In addition, if the plan is referred to the Municipal Board, those persons who made a representation at the hearings held under subsection 46(1) have the opportunity to attend the Municipal Board hearing (Section 50(1) (b) (iii)).

5.5 Public Consultation Mandates in the Planning Process of Official Plans in Ontario

5.5.1 Background Information

With a total area of 1,076,395 square kilometers, Ontario has the highest concentration of urban land in Canada. The total population was 11.4 million in 2001 with 85% living in

approximately 9,800 square kilometers of urban areas,²⁰ which accounts for 0.9% of the total land.

As of 2005, Ontario has 445 municipalities. The local government structure in Ontario is a combination of single-tier and two-tier systems. A local government, which may be called a city, a town, a township/town or a village in Ontario, is referred to as a “lower tier” municipality when there is an “upper tier” authority involved, or as a single tier municipality where there is only one level of municipal government. Counties or regions, which are federations of the local municipalities, are referred to as “upper tier” municipalities (AMO).

5.5.2 Official Plans

The official plan in Ontario is a legal document of a municipal government that guides all municipal land use decisions. The official plan is regulated by the Ontario *Planning Act* and the *Provincial Policy Statement*, which provide direction on matters of provincial interest regarding land use and development. The *Planning Act* also requires every planning authority to prepare an official plan (Section 14 (2)) and to determine the need for a revision to its official plan at least once every five years (Section 17 (26)(1)).

5.5.3 Plan Preparation/Amendment Processes and Plan Approval

The official plan preparation process generally includes two key components (1) early consultation with the approval authority; (2) background data, information, and analysis;

²⁰ Statistics Canada - Catalogue no. 21-006-XIE.

(3) plan written. In addition, although early consultation with the public is not required in plan preparation processes, many municipalities design programs to allow public consultation during this process.

Under the Planning Act, the council has the authority to adopt the plan (Section 17(22)). Once the plan is adopted, the council must submit it to the approval authority unless it is exempt from approval by the Minister (Section 17(1)(2)). The approval authorities in Ontario are either the Minister of Municipal Affairs and Housing or an upper-tier municipality if the upper-tier municipality has an approved official plan. The planning authority may approve, modify and approve as modified or refuse to approve a plan; or approve, modify and approve as modified or refuse to approve part or parts of the plan (Section 17(34)). The decisions made by council or the planning authorities are subject to appeal.

5.5.4 Public Consultation Mandates

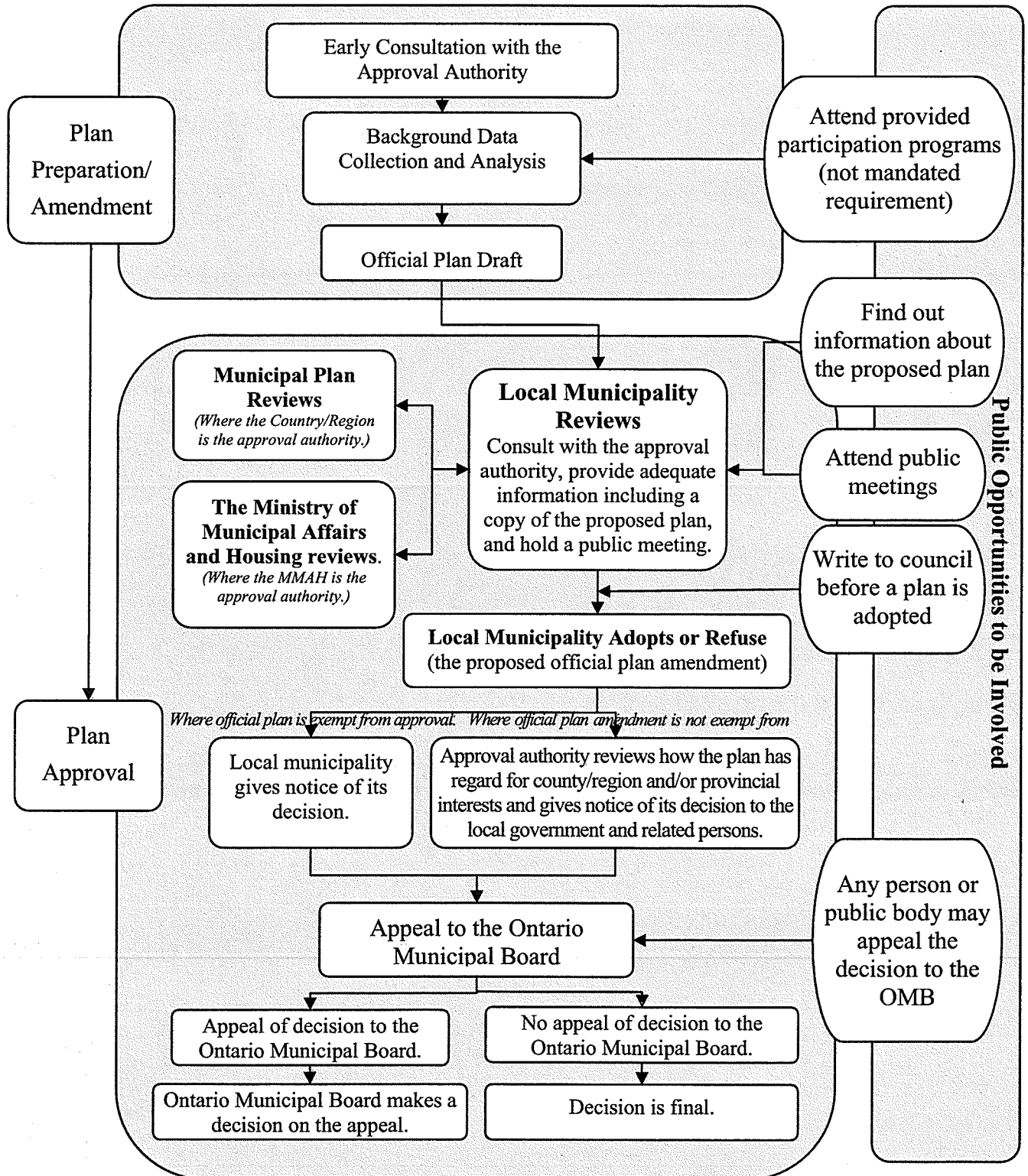
The Ontario Planning Act sets out the minimum requirements for public consultation. It requires at least one public meeting to be held during the course of the preparation of a plan (Section 17 (15) (c)), and the proposed plan must be made available to the public at least 20 days in advance of the public meeting. As illustrated in Figure 5-3, the public has the following opportunities to get involved in the planning process according to the Ontario Planning Act: (1) find out information about the proposed official plan (Section 17 (16)); (2) attend the public meeting(s) and give opinions (Section 17 (15) (c)); (3) make written submissions to the council before a plan is adopted (Section 17 (20)); (4)

following plan approval, or plan adoption by council if the plan is exempt from approval, any person can appeal all or part of the decision of council or the approval authority to the Ontario Municipal Board (OMB) for a public hearing (Section 17 (24) (36)).

The Ontario Planning Act only specifies the public consultation requirements after the proposed plan is written. In fact, the Act only requires early consultation with the approval authority in the preparation of official plans and plan amendments. According to Martin (2004), most municipalities recognize that the above requirements are not sufficient to obtain adequate public consultation and design their own programs that allow effective participation during the plan preparation processes. The tools used by Ontario planning authorities to engage the public include preparation of background reports, issues papers, options papers, and draft documents; information sessions; and use of the internet to provide information.

Figure 5-3: Official Plan Process in Ontario and the Opportunities for the Public to Get Involved in the Planning Process.

Source: Ontario *Planning Act*. *Citizens' Guide*. Ministry of Municipal Affairs and Housing



5.6 Analysis of the Planning Mandates and the Resulting Levels of Public Consultation in the Three Provinces

This section seeks to analyze the differences among the consultation mandates and approval processes in B.C., Manitoba, and Ontario, and to build connections between the legislative requirements and the resulting level of public consultation. The results of this section were presented to the interviewees in the second part of the interviews to gain their opinion on what Canadian experience might be applicable in a Chinese context.

First, this section evaluates the public consultation mandates of the three provinces by using the six choices that planners must make when preparing participatory programs, identified by Brody, Godschalk and Burby (2003), as the criteria. Under each choice, planning mandates were assessed based on the specific requirements on local governments for preparing and adopting municipal plans. Second, the section will analyze the differences among the three planning approval processes in terms of the different roles of approval authorities, planning authorities, and the public. Finally, referring to the public participation spectrum developed by IAP2, this section identifies the level of public consultation that the planning mandates could achieve based on the degree to which legislation allows the public to influence the decisions.

5.6.1 Analysis of the Public Consultation Mandates (see Table 5-1)

Among the six choices, none of these provinces require local governments to set up a formal public consultation program for the preparation of the plan. A participation plan ensures that the public has an opportunity to participate in the planning process. While no

participation plan is required, a review of some newly adopted and on-going municipal plans in B.C., Ontario, and Manitoba demonstrates that most municipalities in B.C. are more likely to include a written planning process in their official community plans. This planning practice might result from the strong emphasis B.C. places on public consultation at early stages.

Table 5-1: Public Consultation Planning Choices Mandated by Three Provinces

Province	Planning Choices					
	Adminis- -tration	Objectives	Stage	Target Groups	Techniques	Information
British Columbia	None	Allowing the public to make representations to the local government with respect to matters contained in the proposed bylaw (890(1)).	Pre- -planning	Persons, organizations and authorities the local government considers will be affected, specifically: 1. The board of the regional district in which the area covered by the plan is located; 2. The boards of any adjacent regional districts; 3. The council of any adjacent municipalities; 4. First nations; 5. School district boards, great boards and improvement district boards; and 6. Provincial and federal governments and their agencies (879).	Mandated: 1. One or more consultation opportunities must be provided during the development, or the repeal or amendment of an official community plan (879 (1)). 2. Public hearing (882(3)(d)). Recommended: 3. Advisory planning commission (at least 2/3 of the members must be residents of the municipality or the electoral area) (898(4)).	A general description of the bylaw (896(1))
Ontario	None	None	Post- -planning	1. The appropriate approval authority (17(15)(a)) 2. The public and public bodies (17(15)(c))	Mandated: 1. At least one public meeting (17(15)(c)) 2. Planning advisory committee (8). Recommended: 3. Mediation, conciliation or other dispute resolution techniques (65).	Adequate information including a copy of the proposed plan (17(15)(b))
Manitoba	None	Receive representations on the plan	Pre- -planning	1. A qualified land use planner (44(1)(b)) 2. Any person (46(1))	1. One or more public meetings (44(1)(a)) 2. Public hearing (46(1))	None

Sources: British Columbia *Local Government Act*, Ontario *Planning Act*, and Manitoba *Planning Act*

Objectives of public consultation play an essential role in the guidance of a public consultation program. B.C. and Manitoba's mandates outline the objectives for local

planners to pursue, while Ontario's mandate does not have such requirements. B.C.'s mandate states that the purpose of public hearings is "to allow the public to make representations to the local government respecting matters contained in the proposed bylaw" (B.C. *Local Government Act*, Section 890 (1)). Manitoba's legislation requires a public hearing to be held "to receive representations from any person on the proposed development plan" (Manitoba *Planning Act*, Section 46(1)). The objectives of B.C.'s requirements emphasize the public's influence, while in Manitoba every person has the opportunity to present his/her opinions. These persons may be from the public, planning authorities, or other organizations. Ontario requires at least one public meeting to be held in the course of the preparation of a plan (Ontario *Planning Act*, Section 17 (15) (c)). Although Ontario uses the term "public meeting", with respect to the requirements for notification and process, this term is equivalent to "public hearing" as applied in B.C. and Manitoba.

The effectiveness and efficiency of public consultation are also affected when the public starts to be involved in planning processes. Many researchers state that the public should be given the opportunity to participate in all planning steps, and be involved in planning processes as early as possible (Brenneis, 1990; Brody, Godschalk, Burby, 2003). Brody et al (2003) further explained that while the issues raised in the early stages might not be specific enough to obtain opinions from particularly affected groups, early participation helps collect valuable community knowledge and expertise before the policies and strategies are established. Both B.C. and Manitoba require local governments to consult the public before the plan by-law is drafted. While Ontario does not have this requirement,

many municipalities recognize that the minimum requirements set out by the *Planning Act* are not sufficient. Therefore, they designed their own participation programs (Martin, 2004). This practice might be motivated by the appeal procedure undertaken at the end of the approval process.

Identifying appropriate persons or public groups for participation improves the quality of the final plan, the efficiency of the planning process, and reduces the number of appeals. A detailed list of targeted groups in planning mandates may contribute to the success of a public consultation effort. Among these three provinces, B.C. provides the most detailed list of specific groups with which local governments must consider consulting. Ontario and Manitoba do not set up a list of targeted groups for local governments to consult.

All three provinces outline the minimum participation approaches in their mandates. In addition, B.C. encourages its municipalities to establish an advisory planning commission to advise council. Ontario encourages the use of mediation techniques before filing an objection to the OMB. In planning practice, a variety of participation tools have been developed to improve public consultation in municipal planning. These additional planning efforts for public consultation may be related to the mandated approval processes.

Finally, whether the public has access to adequate information directly influences the quality of a participant's decision. Each province has detailed requirements for when and how the public notice should be given. Ontario requires a copy of the proposed plan to be

available to the public before the public meeting.

5.6.2 Analysis of the Planning Approval Process

According to planning legislation, planning authorities, local governments, and the public in the three provinces all play different roles during the plan approval process. Under the B.C. Local government Act, local governments may adopt a plan bylaw without the approval of the minister. The Act only requires local governments to consult with the regional district or the Provincial Agricultural Land commission, if applicable, before the public hearing. This regulation provides the local governments in B.C. more flexibility than the municipalities in the other two provinces.

In contrast, Ontario and Manitoba both require local governments to submit the plan to the planning authorities for approval. One difference between these two provinces is that planning authorities in Ontario may be the province or an upper tier municipality. The other difference is that, like B.C., Ontario also requires a pre-consultation with the approval authority and the minister may exempt a plan from approval. The third difference is that municipalities in Manitoba must not adopt the plan until the minister has approved it and the adopted by-law is not subject to appeal. In Ontario, the plan by-law is adopted by local governments before it is submitted to planning authorities for approval and the final decision will be made by the Municipal Board if there is an appeal.

In terms of the role of the public in the three approval processes, Ontario and Manitoba provide appeal opportunities to the public, while B.C. does not. In B.C., the municipal

council or the regional council make the final decision. Any person or public body in Ontario may appeal all or part of the planning authorities' decision to the Municipal Board. In Manitoba, the applicant, or any person who made representations at a hearing, or a designated employee or officer of the planning district or municipality may appeal the decision by a planning commission to the board of a planning district or council. An applicant, or the minister, may also appeal the decisions of the approving authority to the Municipal Board. However, if an application is rejected by the council, the approving authority must reject the application. This decision is final and not subject to an appeal. In addition, during the approval processes, the public meeting/hearing happens before the consultation with planning authorities in Manitoba, while the other two provinces both require a consultation with related provincial departments to be conducted before the public meeting/hearing.

5.6.3 Analysis of the Levels of Public Participation

IAP2's "public participation spectrum" defines the five levels of public participation as informing, consulting, involving, collaborating, and empowering, and provides examples of tools that can help achieve the expected level of public participation. Different tools have different roles. They provide the public with different degrees of opportunities in terms of the influence on plan decision-making processes. As a result, while participation tools are usually designed to meet the needs of specific goals, the usage of these tools can also help assess the levels of participation involved in planning processes. This section analyzes the level of public participation in each province by comparatively studying mandated tools in each province and the tools usually used during municipal planning

processes.

Planning mandates provide minimum requirements for involving the public during the preparation and amendment processes of municipal plans. The minimum public consultation requirements in B.C. are one or more consultation opportunities with affected persons, organizations and authorities in plan preparation processes, and a public hearing during the plan adoption processes. In addition, an advisory planning commission, at least two-thirds of the members of which must be residents (Section 898(4)), may be established to advise council. Manitoba's mandate involves one or more public meetings in preparation processes and at least one public hearing in adoption processes. Ontario requires at least one public meeting during the adoption process. A council in Ontario may appoint a planning advisory committee or use mediation, conciliation or other dispute resolution techniques to help make decisions (Sections 8(1) and 65).

Through a review of at least three municipal plans in each province and related documents available on the Internet, the following outlines the participation tools and strategies usually used by local municipalities in the three provinces. Most municipalities in B.C employ the following participation techniques in the preparation and amendment processes of official community plans: creating a Council Steering Committee and a Citizen Advisory committee, writing a background report, building a website, conducting community surveys and public open houses, announcing the processes in newsletters, and holding a public hearing. Development plans in Manitoba involve a background report, public meetings, workshops, and at least one public hearing. In addition, Manitobans

have opportunities to appeal planning decisions to the upper level of planning authority.

The local residents in Ontario have opportunities to get a copy of proposed plans, to attend information sessions, to write to municipal councilors or staff, and to appeal to the Ontario Municipal Board (OMB) (Ministry of Municipal Affairs and Housing). While the OMB is appointed by the province to hear appeals on matters related to land use planning issues and planning documents and applications, Ontario encourages the use of mediation for reducing the number of land use planning conflicts that go to the OMB.

All three provinces employ a variety of participation tools that have the potential to inform the public and consult with the public. Beyond the mandated public consultation, each province also seems to typically make use of participation techniques at high levels to provide more involvement opportunities for the public. For instance, the participation processes in Manitoba often involve workshops, which provide the public opportunities to work with planners or planning officials. In Ontario, the use of mediation, one of the several consensus-building techniques, is encouraged to resolve land use disputes. Mediators, independent of the dispute, help improve communications and develop preferred solutions among disputing parties. The Citizen Advisory committee employed by municipalities in B.C. allows the public to exert greater influence on planning decisions.

In summary, B.C. has more specified requirements for public consultation in the pre-planning process. This may indicate that the minimum public consultation requirements

in B.C. are greater than in Ontario and Manitoba. In Ontario and Manitoba, there is an appeal mechanism to a higher level of authority, which is not available in B.C.

5.6.4 Conclusion

The participation mandates and the emphases of the mandates are quite different in the three provinces, and the local residents also have different opportunities to be involved in the planning processes. Generally, the more detailed the requirements are, the more opportunities the public will have during the process, and the higher the level of public participation will be. In addition, the types of approval procedures incorporated in planning mandates also influence the level of attention paid to the public by local governments and planners. As a result, appropriate participation mandates and approval processes should be carefully considered in order to achieve a desired level of public participation.

Chapter Six: Findings of the Interviews and Research Analysis

This chapter analyzes the Chinese interview findings in relation to the major research questions. First, the results of the first part of the interviews are reviewed, including the implementation of public notification, the implementation of public hearing, and the values of public consultation in China's land use master planning. This helps to understand the current situation of public participation in China's land use master planning and identify the policy issues of the existing public participation mandates. Second, this chapter reports the results from the second part of the interviews relating to the specific features of the Canadian experience that might be adopted in the Chinese context. It also identified the challenges of implementing these features in China's land use master planning.

The research is conducted with Chinese land use planning officials and planners. Seven participants were interviewed individually and the interviews lasted between 45 to 90 minutes. For the purpose of analysis, interviewees were divided into three groups, representing policy regulators and planning officials from the central government, planning officials from local government at the county and township/town levels, and planners from land use planning institutes. The discrepancies between responses were analyzed by different interview groups with the aim of comparing the emphases placed on public participation and challenges faced by land use planning practitioners at each level of government.

6.1 Findings of the First Part of the Interviews

6.1.1 Implementation of Public Notification

All interviewees reported that public notification was, in general, successfully implemented at the township/town level during the second nationwide land use master planning process. As indicated in Chapter Three, China has been undertaking the third nationwide land use master planning since 2003, and the draft land use master plan at the national level was just completed and submitted to the State Council for approval. The interview responses indicated that during the first nationwide land use master planning process, there was little to no public participation. Since 1998, the amended *Land Administrative Law* requires the notification to the public of land use master plans at the township/town level. Public notification was carried out during the second nationwide land use master planning, which was initiated in 1998. The literature review suggested that public notification was not implemented very well in the early stage. For instance, Feng (2003) observed that some notifications were not understandable to farmers and some township/towns did not post notifications of land use master plans at all.

The interview results showed that great progress had been made during the last several years in terms of the implementation of public notification. Public notification in land use master planning is usually undertaken by posting a land use master plan on bulletin boards outside the community center in most township/towns. The posted land use master plan shows the growth boundary of the community and designation of land uses. All interviewees agreed that most township/towns could meet these requirements. Some interviewees also observed that the content of the posted plan had been made more

understandable to the general public in many areas.

In addition, the interview results showed that the land management institutes at the national and county levels had made efforts beyond the minimum statutory requirements for notification. For instance, while the *Land Administrative Law* does not require the land use master plans above the township/town level be made known to the general public, many notification methods have been employed in the ongoing third nationwide land use master planning process at different levels. At the local level, an interviewee from a county land management institute reported a local effort to implement public notification requirements. The county proposed to make related land use information available to the general public in government offices for the public. This method, if applied appropriately, will provide the general public new access to land use information. At the national level, many modern techniques are used with the aim at notifying the general public about the land use master plan. Interviewees from the national land management institute reported that many new modern informing techniques have been used in the ongoing national land use master planning during the process of preparing the plan and will also be used in the notification process in the near future. These methods include providing information on web sites, publishing the plan in newspapers, and posting the direct line to the committee office.

Interviewees also identified several problems regarding the implementation of public notification in land use master planning processes. First, the cost of the bulletin board may affect the results of notification in some poor communities. The local communities

are usually responsible for the expense of the bulletin boards. An interviewee from the planning institute reported that some rich towns were able to post the required plans in a large, colored format, while towns that were not rich could only print them out on plain paper and in a small format. And there were still other towns that could not even afford the bulletin board.

Second, posted master plans may not be accurate. Land use master plans posted on the bulletin board are usually in a scale of 1:10,000 and indicate designated land uses, growth boundaries, and the purpose of the use of each lot. However, one interviewee suggested that some towns might not show the exact plans approved by the upper government. It is very difficult to identify, based on the maps, if local governments comply with the farmland quotas. In addition, some towns may change the designation of the land uses slightly on their own, for example, from capital farmland to general cultivated land. Thus farmers will not be able to know the exact value of their land. As compensation for the land use conversion of different categories is quite different, such slight differences may have considerable effects on the amount of compensation that farmers are supposed to obtain.

Third, no appropriate methods are provided to collect public comments on the posted plans. The interviewees all pointed out that this was the main drawback of public notification. Land use master plans are posted after being approved by approval authorities. Once approved, the plans would not be amended unless the applications meet particular requirements or until the next round of land use master planning. In addition,

there is no regulation requiring land use master plans be amended within a certain time period. Since the general public has few opportunities to participate in the processes of preparing plans, the proposed plan may not reflect public needs and concerns. If their comments and suggestions on the final plan could not be given enough attention, negative influences may affect the implementation of plans.

6.1.2 Implementation of Public Hearing

The public hearing regulation was issued by China's Ministry of Land and Resources (CMLR) in 2004 and has been implemented for nearly three years. When asked about the implementation of the public hearing system, all the interviewees admitted that the performance of public hearings was not satisfying. It should also be noted that, up to now, public hearings were implemented only in some pilot towns. Most counties and township/towns have not included this mechanism in their land use planning processes yet. Based on the interview responses, the hearing processes were conducted like a dictated task. Local governments showed little interest in public needs and concerns.

Consequently, it is no surprise that according to the interview results, the present public hearings have not been able to truly involve the general public in land use planning. As one interviewee described, "public hearings have become a stage for local government officials or developers to persuade the public." The interview responses also indicated that to achieve a meaningful public consultation through public hearings in China, a long term effort will be needed and must be achieved step by step. The existing problems identified by the interviewees mainly relate to the preparation and execution processes of

public hearings, as detailed in the following paragraphs:

(1) Public Hearing Preparation

Similar to planning mandates in Canada, the public hearing regulation of CMLR also stipulates who can attend public hearings. However, the CMLR's regulation does not fully protect the right of the general public and affected individuals to participate.

First, notification of public hearings to the public is not enough. The regulation does not specify the procedures and techniques that should be employed to notify the public of the date, time, and location of hearings. Local governments usually publish notices of hearings in local newspapers or put notices on TV thirty days before hearings. No other techniques were used to provide notification to the public. One interviewee indicated that those individuals, who did not have access to newspapers or TV, might not have opportunities to be informed. Many interested individuals may miss the public hearing simply because of poor notification. In contrast, the organizers of the hearings, usually the local institutes of land use and resources, may directly notify the groups that they think should attend hearings.

Second, the attendance of the public at hearings is not guaranteed. Although citizens who want to attend public hearings can submit a written application, the regulation clearly stipulates that the list of attendants is ultimately decided by hearing organizers. Only the designated participants have opportunities to make a representation at hearings. The other people can only sit in the public gallery. According to the interview responses, the groups

that are considered important by hearing organizers usually include relevant local governments at each level, any department or agency of the government relating to land uses (such as environment, agriculture, and natural resources departments), academics and experts on land use planning, representatives of people's council who live in affected areas, and representatives of local villages (usually village leaders). It is disappointing that the general farmers or village representatives appear to be considered the least important of all participating groups. Thus, the directly affected individuals seldom have the opportunity to attend hearings. Certainly, the size of the population and the cost for participation may be the problem. An interviewee from a local government at the county level reported that one township/town might have 70 to 90 villages and over 50,000 people. The interviewee further explained that it was already very hard to have all the village leaders together to have a meaningful discussion, not to mention the affected individuals.

Finally, the disclosure of land use information for the public is inadequate. The hearing regulation also stipulates that only those designated people, who can make oral submissions at the hearings, have access to detailed information and can inspect and review hearing records. As land use master plans are usually general and comprehensive, they may not address the interests of a particular community or a neighbourhood. Without sufficient information, the individuals who live in the affected areas have a limited understanding of the value of land use master plans. Some interviewees indicated that although the public to some degree has been given opportunities to express themselves, with limited disclosed information they might not be able to provide

meaningful ideas during the hearings. Providing more information helps farmers better understand land use master plans, and therefore, promotes the implementation and monitoring of the plans. It should be noted that the interview responses suggested an increasing recognition of the need for a more open system. One interviewee from a local government reported that they already planned to distribute brochures to all related government departments and prepare necessary information for the public to review.

(2) Public Hearing Execution

As mentioned before, public hearings in China were criticized as processes that local governments and developers used to persuade the public and to legitimize land use master plans. The majority of the interviewees admitted that most public hearings were only performed as a ritual, creating an illusion of democracy. Public input has not been given adequate attention by local governments or land use experts.

The first practical challenge is related to the low education level of farmers and village leaders and their limited knowledge of land uses. Particularly, the village leaders, who usually gain opportunities to participate in hearings, do not necessarily have land use knowledge. All interviewees suggested that low education levels might be the main element that constrains the general farmers and their representatives' abilities to discuss professional questions with land use experts and local governments, especially when these experts and government officials use pressure to persuade them. Half of the interviewees indicated that because village leaders do not have much planning knowledge, they are easily influenced by governments officials and planning experts. Some of them

also complained that most representatives of farmers could not provide meaningful comments during the hearings.

The second challenge is that participants' comments and input during hearings are not given enough emphasis. The majority of interviewees acknowledged that farmers knew more about their land. However, their input generated during the hearings is not valued. As one interviewee commented, representatives from villages could usually not provide useful suggestions. Half of the interviewees also mentioned that the general public could be narrow-minded. One interviewee from a local planning department complained that most farmers only cared about the amount of compensation they could obtain from land expropriation. They did not care about what the land would be used for, or whether the new land use would affect the natural environment. While these facts may be true, the views and expectations raised during public hearings should be given respect and consideration. Failure to include the public's comments in decision-making may impair the public's willingness to attend hearings. In addition, with a better understanding of public concerns, decision makers can make more comprehensive decisions.

It is interesting to note that none of the interviewees indicated that the public hearings delayed land use planning processes, which commonly happens in North America. This evidence may suggest that the public's opinions, collected during the hearings, if there were some, do not have much influence on the decision-making process. If public hearings just mean "show of hands," one interviewee suggested there is no point in holding public hearings.

The third and most critical shortcoming revealed in public hearing processes relates to the dominant position of the Chinese government in the process of land use planning. The interviewees from local governments and land use planning institutes explained that the amendments of land use master plans were usually initiated by local governments for the purpose of developing the local economy. Public's needs and concerns were given the least attention by local governments. As a result, land use master plans were mainly based upon scientific analysis, the goals that local governments pursue, and the land quotas assigned by the upper levels of government. Consequently, public hearings had been conducted mainly for introducing land use master plans and answering questions.

Two interviewees from the central government described the hearing process as a good procedure with little public input. They also suggested that local governments consider economic development as a main goal of land use master plans. The rest of the interviewees all agreed with this point of view. Some of them further implied that local governments develop the economy mainly because they want to achieve advancement in rank. As a result, in order to seek approval for a land use master plan, public hearings have been used as a tool for local governments to persuade participants. One interviewee stated land use master plans were developed with the aim to save the general public interest. The interviewee believed that individuals should unconditionally comply with land use master plans, even if the plan conflicts with their own personal interest. Likely, there are many planning officials who share the same view and opinions.

In spite of many critiques about the hearing procedure, most interviewees believe that the

public hearing mechanism has the potential for improving planning democracy in China. One interviewee reported that several successful public hearings had positively contributed to the reduction of planning conflicts, for example, the establishment of standards of compensation for land acquisition help protect farmers' interests. However, they all admitted that collaboration between governments at each level, land use planners, academics, and the public must occur, in order to take full advantage of public hearings and to achieve more meaningful public consultation.

6.1.3 Other Problems with the Implementation of the Public Participation Requirements

In addition to the challenges discussed in the pervious sections, the interviewees also identified some other problems associated with the implementation of the public participation requirements. These are summarized as follows.

Firstly, little public consultation is conducted during the plan preparation process. When it does occur, informal meetings are usually conducted by planners with village leaders. General farmers are informed after land use master plans are completed. One interviewee from a local planning department implied that ignoring farmers' opinions results in many impractical master plans. The literature review also indicates that when people have opportunities to be involved in the process of developing strategies to solve problems, they feel more connected to the decisions. In addition, participating earlier in the decision-making process helps individuals understand why and how plans have been made. Better public consultation will improve public accountability for the decisions and enhance the implementation of land use master plans.

Secondly, the participatory methods used in planning in China are not very well developed. The methods are limited to media appearances, open houses, use of questionnaires, promotional materials, billboard bulletins, notices, and newspapers and television exposure. Most tools are only available in big cities. Some more powerful methods, such as study groups, forums or consultative groups are very rare. Where they exist, the focus is most often on technical issues and participants are from larger companies or other government departments. In addition, these processes are usually developed outside the affected communities.

Thirdly, public awareness of participation is still at low levels. The interviewees from local government at the city and town levels both complained that most farmers were reluctant to attend consultation activities. Some interviewees also implied that many people thought planning is a responsibility of government and planners. The general public seldom cared about land use master plans unless those plans directly affected their interests. However, one interviewee did not agree with this opinion. This interviewee suggested that inappropriate participatory methods had likely been used. This impaired the public's enthusiasm to participate. The interviewee described his personal experience involving farmers in his study. He said those farmers were all very receptive and wanted to share their knowledge in informal conversations. This interviewee further suggested that planners and planning officials should go and talk to the public informally, either one-on one or in small groups in order to gain valuable suggestions.

Finally, the legal power to participate in land use planning granted to the public is inadequate. Currently, the *Land Administrative Law* only sets requirements for public

notification of land use master plans. This law requires public notification of approved land use master plans at the township/town level. The Regulation to Adopt a Land and Resources Hearing System strongly suggests a public hearing on amendment and preparation of land use master plans. Therefore, the only legal right that individuals have in the land use planning process is being informed. The general public may also have opportunities to attend informal meetings with planners or planning officials. However, these informal consultations mostly rely on the local government or planning institute's will. Thus, it is no surprise that only the interviewees from the central government directly mentioned the above two policies when asked about the land use policies relating to public participation. After further inquiry, the interviewees from local governments at the city and township/town levels explained that the Regulation to Adopt a Land and Resources Hearing System is a department regulation by China's Ministry of Land and Resources. Only some pilot cities and township/towns have started to apply this regulation. One interviewee from the central government also implied that because the regulation of the hearing system is not a law, most cities and township/towns had not taken it very seriously.

6.1.4 Value of Public Consultation in Land Use Master Planning in China

While the majority of the interviewees implied that the positive effects of public consultation have not been fully represented and the level of public participation needs to be improved in China, they all agree that public consultation has demonstrated value in China's socio-economic development. It would play a more important role in land use planning in the future.

Based on the interview responses, the five most important values of public consultation in China are: (1) reducing conflict of interest among stakeholders; (2) protecting farmers' interests; (3) increasing public awareness of the importance of land use planning; (4) enhancing the implementation and monitoring of land use decisions; and (5) improving the sustainability of land use.

The Analysis of the interview results also showed that different interview groups had different focuses with regard to the value of public consultation. The interviewees from the central government were more concerned about reducing conflicts of interest among stakeholders, and protecting farmers' interests through involving the public in the land use planning process. Interviewees from the local government at the city and township/town levels appreciated the value of public consultation as a medium of promoting the importance of land use master plans and enhancing the implementation of land use planning decisions. Land use planners emphasized the functions of public consultation in enhancing the sustainability of land use, particularly in protecting farmland and avoiding shortsighted development. The five values are detailed as follows:

First, involving the public in the land use planning process can help balance conflicting interests among various stakeholders in China. All three interviewees from the central government maintained that appropriate consultation of the public has the potential to solve land use conflicts among stakeholders. Traditionally, land use decisions were made mainly by different levels of government and land use experts in China. This government dominated system not only caused inconsistency between different levels of government,

but also overlooked public interest. As mentioned in Chapter Three, fast economic growth and urbanization in the last two decades have created diversified stakeholders impacted by land use planning and implementation processes. This diversification unavoidably led to increasing conflicts of land use interests between the affected public and different levels of government, developers, and local communities. How to reflect public interest in land use planning and reduce land use conflicts has been an important issue in China. The majority of interviewees from government suggested that public consultation activities could help decision-makers better understand public concerns and thereby reflect public needs in decision-making. One interviewee further argued that land use decision makers should consider multiple viewpoints of stakeholders, particularly public concerns, in order to lessen the conflicts between the affected public and other parties. The interviewees' comments also reinforced findings from the literature that involving the public allows conflicts to be explicit during the process and allows conflicts to be solved earlier (see Section 4.3, p.43).

Second, involving the public in the land use planning process helps protect farmers' interests. All interviewees from the central government and local governments stated that public participation activities could provide the farmers necessary knowledge and improve their ability to protect their interests. Correspondingly, interviewees from the local government and planning institute implied that if farmers had knowledge of land use master plans and their land designation, they might understand the exact value of their land. The above comments echoed the literature suggesting that public consultation can provide the public access to land use information. This value is particularly important

in China's land use master planning. In China, land is owned by the state. Farmers have little land security because government has the authority to expropriate agricultural land with or without compensation. In fact, the majority of land conflicts relate to compensation for the conversion of land use. Thus it is no surprise that interviewees from local government noted that in areas that successfully implemented public notification programs, farmers were more confident in striving for appropriate compensation from the government.

Third, consultation activities help increase public awareness of the importance of participating in land use planning. Land use planning at the county and township/town levels directly affects the lives of people that live in the communities. The attention the public pays to the land use plan is essential to its success. However, most interviewees indicated that the majority of the farmers had not fully recognized the importance of land use master plans and the importance of being involved in the land use planning process. Usually, people started to make an effort to solve land use problems after the conflicts had already appeared. The lack of public attention to the land use planning process not only caused implementation problems, but also resulted in ignorance of public concerns by decision makers. One interviewee from the local government implied that the reason the public did not care much about land use planning was partly because, in general, farmers do not know how land use planning affects their lives. This interviewee further suggested that giving the public more opportunities to be involved may help them better understand the value of the process. These comments were also underlined in the literature review (see Section 4.3, p.43). Through participation in planning processes, the

public can develop a better understanding of the objectives and scopes of land use master plans, and how and why land use decisions have been made. Therefore, they are more likely to become involved in the process.

Fourth, improving public consultation in land use planning helps enhance the implementation and monitoring of land use planning decisions. As addressed in Chapter Three, the implementation of land use master plans has not been successful in China for years. Both the literature and interview responses indicated that the impractical nature of land use decisions and the lack of a public monitoring system were probably two of the most important reasons. Some interviewees implied that the present public consultation in China could not play a sufficient role as a tool to improve plan implementation. However, more than half of the interviewees believed that efficient public consultation has the potential to help make land use planning more feasible and practical. One interviewee from a local government at the city level further pointed out that insufficient consultation of the public had caused problems in plan implementation. For example, a town wanted to relocate the area where the government was seated. However, because the local government did not involve the local people in the planning process, the town had to move five times before it found an appropriate place to settle down. The interviewee stated that this situation would not have happened if the government involved the public in the process earlier.

Lastly, involving farmers in the land use planning process maintains land use sustainability, specifically, it helps protect farmland and avoid shortsighted development.

Although China is the third largest country in the world, the average farmland per capita is probably one of the lowest worldwide. China's central government has initiated many policies to prevent the loss of farmland into construction land. For example, the farmland quota, one of the strictest land management rules, is used to maintain the total amount of farmland within a province. However, the literature review shows that reduction of high quality farmland is still continuing in China (see Section 3.3.2, p. 26). The continuing decrease of farmland might imply that the present land use policies cannot address this issue efficiently and effectively. The interview responses indicated that lack of comprehensive land use information and shortsighted development are two main reasons that caused inappropriate land utilization. Most interviewees agreed that the farmers who lived in the affected communities were experts on the best use of their own land because of their experience. They are also the best people to provide planners and planning officials with detailed information about local assets. These interviewees believed that the open exchange of land information between the general farmers, land use planners, and planning officials would probably be the most effective way to help avoid inappropriate conversion of high quality farmland, repetition of suburban industrial development, and unreasonable land uses.

6.2 Findings of the Second Part of the Interviews

In the second part of the interviews, the Chinese interviewees were introduced to the public consultation mandates in three provinces in Canada and their impacts on planning practice and were asked what features of the Canadian experience could possibly be adopted in a Chinese context. The majority of the interviewees were interested in public

consultation practices in land use planning in Canada. According to the interviews, it can be concluded that there are possibilities of applying some of the Canadian experience in China. At the end of this section, several challenges were also identified with respect to how to exert the full effect of those policies and tools in China.

6.2.1 Features of the Canadian Planning Mandates that Might be Adapted in China

Interview responses on the applicability of Canadian planning mandates were varied among the interviewees. However, several common points were raised.

First, public consultation should be initiated as early as possible. The interview responses indicated that the general public seldom gets a chance to participate in the current land use planning process. Usually, when the public has the opportunity to comment on land use master plans, the process is finished and the decisions are finalized. The planning mandates in three provinces in Canada allow the public to be involved starting from the planning preparation process. They also stipulate the minimum number of times consultation should occur and recommended participation processes. The interviewees all agreed that Chinese public participation requirements should be designed to enable the public to be involved in the planning process as early as possible. Specifically, the interviewees were interested in the public consultation requirements of British Columbia, because they encourage thorough public consultation in the planning preparation stage.

Second, consultation programs should include representatives of the affected public, environmental groups, businesses, and local and surrounding communities in the targeted

areas. The interviewees implied that the present consultation with local communities in land use planning was basically conducted by land use planners meeting with village leaders during the process of collecting local information. The general public (farmers) could only express their needs and concerns through village leaders. Without directly consulting with the general farmers, the land use information collected may not be accurate. The interviewees were interested in the Canadian planning requirements that enable everyone to express their ideas and file their objections to planning authorities. The majority of the interviewees thought the public's right to be heard should be protected. However, they were also concerned about the problems of applying this feature in the context of such a high population density in China.

Third, the public should be provided with sufficient land use information. The planning mandates in B.C. require that a general description of the bylaw be provided to the public. The planning mandates in Ontario require adequate information to be available for the public, including a copy of the proposed plan. The majority of the interviewees agreed that local government should provide adequate land use information to the public. However, they were more concerned about making the information available during the plan implementation stage. They thought providing appropriate information at the implementation stage could help the general public acquire reasonable compensation for the land expropriated. In addition, some of the interviewees also emphasized the importance of providing the information to local government officials at the township/town level. They suggested that most illegal land activities more or less relate to local government. Providing clear and accurate land use information might help

regulate local government officials' activities.

Fourth, the goals of the public consultation programs should be clearly identified. The planning mandates in B.C. and Manitoba both state that the objective of involving the public is to allow the public to be represented. Some interviewees commented that it would probably be worth adapting this strategy in creating Chinese land use planning mandates. These interviewees argued that most present public participation activities were conducted only because they were mandated or suggested to do so. Program organizers did not have clear aims to achieve in terms of public participation. Once the goals of consultation are established, the role of the public in the planning process should be clearer. Consequently, the targeted participating groups can be formed and the strategies to achieve these goals can be developed.

Fifth, appropriate consultation techniques should be used during the land use planning process. Some interviewees complained that the public hearings often could not fulfill the need of involving the general public in the land use planning process. It is true that no one technique for public informing and consulting applies to every problem. A combination of various techniques is often used to address one problem. Appropriate usage of techniques helps promote understanding between planners, planning officials and affected individuals. These interviewees were also interested in the possibility of adopting an advisory planning commission recommended by the Local Government Act (RSBC 1996) of B.C. and the appeal process required by the Planning Act (R.S.O. 1990) of Ontario.

Finally, the results of consultation activities should be considered as an important basis for planning decisions. Half of the interviewees also noticed that the planning mandates in the three Canadian provinces all successfully stipulate the way to respond to objections emerging from public consultation programs. For example, they provide the detailed requirements on when, where, and how the feedback will be sent out; explain how the information will be collected and used in decision-making processes; and present the requirements on when the results from consultation programs should be presented to the planning authority. These interviewees thought Chinese land use planning mandates should also set up such requirements. They believe that one of the main reasons that public hearings are unsuccessful is the results have not been given adequate attention.

6.2.2 Challenges of Implementing the Improved Public Consultation Mandates in China

All the interviewees were interested in the Canadian experience of public consultation and believed that the level of public participation in land use planning in China can be improved through adopting some of the features of planning mandates in Canada. However, the interviewees all commented that different social, economic, political and legal backgrounds between China and Canada must be considered when developing the mandates. Without corresponding reforms in other related areas, peripheral to planning and public consultation, these mandates may not be carried out routinely and will likely be ineffective. The four main reforms that the interviewees identified include rural tenure system reforms, capacity building of government planning officials and planners, development of non-government organizations, and the need to increase farmers awareness of participating in land use planning.

Among the reforms required, the biggest issue is rural land tenure reforms. As described in the literature review, agricultural land is collectively owned in China. However, the meaning of “collective ownership” is not clearly defined. This vagueness contributes to land tenure insecurity and creates “a power vacuum in which various entities often exercise ownership rights” (Prosterman et al., 1998, p.17). All interviewees implied that collectively owned land ownership was probably the most significant factor that influenced the participation of general farmers in land use planning. Land tenure to farmland was extended for another 30 years in 1998, which strengthened the land use right of farmers. However, one interviewee further explained that farmers’ opportunities of participating in planning had not been distinctly increased. Land ownership should be further reformed in a manner that farmers are able to have more land security and to have a voice regarding their land.

A second important reform is capacity building of government planning officials and land use planners. Different from Canada, Chinese political and administrative systems are inherently structured as a centralized decision-making system. However, in practice it is in fact decentralized. Within this system, local governments are able to control the information and conceal the real situation from the central government. Besides the requirements set in the *Land Administrative Law*, local governments exert almost absolute control over local land use. In addition, a traditional principle that says individuals must be overridden by the collective interest further expands the local governments’ power over land use. As a result, under the current situation in China, the attitude of government and planning experts toward public consultation is extremely

important. An interviewee from the central government commented, “whether decision-makers are aware of the necessity of public consultation is the most important, most difficult, and most fundamental factor that affects planning practice.” Another interviewee also indicated that changing local governments’ attitudes and behavior towards public consultation would need a long term and inclusive national engagement. These comments are strongly supported by the interview responses. The interviewees from the government at the township/town level and planning institute implied that their main task was to serve the upper government rather than the general public. The feeling of helplessness was also expressed by one of the interviewees, “we do what the local government instructs us to do.”

The third reform is to strengthen non-government organizations (NGOs) in local communities. The interview responses indicated that a lack of NGOs and active groups at the local level also affect the improvement of public consultation. Although NGOs in China may not be as independent as they are in Canada, they have been playing an increasingly important role in public participation development in China. However, the interview results indicated that the role of NGOs in affecting land use planning was very limited at the local level. One interviewee pointed out that NGOs rarely attend land use public hearings. This interviewee further commented that NGOs usually could provide alternative perspectives and professional expertise. The NGO’s participation will definitely help improve the development of public consultation processes and the effectiveness of public hearing programs.

The fourth reform is to increase farmers' attention to land use master plans and planning process. Their awareness of participation is very low. First, few of them know that they have rights to participate in land use planning processes. Second, traditionally individual needs and wills have been subordinated to state interests. For a long time, under China's land use planning system, the public has been forced to comply with land use master plans. Unless their interests have been damaged or victimized by the change of land uses, general farmers seldom come forward to express their views publicly.

6.3 Summary

The interview data from the first part of the interviews demonstrated that the value of public consultation in land use planning has been broadly recognized by planners and planning officials at each level of government. The analysis also addressed the existing problems related to the implementation of public notification and hearing requirements. The findings of the second part of the interviews indicated that some features of the Canadian experience have the potential to be adapted to help improve public consultation in land use planning in China. The interviewees also identified the challenges that China faced with regard to the implementation of these features. The following summarizes the results of the two parts of the interviews.

6.3.1 Existing Problems Related to the Implementation of Public Notification and Hearing Requirements

(1) Public notification requirements

- a) Requirements for the content of notification should be more specific;

b) Instruments should be provided to allow the general public to express their viewpoints.

(2) Public hearing requirements

- a) Insufficient requirements for notice of hearing;
- b) The public was excluded from the targeted groups;
- c) Hearing participants are designated;
- d) Requirements of how to integrate the results of the hearing into the planning process are not sufficient;

(3) Other Problems with the Implementation of the Public Consultation Requirements

- a) Little public consultation was conducted during the plan preparation process;
- b) The participatory methods used in planning are not very well developed;
- c) The public awareness of participation is still at low levels;
- d) The legal power to participate in land use planning granted to the public is inadequate.

6.3.2 Features of the Canadian Planning Mandates that could be Adopted in China

- (1) Public consultation should be initiated as early as possible;
- (2) Consultation programs should include representatives of the affected public; environmental groups, businesses, and local and surrounding communities in the targeted areas;
- (3) The public should be provided with sufficient land use information;
- (4) The goals of the public consultation programs should be clearly identified;
- (5) Appropriate consultation techniques should be applied during the land use planning

process.

6.3.3 Challenges of Implementing Public Consultation Mandates in China

- (1) Insecure land ownership;
- (2) Need for capacity building of government and planning experts;
- (3) Lack of strong non-government organizations (NGOs) in local communities;
- (4) The majority of farmers pay little attention to land use master plans and their awareness of participation is limited or non-existent.

Based on the above research findings, the following chapter provides recommendations for future action to improve public consultation in land use master planning in China. It also describes directions for future research.

Chapter Seven: Recommendations, Future Research and Conclusions

The research investigated the implementation of public notification and public hearing requirements in the land use master planning process in China. It analyzed the strengths and weaknesses of the engagement requirements and explored planning practices in both Canada and China. The findings imply that there is a need to improve public consultation in land use planning in China. Applying Canadian experience of land use planning may help to improve the efficacy of the land use planning process in China. Based on the research results, this chapter provides recommendations for improving public consultation in land use planning in China. Following this, the limitations of the results are addressed and suggestions for future research are proposed.

7.1 Key Recommendations

The recommendations below are summarized with respect to the legal status for public consultation, the role of the public in land use master planning, the framework of public consultation, the detailed public consultation requirements, and capacity building of land use planners. These recommendations provide possible steps for the Chinese central government to encourage local governments and land use planners to develop local public consultation strategies.

7.1.1 Establish the Legal Status for Public Consultation in Land Use Master Planning in China

Many challenges of public consultation in land use master planning in China relate to the inadequate legal status of public consultation requirements. The improvement of the level

of public participation is in fact a redistribution of the decision-making power among the planning actors, such as different levels of government, developers, and the public. China is traditionally a centralized state. The power to control land use is largely shared among five levels of government. Without a legislated right, public opinions might not be given sufficient attention and respect, even though the public is given an opportunity to comment. For instance, although the public hearing regulation issued by the CLMR in 2004 provides an opportunity for the public to officially participate in land use master planning processes, this opportunity is not guaranteed and protected because the requirements are not enforceable. As a result, it is essential and necessary to legislate public rights of participation, in order to further improve the level of public participation.

All interviewees pointed out that an absence of a legally mandated public consultation process is probably the most critical and fundamental problem. This affects the ability to improve public consultation in land use planning in China. An interviewee from a local planning department further reported that the legal status of land use master plans has not been well established, and neither have the requirements for public consultation.

The lack of legal status of the planning process hinders the progress of public consultation and also leads to a vast amount of illegal and inappropriate land use activities. On the one hand, besides the requirements set by law, officials and institutions of lower levels of government develop land use master plans that only respond to their economic goals. The general public's needs and concerns have never been given much attention. All interviewees indicated that the majority of illegal activities relating to land

use involved local governments. An interviewee from a local planning department reported that because the land use master plan has no adequate legal status, the local government is able to amend the land use master plan frequently for the purpose of developing the local economy. The frequent amendments increased the unnecessary workload of local planners. The resulting shortsighted, fast development also caused many repetitious constructions and a waste of natural resources.

On the other hand, without a legally mandated public consultation process, the level of public consultation is largely dependent on planners or local government officials' voluntary activities. General farmers are subject to the imposition of inappropriate land uses that make them extremely vulnerable. Illegal and inappropriate land use activities have seriously damaged the interests of farmers. As reported by one interviewee from a provincial land use planning institute, over 80% of farmers' complaints relate to land use changes in recent years. However, the affected farmers cannot sue for damage or loss of their land because no related legal procedure is provided for them to follow.

Establishing a legally mandated planning process and strengthening the legal status of land use master plans will allow planners and land use experts to use public consultation as a vehicle to prevent illegal land use activities in the early stage. In addition, legalizing the status of land use master plans and public consultation in the land use planning process can also help regulate local governments' performances.

7.1.2 Clarify the Concept of “the Public” and Give Priority in Participation to the Affected Individuals

The concept of “the public” is quite confusing in the land use planning field in China. According to Brenneis, the public is made up of many different groups and individual members of the public, industry and interest groups (1991). Public consultation could refer to any type of consultation, including stakeholders, citizens, communities, or wider parties, depending on the needs of particular situations. However, the interview responses implied that public consultation in land use planning practice in China usually refers to consultation of academics or professionals, council representatives, or village representatives. General citizens (most of them are farmers in terms of land use planning at the county and township/town levels in China) seldom obtain opportunities to participate in land use planning processes. Therefore, planning policies should clearly identify the groups of people who should be involved in the land use planning process. In particular, affected farmers should be given more attention. However, it should be noted that if participation groups are identified too specifically, this may marginalize other interested parties from participation in consultation activities. As a result, in the near future, planning mandates should encourage the participation of a broad section of the community.

People directly affected by decisions are typically also the group most ignored during the land use planning process in China. The affected individuals are those who know their land best. While this group of people may not have expert knowledge, they are the ones who can provide essential information on land resources and values. As a result, farmers,

who are impacted by plans directly or indirectly, should be given priority to participate in hearings and to access related information. They should also be given rights, as well as responsibilities, for the decisions of how the land can be used and/or developed now and in the future, and what public facilities and amenities should be provided in the area.

Planning mandates must also be designed to protect affected individuals from the so-called "collective interest," which in reality may not necessarily represent broad public interest. For instance, the hearing regulation should be designed to allow this group of people to present their perspectives regarding land uses, land use changes, compensation for land acquisition, and locations of rural settlements, either by themselves or through the representatives they select.

7.1.3 Encourage Each Province to Set Up Its Own Public Consultation Requirements within a National Framework

China is a multicultural and multinational country with many ethnic groups. The differences between provinces with respect to geographic situation, economic development and dominant cultural values can be considerable. This causes difficulties in applying a uniform policy all over the country. The interview responses demonstrated that a national framework, that each province may draw upon to develop appropriate public consultation policies for land use planning, is beneficial because of the significant differences between provinces.

On the one hand, the interviewees from the central government indicated that the required

participation procedures of public consultation are basically good. However, these policies were not enforced effectively. On the other hand, interviewees from the local government at the city level implied that uniform national standards for public consultation couldn't reflect the needs of all communities. This conflict partially affected the implementation of the suggested public consultation. In addition, the interview responses indicated that interviewees from different provinces have different opinions regarding applicable public consultation requirements and procedures. Hence, allowing each province to set up its own consultation process within a national framework is important to reflect significant differences between provinces and to address the specific challenges of local contexts. For instance, the land use planning institution of China's central government could establish a national public consultation standard that provides a basic framework for each province to follow. Provinces could then set out their own public consultation policies according to their socio-economic situation, based on the national standards.

7.1.4 Improve the Existing Public Consultation Policies

Most interviewees stated that the implementation of the existing public consultation policies was not efficient enough. Based on the interview responses and the case studies, the planning process can be improved accordingly.

First, require that public consultation be included in the land use planning process as early as possible. Early and continuing consultation of the public assists planners to collect detailed information about the planning region. It also helps the public gain a

better understanding of the objectives and context of the final plan. The earlier the general farmers get involved in the land use planning process, the better they understand the scope of issues. Thus, they may provide more valuable input if they are given the opportunity. In addition, requiring the adoption of a public consultation plan at the very beginning may help the administration of consultation programs during the land use planning process. It may also be helpful to require that a planning coordinating committee be established to help oversee the consultation programs and select participants. A certain percentage of the committee members should include people directly affected by the plan. For example, the land use planning act should state that one or more consultation opportunities should be provided during the plan development phase and that a public hearing should be held by the planning authority before a plan is adopted.

Second, require that the representatives of the affected public, environmental groups, businesses, and local and surrounding communities be involved in public consultation programs. As addressed earlier, the general public seldom is given a chance to be involved in the current land use planning process. If the target participation groups are regulated by planning mandates, the representativeness of participation can be improved and consultation programs can be prepared to better meet the needs and expectations of the targeted groups. For example, the land use planning act should state that the local government should specifically consider consulting with a range of affected public. Affected public may includes representatives of environmental groups, business associations, non-governmental groups, or any other groups that may want to participate.

Third, require that sufficient land use information be made available during the land use planning process. Without good information, people may not be able to provide meaningful input. Planning mandates should also require planning authorities to provide necessary planning data and land use information to the public. For example, the land use planning act should state that the local government should make non-confidential planning information and planning process proposals available during the planning process, and that the local government should make available the proposed plans at the local government offices for public inspection and advise the public that these docs are available for review.

Fourth, require that the objectives of consultation programs be clearly identified. Lacking clear objectives, the value of public consultation as a tool to inform or consult cannot clearly be exerted. Land use planning is a complex process involving a range of issues. It is impossible to involve farmers in all aspects of land use planning. The design of consultation programs with farmers should focus on the farmers' needs and areas in which they are specifically interested. A well-structured consultation program with clear objectives can encourage meaningful and valuable public input. For example, the land use planning act should state that the objectives of consultation programs should be clearly stated (e.g. "to provide information", "to gain public input", etc.) and should be submitted for approval by the local government.

Fifth, require that minimum public consultation be included in planning processes. Minimum requirements help ensure that a minimum level of involvement occurs, but also

provide flexibility for local governments in conducting public consultation to exceed the minimum requirements. For example, the planning mandates in three provinces in Canada stipulate the minimum requirement for consultation. In planning practice, most local municipalities went through extensive public consultation processes when preparing land use master plans. In addition, a combination of different consultation techniques may help solve different land use problems. Thus, it might also be helpful to recommend some advanced consultation techniques in planning mandates, such as creating an advisory planning committee or including an appeal process. For example, the planning act should state that the local government may establish an advisory planning commission to advise the government and at least half of the members should be local residents.

Finally, require that the results of public hearings be included in final documents. The quality of the feedback directly affects participants' trust in public consultation. Therefore, the results of public consultation and feedback should be monitored and analyzed. They should be reported to the planning authority as part of the decision making basis. This requirement is built upon an assumption that the public is given the opportunities to attend consultation programs and provide meaningful input. Demonstrating respect for public concerns and viewpoints can inspire the public's interest and confidence and encourage them to provide useful comments and suggestions. Under the Canadian planning system, a public hearing is held by an accountable body for the people of a community. Planning authorities hear public views and make decisions during public hearings. This system makes the decision making process transparent, and

therefore, more accountable. This, in turn, increases people's awareness of participation in decision-making. Public hearings would not be effective or meaningful if they are not given enough emphasis in the plan approval process. As a result, public hearings in land use master planning in China should be given significantly more emphasis in terms of the role they play in the approval process. For example, the planning act should state that land use master plans must include a statement addressing the comments raised during the public hearings and how these comments are reflected in the plans.

7.1.5 Recognize the Capacity Building of Land Use Planners and Planning Officials

The main challenge that faces Chinese land use planners and planning officials is that most of them have never encountered or received training in public consultation methods. The majority of land use planners are well trained in physical planning techniques but have little or no experience of working with communities. Meaningful public consultation requires some particular skills, such as communication, presentation, and survey techniques dealing with the public. The level of public consultation in China is low and public consultation activities are mainly undertaken to introduce plans to the public. In this stage, it is extremely important for Chinese land use planners to improve their communication skills. Using appropriate language to communicate with the public can help the public to better understand the plans, and therefore, ensure the public interest is reflected in land use master plans.

For example, in 2001, an open house displaying city master plans was held in Beijing. This open house attracted many local people. However, on the first day, some people

wanted a ticket refund, because they could not understand the displayed plans. The plans were too professional and at too large a scale. As a response to this inadequacy, the exhibition committee adopted several new communication methods, such as location tags, touch screens, and accessible commentary. No one requested refunds since then. The public were satisfied with the improvements (Yan Xiaoming, Cheng Jiaying. 2001).

The experience described above demonstrated that land use planners and academics should be trained in a variety of communication skills and engagement tools and techniques. As well, they need to learn how to make professional language and planning processes more accessible to the general public.

In addition, planners' attitudes to, and knowledge of, public consultation would likely have an impact on their planning practice. Many planners and government planning officials are questioning whether public consultation is important. A few interviewees implied that some consultation activities are a waste of time and money. Therefore, regular training should be conducted as it takes time to change attitudes.

7.1.6 Increase Public Awareness of Participation in Land Use Master Planning

The analysis of the planning mandates in the three provinces in Canada indicates that, although the mandates only provide minimum requirements for public consultation, the three provinces studied all go beyond this level of public participation in practice. One of the reasons public hearings is effective in Canada, is partly due to the fact that the public has a strong awareness of their right to be involved. This study concludes that mandating

public consultation in land use master planning in China can help improve the land use master planning process.

Planning mandates set a planning process; however, "... it is people who make it a reality (Hodge, 1998)." Public awareness of participation has a significant impact on the degree to which public consultation can be achieved. In China, participation mainly depends on the interests of individuals rather than their accountability to the process (Yan and Cheng, 2001). As a result, in order to achieve effective public consultation beyond the minimum requirements, it is also essential that China promotes public awareness of the right to be involved in public hearings.

First, public education is critical for promoting public awareness of the right to participate. The government should conduct awareness raising campaigns and educational projects aimed at changing the way people think about the role they play in land use planning. Since land use master plans have significant impacts on the local communities, the general public has a right and a duty to express its opinions on land use issues. In addition, the education level of individuals is a factor that affects the results of consultation programs. People with higher education levels may have more positive attitudes towards public consultation. The interview responses indicated that the levels of education varied greatly in different areas across China, as did their attitudes to participatory programs. In some areas (mainly urban areas), people complained that they did not gain enough opportunity to be involved in the planning process. In other areas, planners and planning officials commented that few members of the general public

wanted to participate. Therefore, such campaigns and education programs should be developed with a specific emphasis on the local context.

Secondly, the government should provide more power to planning authorities to make decisions during the public hearing process. The transparency of the decision making process is also a key factor that affects public awareness of participation. Interview results indicated that, in some places, people were not involved because they did not believe that their opinions would affect decision-making. In other places, people would like to be involved more because they want to influence the system. In Canada, a public hearing is where members of the public voice their opinions. Planning authorities make decisions at the hearing, based on the outcomes of the public hearing and the comments and suggestions from relevant departments. Local governments and developers may be motivated to engage in more pre-planning consultation activities if they want to have a successful public hearing. In China, the current public hearing rules in land use planning neither require decision-makers to attend public hearings, nor require any decisions to be made at the hearing. Such rules cannot give the public confidence that their views will be respected. Consequently, public awareness of the right to be involved would continue to be limited. As such, the public hearing process should not only be designed to provide a fair opportunity for all parties to participate, but also to facilitate dialog between decision-makers and the public.

7.2 Limitations of the Results

It could be argued that the research results would be strengthened by widening the scope of the interviewees of this study. While it is beneficial to have policy regulators, government officials, and land use planners included in the interviewees, lacking input from the public decreases the value of the results, particularly for the first part of the interviews. The first part of the interviews explored the implementation of public notification and public hearings. Without interviewing the participants of these two programs, the research results may be unilateral and biased.

The other limitation of this research was the small sample size involved in each interview group. In addition, the research findings may be applicable only to the communities that interviewees are from. First of all, only one to three interviewees were recruited from each interview group. Therefore, the findings of the comparison study may be biased. The selected interviewees' opinions may not be representative of the whole group. Secondly, all the interviewees are from the central government and three pilot cities in three provinces respectively. While these three cities are all somewhat different, the socio-economic development of these three cities is at a similar high level. As a result of this, the research findings may not be applicable to other parts of China.

One way to improve research is to adapt the process of introducing the public consultation mandates in the three provinces in Canada to the interviewees. I introduced the planning approval process and main features of the planning mandate of each province one by one and asked the interviewees to comment on them individually.

However, because the interviewees were not familiar with planning mandates, introducing provincial mandates individually resulted in the need for extensive clarification about the differences between three provinces. The interviewees could not provide systematic answers to the applicability of those mandates. If I undertake a similar research project again, I would introduce the three planning mandates together and introduce them according to the analysis criteria identified in the literature review. This may help interviewees gain a comprehensive understanding of the similarity and differences of the three mandates. I would then be able to focus on the proposed questions. In addition, the analysis of the research findings may be easier.

The main obstacle I encountered in this study was interpretation of the planning terminology. This study involved a large amount of translation work between English and Chinese. When introducing the Chinese context in the literature review, I read abundant articles in Chinese and interpreted them into English. In addition, because all my interviewees were Chinese, I translated all the documents in English that needed to be provided to the interviewees. In many cases, terminology cannot be literally translated. Due to different cultural backgrounds, planning and political systems, simple differences of interpretation may change the actual intent. For example, “land use planning” in China specifically refers to “land use planning in rural areas,” while “land use planning” in Canada includes both rural and urban areas. Also, some terms may not have an exact translation from the other language. For example, “public meetings” and “focus groups” are new events in China and there are no equivalent formally used terms in Chinese. This language obstacle may also affect the results of the research.

7.3 Future Research

Based on this research, five main areas for future research are identified. First of all, it would be interesting to conduct the research with general farmers and examine their attitudes towards the performance of the current public notification and public hearing practice. This research explores only the perspectives of government and academic experts on land use planning. The examination of general farmers' evaluation and their level of awareness with the current public participation practice in China would add great value to this study.

A second research area is to evaluate the implementation of the proposed recommendations. It would be helpful to investigate which improvements can best encourage planners and government officials to involve the general public in each planning phase, or which improvements can best encourage the public to participate in the planning process. The results of this future research would help test the applicability of the Canadian experience in the Chinese context.

The third area is to conduct research to investigate how the improvements of planning mandates affect planning practice at the local level. It would be interesting to examine the degree to which public consultation mandates influence local government decisions with regard to when and how to involve the general public in land use planning. This research would define the relationship between planning mandates and local governments' attention to public consultation. It would explore how the effectiveness of planning mandates could be further improved.

The fifth area is to explore the possibility of incorporating an appeal system in the land use master planning system over the long run. An appeal system can safeguard the public's right to be heard if they are not satisfied with the planning decisions. In addition, it can increase the local government's accountability for their decisions to the local People's Congress. Moreover, an appeal system may improve the consistency between the goals of provincial land use master plans and local land use master plans. For example, land use planning decisions at the county and township levels may be appealed to the Provincial People's Congress.²¹

Finally, the exploration of the impact of the related fields on the public consultation development in land use planning will be also very helpful. Some examples of related fields are land ownership and land administration system, accountability of governments, development of NGOs, and public awareness of participation in land use planning.

7.4 Conclusion

This research shows that the demand for a higher level of public participation has been increasingly evident in the land use planning arena in China. Improving public consultation can: (1) help reduce conflict of interest among stakeholders; (2) protect farmers' interests; (3) promote the importance of land use planning, (4) enhance the implementation and monitoring of land use decisions; and (5) improve the sustainability of land use. With further development of the political system, land ownership and land

²¹ The representatives of the People's Congress at state, provincial, and city levels are elected from the representatives of the People's Congress at the lower level. The representatives of the People's Congress at the county and town/township levels are popularly elected.

administration system, and civil society groups, public consultation will likely be a permanent and expanding feature of the land use planning system in China.

Presently, specific statutory requirements for public consultation in the land use planning process in China are limited. These limited requirements hinder the development of effective public consultation processes. They also restrict the general public's opportunities to be directly involved in land use planning.

This research provides a series of recommendations, with regard to improving the effectiveness of the statutory requirements for public consultation. The most important recommendation is the need to establish public consultation policies and strengthen the legal status of land use master plans. A legally mandated public consultation process protects the public's right to participate in the land use planning process. It also defines the responsibilities among the different levels of government. The other three recommendations also need to be included in legislation to ensure their effectiveness. Allowing each province to set up its own consultation process, within a national framework, can reflect the differences and specific challenges between provinces. The recommendation to give priority of participation to affected individuals is necessary to ensure that affected people are included in the planning process. In addition, the incorporation of applicable and useful features of Canadian experience in planning mandates can help achieve effective public consultation in China.

No one problem can be solved in isolation. This research also suggests that in order to

promote the effectiveness of proposed public consultation mandates in land use planning, efforts also need to be exerted to: reform the rural land tenure system; improve government accountability, increase capacity-building initiatives for land use planners; foster the development of NGOs; and raise public awareness of the need for participation.

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Appendix 1: Interview Questions (English)

First-Part Interviews

A: Please briefly introduce your own opinions and experience about the implementation of the public notification and public hearing systems in China's land use master planning.

Probing questions (the reasons that result in a successful or a less successful implementation)

B: I heard that CMLR is drafting a Land Use Planning Act, which likely will include a mandated public consultation process, what do you think are the motivations and benefits of improving public consultation in land use master planning at the county and township/town levels in China?

C: Please list three strengths and weaknesses of the land use planning process and policies from the perspective of public consultation improvement.

Second-Part Interviews

The interviewees will be provided the charts illustrating the municipal plan preparation/amendment processes and plan approval processes in the provinces of British Columbia, Manitoba, and Ontario, and the chart that include the main China's land use master planning process (adopted from LUMPER, 1997) and planning approval process. The interviewees are asked to identify what Canadian experience may be applicable in a Chinese context, and to discuss implementing strategies.

Appendix 2: Interview Questions (Chinese)

访谈第一部分

- A: 请您简要介绍一下目前中国县乡级土地利用总体规划中的规划公告和听证制度在中国县乡级土地利用总体规划中的实施情况和您个人在这方面的经验和看法；（成功经验和不成功经验的原因）
- B: 请您谈一下在县乡级土地利用总体规划规程中加入公众参与的看法；（还有一些什么其它参与的形式）
- C: 请从公众参与的角度，分别举出三个土地利用总体规划法律法规的优点和可以改善的地方。


访谈第二部分

我将首先简要介绍国际公众参与组织总结的关于公众参与程度和方法。基于这个框架我对加拿大三个省（包括不列颠哥伦比亚省、安大略省、曼尼托巴省）的土地利用规划编制和审批过程进行了比较研究，重点分析和公众咨询相关的法律法规以及这些法律法规对规划实践的影响。

请您根据我刚才对三个省规划经验的介绍谈一下那个模式或者那个部分是适合我国国情、可以借鉴的，并探讨其实施的可能性。

Appendix 3: IAP2 Public Participation Spectrum and Corresponding Techniques (Chinese)

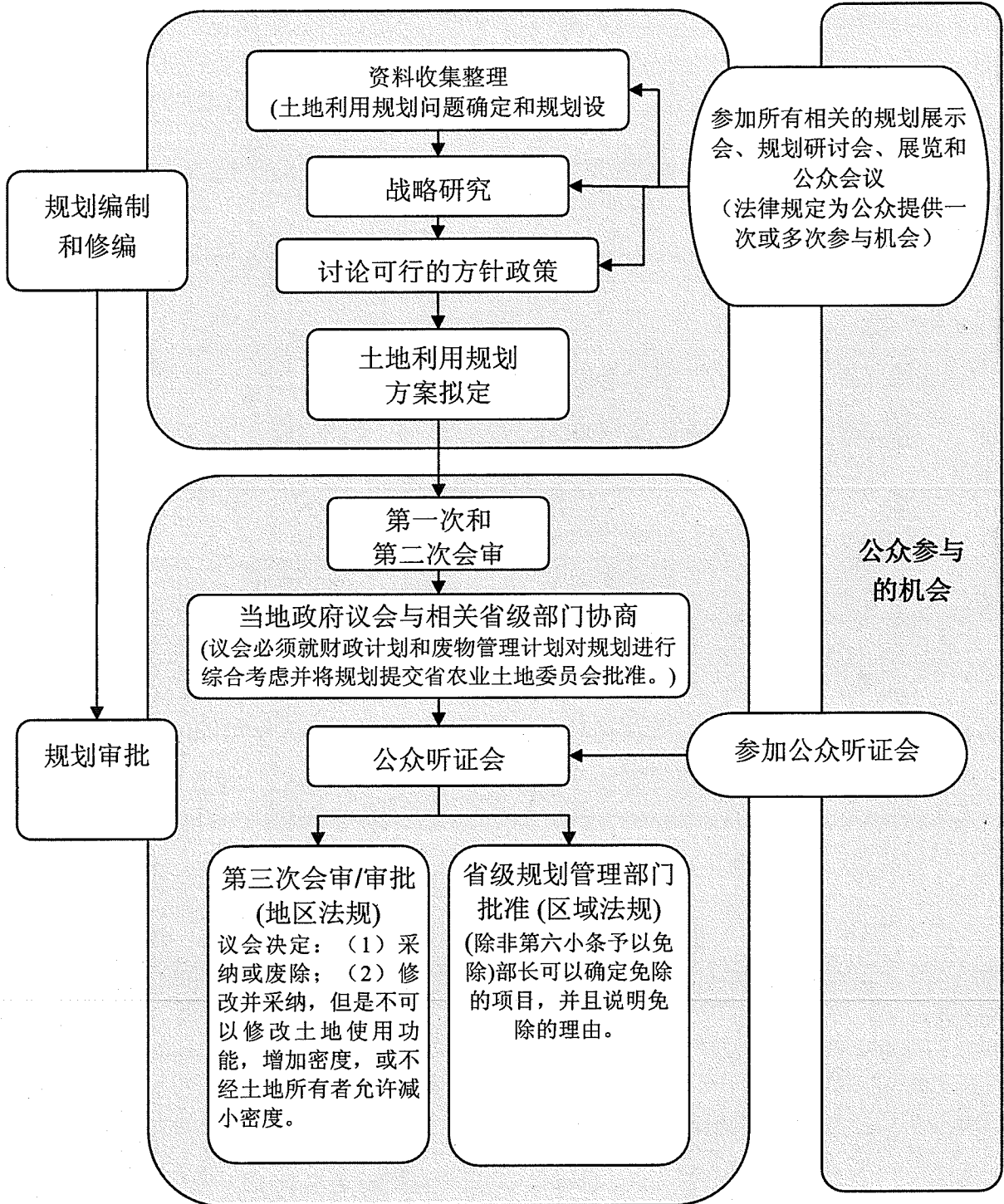
公众参与国际组织编写的公众参与层次及相应的参与形式和方法的总结

	公众参与目标 Public Participation Goal	对公众的承诺 Promise to the Public	相应的参与形式和方法 Example Tools	
 <p>公众参与层次递增</p>	Inform 公众资讯	通过提供客观公正的信息帮助公众理解现存问题、候选方案和/或解决办法。	我们将保持通知公众。	宣传资料、网站、广告宣传、新闻报道、报告、展览、以及展示会等
	Consult 公众咨询	获得公众对现存问题、候选方案和/或解决办法的反馈	我们将保持通知公众、听取公众的意见、考虑他们关注的问题，并且提供关于他们的关注和意见如何影响制定政策的反馈。	公众信息反馈 包括社会评论、社会调研、公众对报告的书面意见、社区旅游介绍 公众咨询 包括于特定的公众群体会谈、公众会议、公听会、座谈会等
	Involve 公众参加	公众直接参加整个过程。从而确保公众关注的事务和议题持续地被理解和重视。	我们将与公众一起工作。从而确保解决方案的制定直接反映公众关注的事务和议题，并且提供关于他们的参加如何影响制定政策的反馈。	研讨会 详细的民意测验
	Collaborate 公众合作	在制定政策的每个领域与公众合作，包括候选方案和推荐的解决办法的确认。	我们期望获得公众关于制定解决办法的直接的建议和创新的想 法，并且尽可能最大程度地将您的建议和推荐的方法融入制定的政策中。	市民咨询委员会 建立共识 多方参与政策制定的方法
	Empower 赋予公众权利	由公众决定最终的政策。	我们将执行由公众制定的政策。	市民评审会 投票表决 公众代表决议

Appendix 4: Official Community Plan Process in British Columbia and the Opportunities for the Public to Get Involved in the Planning Process (Chinese)

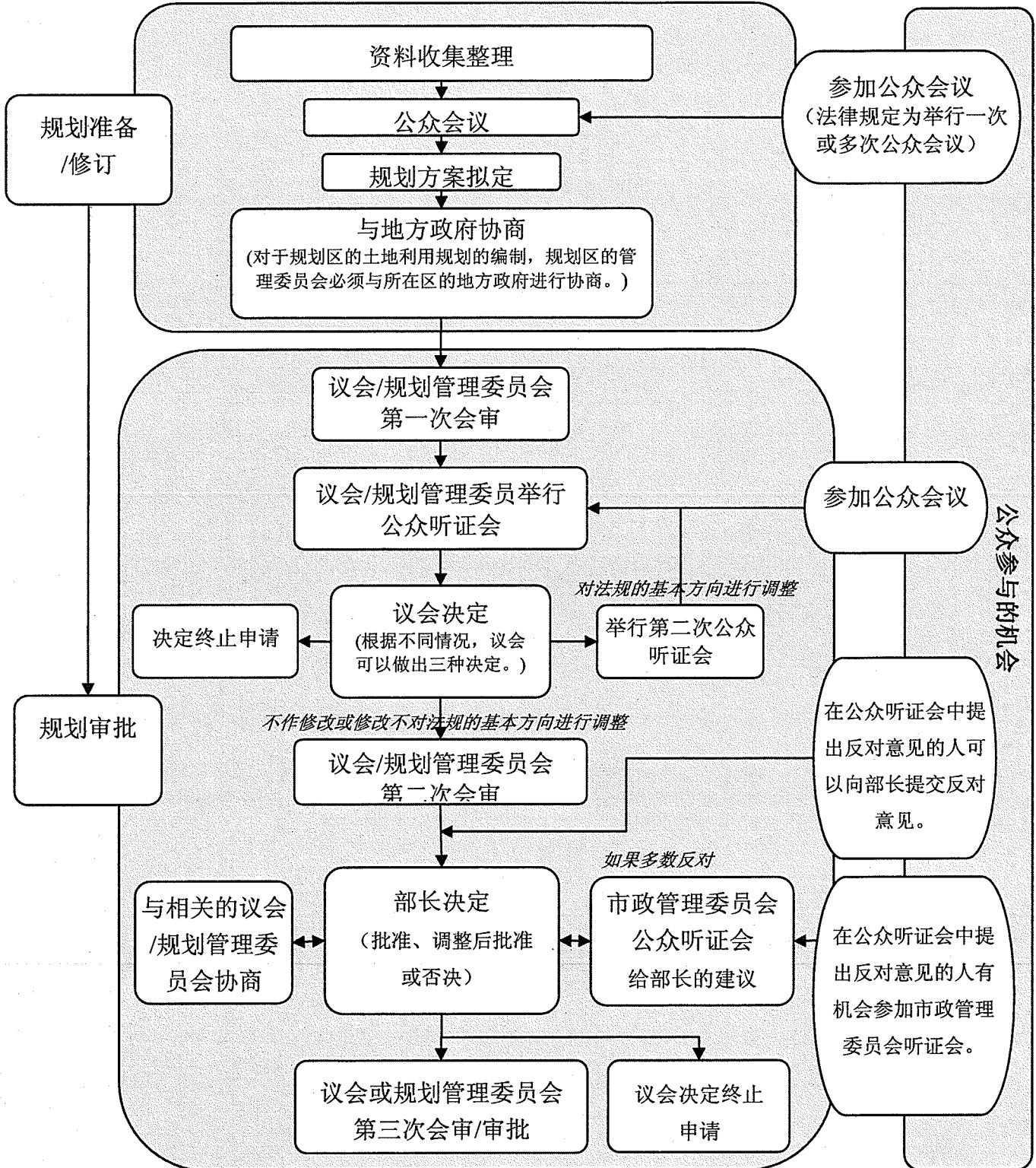
不列颠哥伦比亚省规划编制和审批程序及规划法中对公众参与的规定

(参考资料：不列颠哥伦比亚省地方政府法)



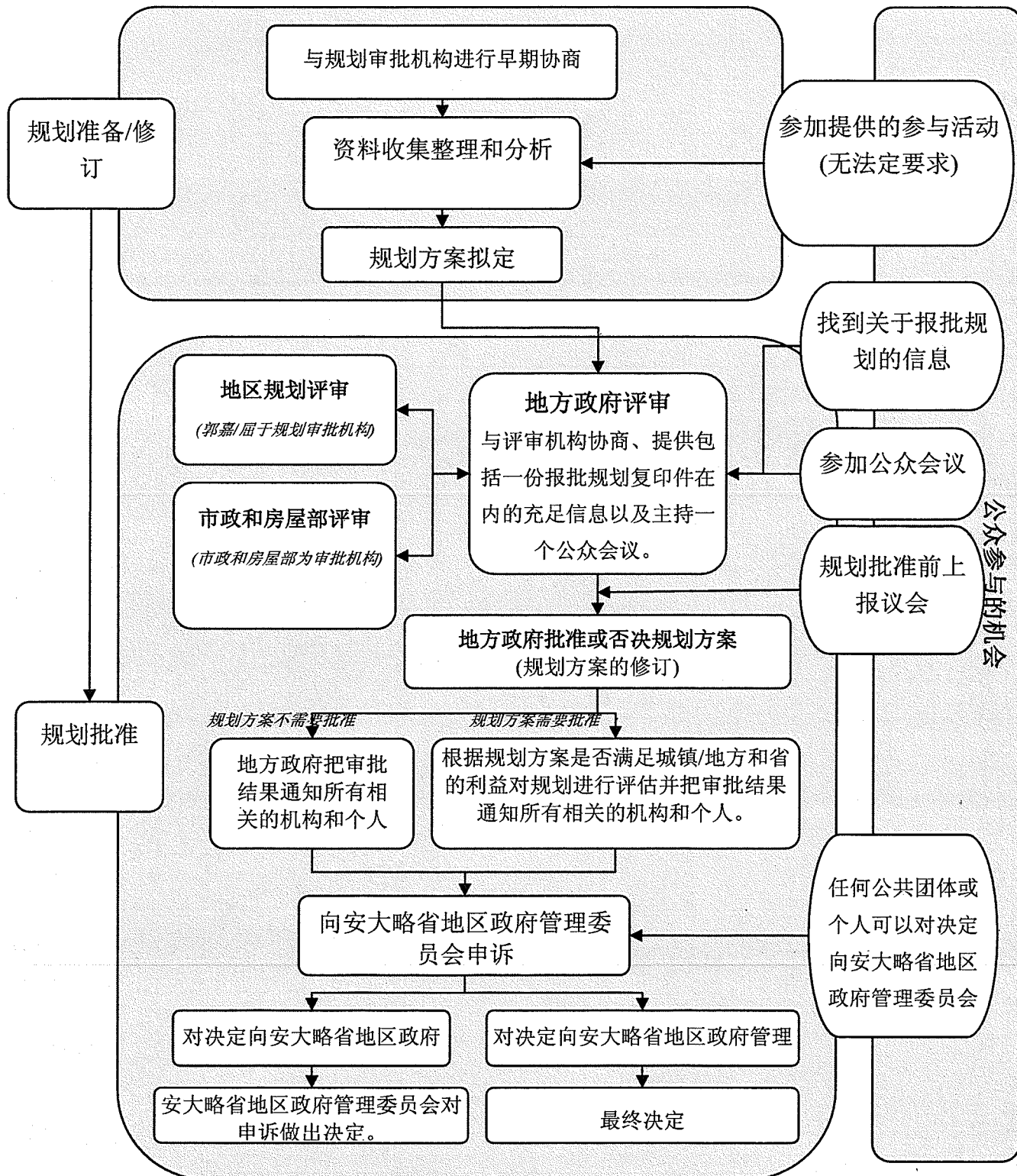
Appendix 5: Development Plan Process in Manitoba and the Opportunities for the Public to Get Involved in the Planning Process (Chinese)

曼尼托巴省规划编制和审批程序及规划法中对公众参与的规定 (参考资料: 曼尼托巴省规划法)



Appendix 6: Official Plan Process in Ontario and the Opportunities for the Public to Get Involved in the Planning Process (Chinese)

安大略省规划编制和审批程序及规划法中对公众参与的规定 (参考资料: 安大略省规划法)



Appendix 7: Consent Form (English)

CONSENT FORM

Research Project Title: **From Public Informing to Public Consultation: Improving the Land Use Master Planning Process at the County and Township/town Levels in China**

Researcher(s): **Haijing Gao**

Sponsor (if applicable): **N/A**

This consent form, a copy of which will be left with you for your records and reference, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more detail about something mentioned here, or information not included here, you should feel free to ask. Please take the time to read this carefully and to understand any accompanying information.

Background to the Research

Through the investigation of the implementation of the public consultation process in China's land use master planning and the study of the Canadian experiences, this research aims to explore the development of a public consultation process at China's land use master planning at the county and township/town levels. I would like to interview you to obtain your views on the implementation of public notification and public hearing systems in China and on the possibilities of applying the features of Canadian land use planning processes and approval processes in three provinces (British Columbia, Ontario, and Manitoba) in a Chinese setting.

There is no greater risk to participating than there are in the course of every day in this research. Interviews will take approximately one hour.

Audio-Recording

The interviews will be audio-recorded and transcribed at a later date for research purposes, so that analyzing the material at a later date will be completed with greater ease and efficiency. Your name or any other personal information will not be included in any publicly disseminated materials arising from the study. Where information occurs within a session transcript that will be included in the final report, names and other personal information will be omitted, unless permission to do so has been explicitly granted.

Use of Data, Secure Storage and Destruction of Research Data

Information from this interview may form part of future articles, books or other publicly disseminated media by the researcher. All data including original digital voice files and transcripts, and research fieldnotes will be treated as confidential and stored in a secure place, and destroyed at the end of the research. During the research period, the original digital voice files will be stored in the researchers' personal computer and the fieldnotes will be stored in a private and locked briefcase of the researcher. After returning home, the digital voice files will be erased when transcripts have been made. The transcripts and fieldnotes will be stored in a private and locked drawer at the researcher's home, and will be destroyed upon the completion of the thesis. However, if the principal researcher's thesis committee members wish to review the original data, they may do so only with the full permission of the participants. In that case, the participants will be contacted by phone or email for permission to release the raw data to the committee members. If desired, subjects may request free copies of the researcher's work once completed.

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researchers or involved institutions from their legal and professional responsibilities. You are free to withdraw from the study at any time, and/or refrain from answering any questions you prefer to omit, without prejudice or consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

Name of Participant

Signature of Participant

Date

Name of Researcher

Signature of Researcher

Date

Name of Researcher: **Haijing Gao. B.Eng(Arch)., M.C.P.(c)**

Address: **201 Russell Building, Department of City Planning, University of Manitoba
Winnipeg, Manitoba R3T 2N2**

Tel:

E-mail:

Name of Researcher's Advisor: **Dr. Sheri Blake. B.E.S., M.Eng., D.Eng. M.C.I.P.**

Address: **201 Russell Building, Department of City Planning, University of Manitoba
Winnipeg, Manitoba R3T 2N2**

Tel: **1-204-474-6426**

E-mail: blakes@cc.umanitoba.ca

This research has been approved by the Joint Faculty Research Ethics Board (JFREB). If you have any concerns or complaints about this project you may contact any of the above-named persons or the Human Ethics Secretariat at 474-7122, or e-mail margaret_bowman@umanitoba.ca. A copy of this consent form has been given to you to keep for your records and reference.

Thank you for participating in this project. Your cooperation and insights are very valuable, and are greatly appreciated.

Appendix 8: Consent Form (Chinese)

同意表格

论文题目：从公众资讯到公众咨询-完善中国县乡级土地利用总体规划中的公众参与制度

作者：高海晶，城市规划专业研究生，University of Manitoba

资助(如果适用): 无

这份同意表格仅是知情同意过程的一部分并将留一份副本给您作为存档和证明。表格应该阐明这项研究的基本信息和您参与的内容。如果您想了解更详尽的相关内容或没有涵盖信息，请尽管提问。请您认真阅读表格并了解相关信息。

研究简介:

本课题试图通过深入分析中国当前土地利用总体规划中公众资讯和公众咨询制度及其落实的现状，研究并借鉴加拿大的相关经验，探索如何进一步加强和完善我国县乡级土地利用总体规划编制和审批过程中的公众咨询制度。我想请您介绍一下现行规划公告和听证制度在中国县乡级土地利用总体规划中的实施情况和完善公众咨询制度的必要性和可能性；及探讨一下加拿大三个省（包括不列颠哥伦比亚省、安大略省、曼尼托巴省）的土地利用规划编制和审批过程中的公众咨询程序中值得我国借鉴的模式和经验并探讨其实施的可能性。

这项研究没有风险。访谈将进行大约 45 分钟。

录音

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这项研究已经被 Joint Faculty Research Ethics Board (JFREB)研究道德联合委员会批准。如果您对这个项目有什么想法和意见，您可以与任何上面列出的人或 the Human Ethics Secretariat（电话：474-7122 或电子邮件：margaret_bowman@umanitoba.ca）联系。同意表格的复印件将给您作为存档和证明。

感谢您参与这个项目。您的合作和见解对此研究十分有价值。非常感谢。