COMMUNITY PARTICIPATION IN HERITAGE MANAGEMENT: A CASE IN MACAU

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Abstract

This thesis examines what community participation means in heritage management, particularly the notion of a meaningful participatory process in preservation. The discourse of historic preservation today is shifting focus from physical intervention of a site to a more integrated approach which embraces also the social contexts of a cultural heritage. There is growing recognition that cultural heritage can benefit social well-being, especially in the formation of personal or collective identities. Community participation then becomes an indispensable component of contemporary preservation practice. Management of participatory processes is key to successful community participation, and it requires the use of mechanisms to interpret and solicit these processes. This thesis proposes two frameworks to enhance participatory processes in heritage management. The first one is an interpretative framework that allows preservationists to evaluate the different levels of participatory activities and what each level means. The second model is a joint fact-finding framework that seeks to enhance collaborative endeavors between local communities and decision-makers in consultative programs. The thesis also uses the city of Macao as a case study to understand the dynamics and nuances of community participation in heritage management. The case study analyzes contexts of community participation in Macao and explains why direct dialogue between local citizens and the government is not necessarily effective. It also examines three incidents that involve contentious preservation practices in Macao and evaluates the level of participation in each case. In the last part, the thesis proposes a joint fact-finding framework that is specific to the context of heritage management in Macao.
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1.1 Introduction

This thesis is intended to question and explore the definition of community participation in heritage management, particularly the notion of meaningful and desirable participatory processes in preservation, by using the city of Macao as a case study. Cultural heritage management has acquired a new dimension as a result of the recognition that the things it deals with, be it tangible or intangible, are beyond academic discourse. Cultural heritage provides emotional and intellectual platforms on which individuals and communities establish their identity. Citizens should have the right to engage in the deliberations of the destiny of cultural heritage. Without community participation in the process, heritage management overlooks its social consequences and undermines people’s association with cultural heritage. Preservationists and decision-makers must recognize more voices to create more just processes in heritage management can also protect this relationship between people and heritage. Community participation is thus critical to the ethical performance of cultural heritage management.

This thesis discussion will commence with chapter two which seeks to explore the definition of community participation in heritage management. It attempts to understand the idea of ‘community’ and ‘participation’ in depth by reviewing how these words are defined in other preservation literature. Following this literature review, this thesis will build up its definition of ‘community participation’ in heritage management by introducing an interpretative framework inspired by Sherry Arnstein. The proposed framework will further argue that meaningful ‘participation’ should be process-oriented. Policymakers should implement suitable mechanisms to ensure meaningful participatory processes in which the public can engage. This thesis recommends the idea of ‘joint fact-finding’ as a possible mechanism to enhance collaborative endeavors between lay citizens and decision-makers in heritage management processes.

Chapter three will begin case study of this thesis by discussing the participatory culture in Macao. It overviews how the Portuguese colonial government had influenced the participatory culture that is present in the city of Macao today. The chapter will also identify two important ‘actors’ in the Macao society---local associations and the government---and how they influence the unique participatory culture of Macao. By understanding some common forms of participatory activities, this thesis proposes that the joint fact-finding framework introduced in
chapter two is appropriate to enhance the quality of participation in Macao’s heritage management.

After understanding the context of public participation in Macao, chapter four will examine Macao’s Heritage Management after its World Heritage Inscription in 2005. Since its World Heritage Inscription much has happened as regards to preservation in Macao, including the promulgation of a new Heritage Law, the government’s first census and classification of local immovable heritage and the first drafting of a protection and management framework for the city’s cultural heritage. The chapter will also highlight three controversial cases in which the city’s heritage fell victim to the government’s questionable management strategy. These three cases provide evidence of a growing sense of community stewardship of the city’s cultural heritage. The chapter will end by recommending how the proposed joint fact-finding framework can be implemented in Macao.

1.2 Objectives

The primary objective of this thesis is to define the idea of community participation in and make recommendations to enhance this participatory process in the context of Macao. By studying the deficiencies in Macao’s heritage management, this thesis assesses how the absence of meaningful public involvement can lead to mismanagement of cultural heritage. It also proposes that local associations should be given a bigger role in the preservation realm to link the local society more effectively with the government agencies. Another major objective of this work is to recommend practical mechanisms and frameworks for the city of Macao with which the city government can evaluate and create conditions for meaningful community participation in its heritage management.

1.3 Research Methodology

Research Methodology for this thesis includes field visits, personal interviews and literature reviews. Field visits to the case study sites in Chapter 2 took place between December 2016 and January 2016. Personal interviews with local experts were also conducted within this period in Macao, each happening on a different date. Research in Macao also includes the author’s participation in a public consultation forum held by the Macau Cultural Institute on the
nominations of local landmarks (will be discussed towards the end of Chapter 4). The research is further supplemented with reviews of secondary resources including literature, journals, legislation, newspaper articles and online media. These secondary sources help to create a more concrete understanding of community participation has been practiced in the context of Macao.

1.4 Chosen Case Study

Macao presents a case of interest to this topic because cultural heritage is a crucial language that local Macao citizens used to identify themselves. Macao is a small peninsula on the southern coast of the People’s Republic of China. In the early sixteenth century that Macao experienced its first major settlement when Portuguese traders discovered the land and used it as their gateway into China for trade. Portuguese occupation of the land began in 1957 and continued well into the late 20th century until 1999 when the Portuguese administration officially ceded Macao back to Chinese rule. Unlike other cultural contexts with a colonial past, preservation in Macao has never been entangled with the problem of conflicting heritage. Local Macao citizens, with ninety-percent of them being Chinese, embrace both local Chinese heritage as well as the cultural attributes manifested from its four hundred years of colonial past. To them, it is essentially this cultural dualism that makes the city unique. The Central Government of the PRC also sees this narrative of cultural heritage in Macao as a way for the local Macao citizens to progress as a society in the postcolonial era. As a result, Dialogues about the city’s heritage and preservation practice are relatively more open than those about other collective assets and public policies.

In 2005, parcels of Macao’s historic urban quarters with twenty-two individual monuments situated within were inscribed as a World Heritage site by UNESCO known as the Historic Center of Macao. The event has assured conservation of the built environment of the historic urban core of Macao amidst the rapid urban development in the city over the previous decade. Although the city has generously invested in conservation programs of the physical fabric of the historic city, the lack of protocols for community input in heritage management has resulted in critical instances in which the city’s historic resources were threatened or even hampered. Also, the fragmented structure of the government body has resulted in little transparency in heritage policies, causing a degree of public distrust in the government’s role as
the primary guardian of the city’s cultural heritage. The new Heritage Legislation of Macao came into operation in 2014 and has mandated public consultations in the government’s heritage management. The public has actively engaged in government-initiated consultation programs regarding historic preservation, but the participatory programs have constantly been criticized as tokenistic.
Chapter 2. Constituting Meaningful Community Participation in Heritage Management

The paradigm of historic preservation should establish tools to engender community participation in cultural heritage management. While community participation is now commonly acknowledged as a significant component to historic preservation, participatory programs can easily fail. This is often the case when mechanism used to solicit participation is not suitable to the cultural contexts. Or, it can be the case where there are simply no mechanisms in place to facilitate participation. This chapter proposes two frameworks that seek to enhance the quality of participatory processes in cultural heritage management.

2.1 Definition of ‘Community’ and ‘Participation’

The significance of community participation in preserving cultural heritage is endorsed in a wide range of literature, including scholarly research and institutional conventions. However, there is not an overarching definition for ‘community’ since the interpretation of this word varies according to different contexts. The World Heritage Convention promulgated by UNESCO in 1972 recognized cultural heritage as “a function in the life of the community” and the protection of World Heritage “is the duty of the international community as a whole to co-operate”.¹ ‘Community’ comes under the umbrella of “stakeholder”, an English word that can hardly be translated into any other language. In the World Heritage Convention and its Operational Guidelines, the word ‘community’ is interchangeable with “international community”, “Site managers, local and regional governments,” “present and future generations of all humanity,” and “local communities, non-governmental organizations and other interested parties and partners, general public, civil society, local people.”² In Merriam-Webster dictionary, ‘community’ can be defined as “people with common interests living in a particular area” or “a body of persons having a common history or common social, economic, and political interests”. While the word itself is very encompassing that it remains vague, a ‘community’ is most commonly constituted by people’s geographical proximity to an object of interest, be it tangible

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or intangible, and their shared commitment to a jointly-defined goal or product. This thesis is adopting the definition recommended in the FARO Convention, which gives a definition to ‘heritage community’, to set the basis of research framework. The Council of Europe uses the term to refer to people who “value specific aspects of cultural heritage which they wish, within the framework of public action, to sustain and transmit to future generation”.³ People of the ‘heritage community’ do not need to identify close geographical proximity to the resource. However, to become a member of the ‘heritage community’, people should at least share a common goal or hold similar value towards the resource. Members of a civic society as a whole can very well constitute a ‘heritage community’ if they mutually perceive cultural heritage as an emotional and intellectual platform on which their individual and community identities are built. Community is essentially value-laden as the cohesion of people attributes to a shared interest.⁴ In the notion of ‘heritage community’, cultural heritage should be the precursor to defining community. In the context of Macao, the heritage community can refer to members of the entire society, including the MSAR government, local individuals, professionals and so forth, as long as they associate themselves to the city’s cultural heritage (regardless of the value they ascribe) and recognize the importance of historic preservation.

Public participation is a collaborative process in which people affected are involved in the decision-making process. According to the World Bank, public participation is defined as “a process by which people—especially disadvantaged people—can influence over policy formulation design alternatives, investment.”⁵ It is getting more recognized as a crucial component in decision-making processes across all disciplines. Public participation in contemporary society can be practiced in different forms, for instance, holding public meetings, conducting surveys, hosting open houses and establishing citizen’s advisory committees. It is seen as a human right in which people should have the opportunity to be involved in decision-making processes, especially in matters that may affect their social well-being.

How does heritage affect social well-being? Social well-being can be defined as the “appraisal of one’s circumstance and functioning in society.”⁶ Keyes related “social integration”,

which he defined as “the extent to which people feel they have something in common with others who constitute their social reality, as well as the degree to which they feel that they belong to their communities…” to be one of the dimensions of social wellness. If one starts off as a member of a ‘heritage community’, his or her membership confers the person with a sense of identity formation, which in turn should create a sense of belonging to the heritage (and also the community formed out of it). According to Keyes’ analysis, a person’s sense of belonging is one of the components attributed to the creation of “social integration”. As a result, being part of a ‘heritage community’ can potentially contribute to one’s social well-being.

As there is growing recognition of the link between cultural heritage and social well-being of people, the call for more public participation in preservation practice is gaining momentum. Auclair and Fairclough commented that “heritage is seen as the interaction between people and their world, between people and communities; not primarily a set of objects….”

Historic preservation today thus should be more geared towards serving the people. Hodder also proposed a rights-based view to historic preservation, basically a bottom-up approach that stressed a more dominant role of local communities in influencing decisions. Preservation practice, in general, was evaluated in terms of “objective and abstract knowledge about cultural variation, types, and norms.” He believed that “valuation of heritage in these terms cannot deal with the different claims in the past that are today made by a wide variety of diverse communities.”

Ideally, in the realm of preservation, public participation should be a process by which laypersons can influence preservation processes and management practice. However, Olsson pointed out that “this reasoning is often not based on a systematic knowledge and mapping of how local citizens value, use and benefit from the built heritage.”

Heritage management requires the solicitation of community involvement in order to achieve its full potential as a social service and to reinforce the idea that cultural heritage is a public good. Community participation in heritage management does not mean that citizen should

7 Ibid.
8 Ibid.
11 Ibid, 863.
assume total control over the preservation issues, and in reality, this is not necessarily what citizens perceive as meaningful participation. What they essentially want is to be engaged in the deliberations on the destiny of cultural heritage because they recognize that this is their right. Yet, participatory programs in practice are oftentimes more rhetoric rather than a meaningful social exchange because there are no appropriate mechanisms in place to solicit public engagement effectively. People think that even with the existence of participatory programs they cannot influence decision-making, thus losing their trust and interest in being engaged in participatory processes for cultural heritage.

At the same time, there should be debate as of what constitutes meaningful participation in heritage management. This thesis recognizes the absolute right of individuals to get involved in heritage management in certain ways, but must their preference translate into a final decision? If so, what is the role of professional preservationists? This thesis takes the stand that meaningful participation should not be outcome-oriented---that the powerholders should succumb to the people’s interests. There are misconceptions among the participants that their individual or group preferences should result into the final outcome.

The following section will further probe the idea of meaningful participation in heritage management with the aid of a framework inspired by Sherry Arnstein’s ladder of participation. This model will identify eight different levels of participatory activities and what each of them means specifically in the context of heritage management.

2.2 Theoretical Framework for Interpretation: Ladder of Participation in Heritage Management

Although public participation is mainly induced by qualitative approaches, its effectiveness can be measured through a study of its typology. American inner cities experienced a collective violent protest in the 1960s, which resulted in heated controversy over public participation amongst planners and academics. During that era, information gathered from public participation was no more than a tool for policy makers to make choices. In 1969, Arnstein proposed a theoretical framework to illustrate the degree of participants’ power to influence. She introduced a typology of eight levels of participation arranged in a ladder pattern.

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According to Arnstein, the bottom two rungs describe levels of “non-participation” in which participation is distorted into a public-relations vehicle by powerholders. Some forms of substitutions, such as ‘education’ and ‘cure’, are contrived to replace genuine participation. The next three rungs describe activities that allow people to have their voices heard in the decision-making process. However, the extent of their influence is limited as there is no guarantee that their views will be heeded by powerholders who hold veto power in making decisions. Further up the ladder the public begins to augment their power in negotiations or even obtain the majority of decision-making seats.

Arnstein’s model can also be applied in preservation practice with modifications to understand the different levels of public participation. In a similar manner, the level of public participation in preservation increases when the ladder rises up, so as the degree of its influence over decision-making. The following is a model this thesis proposes according to the framework by Arnstein.
The first rung is labeled with ‘education’ or ‘promotion’ in which experts and
government educate the public about the values and significance of the determined heritage. This
rung can be applied to a broader populace including school children. The intention of
participatory programs in this rung is basically to raise public awareness in the preservation of
cultural heritage.

Yet, at this level, the transmitted knowledge will be influenced by political agenda in
terms of how a government would want its citizen to interpret cultural heritage of a place. The
disseminated information may generalize the myriad values that different stakeholders and
constituencies ascribe to a heritage. They are hence more likely assumptions made by
government or experts as it is not encompassing a comprehensive valuation of a heritage. And
because the mastering of heritage is oftentimes top-down, social values that stem from the local
contexts are concerned or addressed less. Grassroots are excluded from articulating their ascribed
values, especially values that are manifested from time-deep interactions with the heritage. As a
result, these “embedded value”, a term coined by Janet Stephenson to refer to an insider’s
“awareness of past forms, practices and relationships”, may not be adequately acknowledged by
experts in their evaluation of cultural heritage.\textsuperscript{14} If preservation practice is entangled with generalization, communicated values tend to represent a dominant culture more and less of any minority culture so that the mainstream populace can better relate to.

Moving one rung up is ‘protection’ or ‘conservation’ which is self-explanatory. In this rung, the public acknowledges that their heritage, whether tangible or intangible, is safeguarded or preserved by government bureau or any credible agencies. Conservation here can include any preservation projects on built-heritage or protection of movable heritage such as artifacts at local museums. Public participation is relatively passive, almost inactive, in these two rungs because the communication network is a one-way information flow, transmitting from government or experts to laypersons.

Moving up to the middle rungs of the ladder, the public enter the arena to exercise its influence, however minute it is, in heritage management. Voices can be expressed and heard in ‘informing’ and ‘consultation’. Having public hearings at preservation commissions can induce this level of public participation. The public can even take on a more active role on in the ‘advisory’ rung in which they may advise on neglected areas that require preservation and comment on preservation projects. Nevertheless, Arnstein believed that this portion of the ladder does not necessarily encourage genuine participation, particularly because powerholders tend to reserve their power in influencing decisions. Participatory activities at this level can easily be just a form of tokenism if there is no suitable mechanism to facilitate multi-sectoral communication. The public has little influence over decisions, hence there is no follow-through to change the status-quo.

Towards the upper rungs, the public begins to accumulate power to influence. In ‘collaboration’, preservationists or the government co-manage heritage in a way that public input exercise influence on in the management process for a heritage. The distribution of power over preservation management is pretty even in this rung. In ‘grassroots-led negotiation’ the public initiates preservation campaigns and urges input from the government or experts. At this stage, the public has major managerial power or influence in making decisions over heritage management. For the public to reach the ‘self-management’ rung is almost rhetoric for most cultural contexts. Arnstein also explained that the top rung of her ladder was unreachable

because final approval of decision lies in the hands of powerholders, in most cases the government. Nor is it appropriate for the lay citizens to hold veto power over heritage management in the absence of expert knowledge. She also mentioned that people are not necessarily asking for absolute control at this stage. Rather, in the preservation ladder, people demand the degree of power which guarantees participants can be able to negotiate conditions under which “outsiders”, or experts, may undermine values they ascribe to their heritage.

In practice, lay citizens rarely go beyond the stage of ‘informing’ and ‘consultation’. Powerholders’ interactions with the public in most cases does not necessarily mean resources sharing. It can be less of an act to balance the power between the two groups and more of a form of tokenism when consultation activities for preservation are charged with official or authoritative presumptions. Swensen et al. also pointed out that sometimes participatory programs were guided by government representatives “towards decisions that administrators would have made anyway.”\(^{15}\) The public is aware of the fact that their input in ‘consultation’ is not really valued by powerholders in such case, thus resulting a low desire to even take part in any future participatory activities held by the government.

The proposed model here in this thesis, while adhering to Arnstein’s hypothesis of participatory programs happening at each rung, is process-oriented. One important note that makes this proposed framework different from Arnstein’s is the emphasis of right-based approach toward participation. Arnstein believed that there should be more citizen control in public policy so that “victimization” of the have-nots could be mitigated. Her model brought implications of failure if communities could not move to the upper rungs. Arnstein’s result-oriented approach thus undermined the potentials of meaningful community participation in the lower rungs. Contrary to Arnstein’s idea, Campbell and Marshall pointed out that “the focus on the right of individual or communities to articulate their self-interests appears to reduce local democracy to confusion and noise.”\(^{16}\) This is not to be disrespectful to public involvement in public policy. However, there is always a misconception that people from a community hold the exact same set of values towards a common good. Each participant at a given circumstance may have his or her self-interest. If the scale of public participation is large, it will be extremely


complicated to reconcile all interests into a consensus. So if the public is infinitely bequeathed with the power in making a decision, it is more likely that a decision-making process will be paralyzed before a solution is reached, simply because it is hard to consolidate the plethora of individual interests into a solution. At the same time, self-interests of each participant should not be initially rejected in a participatory program because those are essentially starting points of their comments. That said, some participatory programs may be in vain because the vested interests of participants do not get to be reconciled in a compromise. Such exclusion thus makes a participatory program seem to be tokenistic. Nonetheless, it is not necessarily that the process itself is tokenistic; it appears to be tokenistic because the public, when given the opportunity to be engaged by the government in any participatory programs, often has a preconception that they are the ones who will be deciding the appropriate course of action. The essence of public participation is that the public is involved. It is indisputable that community participation is required in political processes, but it is most logical that there should limit for public participation in influencing decision-making. Hence, the proposed model in this thesis rejects the part of Arnstein’s model where she used the model to assess the level of public influence at each rung.

Campbell and Marshall commented in their study of public involvement in planning that “public involvement can complement a flourishing system of representative democracy, but it cannot substitute for it.” It is true that by engaging a broad participation of constituents into discussion policy-makers can make effective decisions to resolve the social facet of a problem. Yet, what public policy or even heritage management usually deals with are problems that are multifaceted, involving economic, political or ethnic concerns. People with the professional knowledge and expertise should still be the one to decide on an appropriate course of action, although under the premise that their activities shall be monitored and the planning system itself and the processes shall be accountable. With that said, meaningful public participation is not about a decision outcome mirroring what the public hopes for. A meaningful form of public participation is enabling people to inform the process of plan making so that the ‘collective bad’ is avoided. Public participation should be more about the discussion of the ‘how’ (as of ‘how the process should be done’) and less of the ‘what’ (as of what should be achieved).

\[17\] Ibid, 341.
In sum, the proposed Ladder of Participation provides a framework for preservationists, stakeholders and governments to understand the meaning of participation at a different level. With tweaking from Arnstein’s original model, this proposed framework does not, however, give hints for the quality happening at each level. While the framework provides also a scale to assess the level of influence local citizens have over decision-making, the higher up the ladder does not indicate better public engagement in heritage management. In the same regard, engagement in participatory activities happening within lower rungs of the ladders is not necessarily meaningless. It also intends to assist policy makers in heritage management to determine the degree of access the public is allowed to understand the making processes. Similar to Arnstein’s model, this ladder of participation also acknowledges the rise of grassroots power along the ascending rungs. Given the will and interest in protecting cultural heritage, lay members of a heritage community should have access to the discussion preservation matters although they do not necessarily exercise a considerable amount of influence on the subject matter as professional experts, preservationists and government agencies. Again, meaningful participation, as defined in this thesis does not mean that the lay public is given with the same level of influence in a decision. Because this framework does not aim towards judging the quality of participation, it is expected to be applicable to a wide cultural context.

2.3 Joint fact-finding in Heritage Management

Engaging the right actors into a strategic framework can help creating and sustaining meaningful participation for heritage management. If the appropriate mechanism is implemented, participation activities within each rung in the ladder model can be effective and valuable to a heritage community. In view of this, this thesis also proposes adopting ‘joint fact-finding’ to facilitate participatory processes in the fourth and fifth rungs (consultation and advisory) in heritage management. Participatory activities operated at this level are often considered as tokenistic because people with veto power in making a decision are less likely influenced by public inputs they gain. This thesis believes that the essence of community participation lies in the processes and the protocols that support these processes. ‘Joint fact-finding’ is a strategy that supports meaningful participatory processes in these targeted rungs. It can encourage more community stewardship in heritage management.
Joint fact-finding is an overarching term that refers to planning processes in which “parties with different interests work together to develop a shared information base for making decisions.” There is not a trackable origin or founding date as of where and when joint fact-finding was implemented. Clinton J. Andrews, an expert in planning analysis, commented that this practice could have been around “as long as the human species itself.” The essence of joint fact-finding is to create a common understanding of a concerned situation that can reach a consensual recommendation. It stresses collaborative strategies amongst different stakeholder parties and provides a way to mitigate conflicts and confusions without discounting the data and positions of others. The practice does not intend to change the normative way that each party holds their values and interpret, but to encourage the formation of new knowledge in the process.

Joint fact-finding is commonly practiced in science-intensive disputes. Scientific and technical information has been a basis on which public policy is designed. For local citizens who are impacted by such public policy, they tend to be suspicious of the ‘indisputable’ scientific truth that leads to the formation of the concerned policy. This results in a feeling of uncertainty which can escalate into conflicts between proponents of the scientific analysis and the opponents. Adler, Brewer and Matsuura explained how conventional scientific advising scheme often meets a deadlock in solving such disputes:

….an expert might explain the conclusion of an analysis, but not its assumptions, method, and uncertainties. Even if such a shortcut might seem efficient, it can cost a lot more in a long run when the expert’s prediction is contested or turns out to be “wrong. Joint fact-finding is a more effective mechanism that helps to solve factual disputes by encouraging each participating parties to look beyond their respective interests and embrace new knowledge. In solving scientific disputes, science experts are expected to empower other knowledgeable stakeholders to “frame questions, obtain data and undertake an analysis.” They should explain how their analysis is reached instead of merely imposing their conclusion to the parties. The non-technical parties can understand the how the assumption comes to form and the involved methodology. Joint fact-finding can effectively incorporate careful analysis of different values into a decision-making process by serving a middle path between the lay or local mass

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and the decision-making power bodies. A practical and efficient communicative exercise without delays from superficial disagreements or distorting rhetorical devices can be attained with this practice.

The idea of joint fact-finding has a large potential to be implemented in other disciplines. Although this practice is more often implemented in facilitating scientific and technical debate, Carolina Castellanos, ICOMOS expert in cultural heritage management, commented that a single joint fact-finding team offers an invaluable alternative to improving policy decisions by using the best of available information to enhance cooperation and reduce conflicts within different parties. Experts and constituency groups, with members in each group representing both sides of a conflict, to interact and come to an agreement regarding relevant facts. In the process information and resources within each group are shared. The primary goal of the practice is to separate issues upon which the groups can agree from those which are still subject to debate and then report to their respective parties. In this regard, the system provides a more informed basis to create mediation in dealing conflicts.

Join-fact finding as planning strategy in participatory processes can be found in both Western contexts. In North America, it has been practiced for more than thirty years in the field of urban planning and environmental dispute resolution. Andrews mentioned that in the context of the US “joint fact-finding has enjoyed increasing use in firms, local planning boards, regulatory agencies, courtrooms, legislative chambers, and international treaty negotiations.”

This communicative tactic has also been practiced in European countries like the Netherlands, Finland and Germany in solving disputes related to environmental or scientific issues. In Asia, South Korea has adopted joint fact-finding processes in investigating and solving planning for smart city development projects nationwide. Japan established a joint fact-finding mission to look for the best possible management practice of radiation risks after the eruption of the Tsunami in 2013 that caused the nuclear meltdowns. Malaysia and Singapore established a joint fact-finding panel with experts from the two countries to negotiable an amicable settlement for a land reclamation dispute.

Joint fact-finding should be compatible to most cultural contexts provided that the there is a level of representational culture in place. Involving the right participant into the process can

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largely contribute to the success of a communicative process. A key character of joint fact-finding practice is that it embraces diverse disciplines in solving disputes. While joint fact-finding intends for mutual understanding and learning, that does not mean that a lot of participants should be involved in each stakeholder meeting. It is often the case that in the local realm alone there are conflicts of interest regarding concerned subject matters. Stakeholder parties hold different valuation towards a concerned topic. By simply engaging everyone in a communicative space any participatory processes will only result in paralysis due to the noise and chaos generated. It is necessary to have a pre-negotiation period in which members of a stakeholder party should identify a representative to engage in a joint fact-finding effort. This is an important step as this representative will be the one to convey the interest of the entire party to the joint fact-finding committee, thus at the certain level being an intermediary for his/her party to influence the decision.

It is also important to underscore the notion of ‘fact-finding’ in this communicative practice. In a joint fact-finding discussion, it is ‘facts’ not ‘sentimental values’ or ‘personal emotions’ that the committee should discuss. The idea is to constructively work towards a consensual analysis that is decidedly synthetic instead of getting into a passionate argument on topics of interests or moral blame. Joint fact-finding is an arena for factual knowledge sharing among different disciplines. In fact, it is probable to include stakeholder groups to a more diverse extent, as long as their statements or claims are objectively backed up by facts. It should be data-driven to avoid the clash of different mental models.

Transparency of process and decision is also vital in joint fact-finding. Trust in the process itself as well as among stakeholders it crucial in participatory processes, particularly in the consensus building is targeted towards public-policy issues. While that does not mean that the communicative process must be open to the public to the fullest extent, it is necessary to make the outcome accountable to the public in one single statement that reflected the mutual agreement of all parties. The local public should have to right to know who the participants are and how the process will be carried out. Representatives of stakeholder groups must be encouraged to be upfront (but not confrontational) about their concerns and knowledge in the process so that the participants can all make progress in the negotiation.

The concept of joint fact-finding also offers opportunities to augment the existing quality of community participation in Macao’s heritage management. By using the case study of Macao,
this thesis will demonstrate how the idea of joint fact-finding can be implemented in heritage management by recommending a joint fact-finding framework to the city of Macao. The next two chapters will be devoted to the case study part of this thesis and will mainly discuss the participatory culture and heritage management in Macao. Lessons from this two chapters will show that in the preservation realm of Macao there exists certain communicative platforms through which the government attempts to solicit more public input into their decision making. However, such approach does not really result in meaningful public participation because the analytical and decision-making processes are separated. The proposed joint fact-finding framework, which will be discussed in details in the last part of this thesis, aims to reconcile this gap and create more synergies within the Macao heritage community—the government, experts and local stakeholders.
Chapter 3. Community Participation in the Context of Macao

Community participation is an amorphous process that differs as the cultural context changes. To contextualize the proposed frameworks to Macao, it is crucial to first understand the social actors that influence civic participation in this context. The local government is a key player in the Macao’s heritage politics. From the case study, one can observe how the local government has attempted to initiate participatory programs from the local public to engage in the city’s heritage management. On one hand the local citizens are expecting the government to initiate more effective participatory programs for them to play a part in the stewardship. On the other hand, community participation is, in fact, a challenge because the society is not accustomed to being directly engaged by the government in civic matters before the handover. Nurtured by the Portuguese colonial rule in the enclave, some of these civil society groups have established longstanding connections with both the local citizens and the government. While the role of civil society groups may not have an apparent presence in Macao’s heritage preservation at the moment, this thesis sees the potential of engaging local society groups in strengthening the quality of community participation in Macao’s heritage management with the proposed Joint fact-finding framework which will be discussed in the next chapter.

3.1 Role of Associations in Macao’s Governance

Similar to other colonial contexts, there had been communication gaps between the Portuguese colonial government and local Chinese citizens, which made up 96% of the population in the enclave, due to language barrier. Portuguese and Macanese (Portuguese born in Macao) dominated the administrative and legislative system in colonial Macau. Alternatively, Macao Chinese at that time had very limited political power, except for a few Chinese elite
members who were co-opted by the Portuguese administration into the Legislative Assembly before the 1980s.\textsuperscript{22}

Although Chinese did not have any sovereignty over Macao during the colonial administration, the Chinese society in Macao was very much influenced by concurrent political processes happening in the mainland. In the first half-century of national independence, China saw an associative current gathering strength which encouraged citizens to form different interest groups. The trend also influenced the Chinese society in Macao and Chinese people began to form self-help associations such as labor unions and neighborhoods in the early twentieth century. Traditionally, associations had always been supporters of the Beijing government. Early peak associations were the Macao Chamber of Commerce, the Macao Federation of Trade Unions, the General Union of Neighborhood Associations and the Women’s General Association of Macau. In early years, local associations engaged in providing social welfare services and thus were widely supported by the Chinese grassroots. They began to assume more power in Macao’s polity after the “December-Third Incident” in which eight Chinese were beaten to death by Portuguese police in a political unrest. After the incident, the pro-Beijing leftists not only pressured the Portuguese government to take full responsibility for the casualties but also demanded the colonial administration to abolish any pro-KMT rightist groups in Macao.\textsuperscript{23} The incident thus helped to legitimize the PRC’s influence in Macao afterward.

Local associations have since then played an important role in the Macao society. Lee described local associations, especially the peak associations, as the “bastions of political and social stability” as they have a long history serving as intermediaries between the government and citizens.\textsuperscript{24} They were crucial in maintaining political stability in the Chinese society particularly after the “December-Third Incident” which stirred the Chinese political distrust in Portuguese rule. On one hand because these associations served social and community services on behalf of the Portuguese administration, the Chinese grassroots masses entrusted associations to represent their interests. They tended to have a high density of membership which allowed them to gain legitimacy because of their representativeness. On the other hand, after the signing

\textsuperscript{22} Shiu-Hing Lo, “Political Culture and Participation in Macau,” Paper delivered at Open Forum at the Faculty of Social Sciences, University of East Asia, Macau, 2 May 1990. 149.
\textsuperscript{23} Ibid.
\textsuperscript{24} Annie Lee, “Challenges and Threats to Traditional Associations,” in Gaming, Governance and Public Policy, ed. Newman M.K. Lam and Ian Scott. (Hong Kong: Hong Kong University Press, 2011), 75.
of the Sino-Portuguese Joint Declaration in 1987, in which the Portugal agreed to transfer its sovereignty of Macao back to China, the pro-Beijing associations began to act as the primary ‘agent’ or ‘broker’ between the Portuguese administration and Chinese government. As a result, traditional associations had served both as conduits to the Macao society and also as a bridge between the Portuguese administration and the PRC.

Discussions about the nature of associations in Macao and their relationship with the local mass and the Portuguese administration was mixed. Lee, who studied the role of interests groups in Macao, reckoned that associations had played an “important corporatist role within the political system.” By placing the role of associations within the corporatist conception of interest representation, Lee recognized the important role of associations in the context of Macao in ensuring “political stability for the existing social order.” Yee believed that coining the Western corporatist conception into the political scene of Macao was inappropriate, simply because Macao, under colonial rule, had never practiced the same Western democracies where “a strong civil society has provided effective supervision over the government and the organized interests.” To Yee, the Portuguese reliance on traditional associations to communicate with the public had led to the alienation of the masses from politics. Since the public mass had long been excluded from political processes, there had never been public supervision over the Portuguese administration. Yee believed that the absence of direct communication between the Portuguese administration and the public mass had resulted in a general apolitical character of local Chinese citizens. The political alienation thus indirectly encouraged bureaucratic corruption and incompetence, which Yee commented a “pervasive”, in the Portuguese administration.

While the Chinese-led traditional associations played a profound role in the political arena during the late colonial era, the local Chinese masses had been relatively apolitical. Lo reckoned that this parochial orientation originated from their “refugee mentality” as many Macao Chinese were immigrants from mainland China that they rather “spent time working than instead of participating politics.” The general mass public was often excluded from participating in

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25 Ibid, 76.
26 Ibid.
27 Herbert Yee, Macau in Transition: From Colony to Autonomous Region (New York: Palgrave, 2001), 33.
28 Ibid, 32.
29 Ibid.
government policy-making nor would they demand direct participation. Most of the time they relied on the associations and special interest groups that emerged in the 1980s to represent their social rights and benefits.\textsuperscript{30} Although this had rarely happened, the masses would display a subject-oriented interest in local politics in times when the government’s policy threatened them with an identity crisis. For instance, in 1990, hundreds of students from the local university who used to be politically apathetic protested in front of the Governor’s House because the government despised their bachelor degree as low-grade diplomas.\textsuperscript{31} In the same year, after being granted amnesty with temporary residency permits by the colonial government, seven thousand illegal immigrants from China gathered in front of the Governor’s House to demand further details on their future residence status in Macao.\textsuperscript{32} Other than such few incidences, in the local mass preferred seeking for representation from local associations.

From this brief overview of social governance in Macao before the handover, one can observe the interdependent relationship between local citizens and associations. The local Chinese grassroots were generally apolitical with very limited access to the political processes of the colonial government. They tended to be subject-oriented, meaning that as long as their social benefits and interests were served, they did not necessarily demand transparency in political processes. Associations, with the provision of welfare services to the Macao Chinese, had acquired a high density of membership in the public realm. With strong support from both the Beijing government and the local Chinese citizens, associations began to accumulate power in the Portuguese administration, particularly in serving as intermediaries between the colonial government and the local mass to maintain social stability. In fact, in establishing its political legitimacy after the handover in 1999, the MSAR government, which required a higher degree of representation in policy input, depended largely on associations because of the extensive local supports.\textsuperscript{33}

Due to rapidly changing social and economic environment of the city after the handover, local people began to seek for ways to participate in public affairs in newly formed interest

\begin{flushright}\textsuperscript{30} During the 1980s, some local Chinese intellectuals began to form special interest groups, for example, the Social Workers’ Association and the Post-Secondary Graduates Association. These people tended to have higher educational level than the majority of the Chinese mass in Macau.\textsuperscript{31} Lo, “Political Culture and Participation in Macau,” 150.\textsuperscript{32} \textit{Ibid}, 151.\textsuperscript{33} Bill K.P. Chou, “Interest Group Politics in Macau after Handover,” \textit{Journal of Contemporary China} 14.43 (2005), 196.\end{flushright}
groups. Chou commented that as there was more diversity in the society, traditional associations that predated the handover failed to sufficiently represent a large spectrum of social interests. At the same time, the MSAR government also encourages the growth of new associations with funds and subsidies, under the premise that these associations will operate under the government’s regulatory powers. Similar to the role of associations in the colonial period, the MSAR government’s support in the formation of new associations grows principally out of its concern with political social stability. Associations today continue to act as intermediaries between the local public and the respective government agency to express their interests. Nevertheless, representations of associations nowadays do not necessarily alienate local citizens from supervising government processes. There is a growing demand for transparency in policy-making as evident in cases to be discussed in Chapter 4. As of today, there are over 6000 associations licensed by the government covering a broad spectrum of social, political, cultural, environmental, professional and community interests. With only a population of 600,000 people, Macao has a very high density of local associations. The representational function of associations in the Macao society is still prevalent.

3.2 Local Associations and Preservation

In terms of historic preservation, different neighborhood associations have frequently collected public opinions on historic preservation and reflected feedbacks to the Cultural Affairs Bureau (IC), the primary government agency that is responsible for the city’s heritage management. The bureau in turn always consult the neighborhood associations for suggestions on heritage management. The local Macau grassroots concern very much about the protection of the city’s historic resources but do not necessarily find the ways to express their views directly to the government agency. In this case, local neighborhood groups perform as the agent between the local public and the government in communicating the local’s expectation and suggestion on the city’s heritage management to the IC. They also sponsor and self-initiate conservation programs to preserve and promote local historic buildings, in most cases with consent and advice from the IC. The IC, acknowledging the effectiveness of community outreach through these

34 Lee, “Challenges and Threats to Traditional Associations,” 83.
35 Ibid.
neighborhood groups, will, in turn, provide and sponsor the necessary technical support or knowledge to the associations in such events.

Local neighborhood associations would also hold public activities that enable local citizens to freely communicate their views on historic preservation. Public forum is one of the common types of events held by the local neighborhood associations in which experts are invited to attend the event to discuss neighborhood preservation issue with the public. For instance in 2011, the Industry and Commerce Federation of Macau Central and Southern District (ICFMCSD), hosted a seminar regarding the preservation and adaptive reuse of local heritage in the Central and Southern districts. Experts from the IC, University of Macau, Hong Kong Institute of Architects and representatives from several other neighborhood associations were invited to the discussion panel. The two districts are essentially the historic urban quarters of Macao where the majority of monuments of the Historic Center of Macao and local landmarks are located within. ICFMCSD recognized that the two districts had more to offer beyond the listed properties. The historic urban landscape of Macau is an organic assemblage of streetscapes and neighborhood. Hence, in order to achieve a more comprehensive protection for the city’s historic urban fabric, the panel of the seminar recommended the IC to extend their reach into those historic streets. Should proper restoration and rehabilitation strategy be invested, historic preservation could potentially revitalize and serve the interests of the concerned neighborhoods.

In terms of historic preservation, there are currently about ten stakeholder associations in the local preservation realm. They included the Macau Heritage Ambassador Association, Docomomo Macao, Association for Macao Historical and Cultural Heritage Protection, Macau History Association, Oral History Association of Macao and the Macao Institute of Conservation and Restoration of Cultural Relics, etc.

These groups oftentimes initiate activities that reach out to the local public to promote the city’s cultural heritage and the relative conservation techniques and preservation strategies. For example, the Macau Heritage Ambassador Association, established in 2004 by a group of young people who had received training at the IC’s Cultural Heritage Department, has launched a “Heritage Ambassadors Program” to promote awareness among local young people and the

general public in local heritage and conservation practices. Becoming a “heritage ambassador” requires taking courses at the association, passing a qualifying examination and undergoing one-year practical training in the field. As of 2014, the association has trained more than 176 ambassadors and the number aspires to grow further. These trained ambassadors are all between 16 to 29 years old, implying a considerable level of heritage awareness among Macao’s younger generation. The association’s training program is desirable to foster preservation consciousness among the younger generation because there is almost no education of the city’s cultural heritage in local school curricula.

Jacob Cheong commented that his department (the Cultural Heritage Department of the IC) has had close links with several of these associations, especially in promoting the city’s cultural heritage. Acknowledging the long-established intermediary role of local associations in the Macao society and their close links with both parties of the local public and the government, this influential social actor plays a vital role in the proposed joint fact-finding framework of this thesis. But before that, it is crucial to understand the government structure of MSAR and its current means of reaching out to the local public. The following sections will also explain why it is desirable for the government to use local associations as means to communicate to its local citizens under this partial democratic system.

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38 Personal interview with Jacob Cheong in Macao on December 27, 2015.
3.3 MSAR Government Structure and its Role in Preservation

Although Macao is now part of China, the Chinese government guaranteed that the Macao government would retain a high level of political autonomy under “One Country, Two Systems” policy introduced during the retrocession of Macao to China’s sovereignty. Conditions of Macao’s legal system, its parliamentary government and the people’s rights and freedom before the return is to remain the same for fifty years after reunification under the city’s basic law. This policy has established Macao as a Special Administrative Region of China, indicating that the practice of socialism in mainland China is not replacing the preexisting political and social structure. As a result, unlike other municipalities of China, the governmental structure, as well as the financial, social, administrative, judicial resources of Macao, will persist as a ‘quasi-state’.
Figure 3: Simplified chart showing the organization of the administrative government in Macao. It is basically divided into three branches: executive body, policy agency, and implementation agency. This chart only shows bureaus that are most related to preservation practice in Macao.
The administrative government in Macao is divided among three branches, the executive branch, the legislative branch and the judicial branch. The Chief Executive of Macao is the head of the Macao Special Administrative Region who decides on government policies and to issue executive orders. Under the Chief Executive are five secretariats, including the Secretariat for Administration and Justice, Secretariat for Economy and Finance, Secretariat for Security, Secretariat for Social Affairs and Culture and Secretariat for Transport and Public Works. Each Secretariat is appointed by the Chief Executive and endorsed by the Central People’s Government of the People’s Republic of China in Beijing. All secretariats are principal offices in the government system and play a cabinet role to the Chief Executive to decide on the affairs of the government. Further down the structure are bureaus of different functions. Each bureau consists of departments and technical divisions that implement policies. While the civilian population cannot initiate public policy, it is not totally excluded from the system because, by law, public consultation is mandated before the executive bodies can finalize their decisions on any large-scale development projects.

Since the cultural significance of the Historic Center of Macao spans across the cultural, social and economic realms, synergy is expected amongst all secretariats for comprehensive management and protection. However, there is a lack of a comprehensive mechanism to facilitate intergovernmental collaboration to enhance the quality of preservation practices in the city. In recent years, there was an effort in strengthening the relationship between the Cultural Affairs Bureau and the Land, Public Works and Transport Bureau (DSSOPT), particularly in areas relating to land management and urban planning of the city. However, this is more of an incidental response to the Guia Lighthouse case, a controversial incident that put one of Macao’s World Heritage property in danger in 2008 (details will be discussed in chapter 4), than a product of conscious collaboration tactics. Intergovernmental collaboration must be strengthened for effective heritage management in order to clear public confusion and distrust in the government’s preservation practice.

The Heritage Legislation now recognizes the importance of having all public sectors of Macao to take initiative or at the request of the IC to safeguard and enhance the city’s cultural heritage.\textsuperscript{39} While the IC is expected to be the main agency for policy-making and the implementation of matters related to cultural heritage, there is only one department under the

\textsuperscript{39} Law. No. 11/2013 Section V Article 14.
bureau, the Cultural Heritage Department, which specializes in the preservation of the Historic Center of Macao. The author has prior internship experience in the department and its workforce is considerably small given a large amount of preservation issues they are responsible for. Now the Heritage Law confers more power to the department but at the same time more obligations towards the city’s heritage management. While community participation is an indispensable component of heritage management in contemporary Macao society, the Cultural Heritage Department should be offered assistance from other social sectors in this regard and share some of its overwhelming responsibility.

Although the new Heritage Law has established the Cultural Heritage Committee as an advisory body to assist the IC with decision-making regarding the city’s heritage, the Cultural Heritage Committee is not responsible of assisting the Cultural Heritage Department with community outreach. The committee is formed by two officers from the IC and twelve representatives from the local professional sector and stakeholder group, including architects, engineers, local historians, real estate developers and member from the Catholic Diocese. It is worthwhile to note that each of the appointed members of the committee is affiliated with at least one local association. This exemplifies that there is still an intricate relationship between local associations and the government and that local associations can indirectly influence the decision-making process in preservation. This committee shall have four to five plenary meeting every year to debate preservation matters, including controversial preservation issues that the public is particularly concerned with. Suggestions made by the committee are legally-binding and should be incorporated into the formation of a decision. There are, however, no protocols for this committee to engage with the public grassroots.

It will be desirable if there are additional facilitators or means that can assist the Cultural Heritage Department to reach out to the public. As reflected in chapter 2, ‘consultation’ has been a common way of participatory activities in Macao’s heritage management. In fact, this participatory format is almost the most common across disciplines in the government. Currently, there are three major ways through which the MSAR government receives local feedbacks on public policy---through government consultation committees, through direct consultation and through the help of local associations. Although each of them has their respective pitfalls, the one with the involvement of local associations tend to be most effective.
3.4 Forms of Consultation in Macao

The first way is through government-established consultation committees. According to the Macao Basic Law, the MSAR government can establish consultation or advisory committees to assist better policy-making. They are either directly responsible to the Chief Executive or to respective Secretariats. Members of such group shall be elitist from the society appointed by the government with the approval of the Chief Executive. Currently, there are 47 committees of such function to the different bureaus of the MSAR government. In concept the idea of having more consultative committees is also to help the MSAR government to better reach out to the local public, thus building up a direct communicative link between the two sectors which has previously been lack in the colonial era. However, in practice, such means does not necessarily help to enhance public involvement, particularly because members of the government consultation committee do not always engage themselves with the local citizens. Public voices are barely reflected to the government via the committees. Committee members only commit themselves to periodic meetings, and there is also very little transparency in how these committees function.

The second way is the government hosting consultation activities in which all members of the public are invited to participate. This form of consultation activities is also a common way the IC has practiced. However, the conditions under which direct communicative programs carried by the government do not necessarily engage the public meaningfully. Most of the time the public has to rely on limited or selected materials and documents relieved by the government in the discussion. More often general public consultations only occur when the government has internally reached a compromised decision.

The third is through traditional association such as neighborhood associations, peak trade associations, labor unions and the Women’s General Association. These associations, usually with a high density of membership, would consult its members on relative matters and report back to the government. Traditional associations usually have a large concrete base of grassroots membership. Hence, they are often more effective to reach out to a diverse audience of the local public than the government. These associations are also resourceful through subsidies from the

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40 Guanjing Pan. “Consultation System as an Example to Illustrate Democratic Reform in MSAR Public Policy,” Administration 23.3 (2010), 587.
government to better prepare themselves to act in such role. This consultation format is relatively more effective than the previous two ways in terms of the quality and level of community outreach. However, there are no official protocols that regulate the way the collected responses are handled by the government. More transparency created into this format and it can have huge potential in becoming an effective mechanism to solicit meaningful participation in the context of Macao.

3.5 Chapter Conclusion

This chapter recounts the influential role of local associations in the Macao society. They have been serving as intermediaries for the government to communicate with the local public since the colonial era. In the context of contemporary Macao society, consultative means implemented by the government have prone to be more effective with the involvement of traditional associations as they have a closer affiliation with the local grassroots. There are local preservation associations that endeavor to promote heritage awareness to the general public. Traditional associations such as neighborhood groups are very conscious of Macao’s preservation matters. If being incorporated into a strategic framework, the role of ‘local associations’ can be a valuable component to help to facilitate meaningful community participation in Macao.
Chapter 4. Macao’s Heritage Management

To gain insight into Macao’s heritage management, it is essential to understand Macau's heritage itself, the evolution of preservation efforts due to the World Heritage Designation, the increase in public awareness in cultural preservation, and the formation of the current Macao laws in heritage protection and management. Macao had limited community participation in heritage management prior to the city’s handover to the PRC by the Portuguese. The earliest preservation effort can be traced back to the 1950s but the approach has long been object-based led by a small number of Portuguese and Macanese experts from the colonial government. After its return to the PRC, Macao’s heritage management has since been led by the local government, primarily the Cultural Affairs Bureau. In 2005, the intact historic urban fabric of Macao and several historic buildings were inscribed as World Heritage by UNESCO and were cited as examples of Macau's unique assimilation of European styles within the Chinese context. The inscription raised community pride in the city’s cultural and historic resources, thus raising public awareness in Macao’s heritage management. While the Cultural Affairs Bureau has initiated many successful conservation programs to protect individual monuments, the city’s heritage assets have been constantly threatened because of the government's failure to weave its preservation policy into the city’s larger development strategy. Also, the long-standing lack of transparency in public policy has alienated the public from preservation management as it is handled by the city government. There have been intense moments in which local citizens were the last to learn about important preservation decisions. This could be best reflected in the controversial demolition of the Ha Wan Market and threatened the destruction of the Guia Lighthouse between 2006 and 2008, which brewed public distrust in the government’s preservation practice.

Since these cases erupted, the government appears to have learned how the lack of citizen involvement in preservation matters can have severe consequences. Alongside the implementation of a new Heritage Law, the proposal of a management and protection framework for the city’s cultural heritage and the landmark nomination of ten local historic properties, the government initiated several public consultations in which the public was encouraged to participate. While public involvement has been active in these events, these participatory processes were not necessarily meaningful. This is largely because the government has failed to
create conditions permitting productive citizen participation or effective follow-up on the expressions of popular sentiment. The 1 Rua da Barca, which is discussed in the last section of this chapter, will also highlight how the improper mechanism for public participation stipulates in the new Heritage Law may lead to potential misuse of preservation practice.

4.1 Introduction: Macao’s Heritage and Early Preservation

Macao represents a unique multicultural identity that is largely shaped by the enduring encounters between the East and West over some four and half centuries. Although numerous land reclamations have altered the shape of the peninsula, the historic urban core of Macao developed during the Portuguese’s occupation of the land since the seventeenth century has remained intact. The cultural dualism of European architectural styles and Chinese traditional building types is manifested tangibly in the historic urban fabric, which weaves together an array of European architectural legacies and traditional Chinese architecture from Macau's historic settlement. By virtue of their presence as a visual testament to this diverse history, many historic buildings in Macao, including residences, churches, temples, public squares and fortresses, represent a hybrid of western and Chinese spatial organization concepts, architectural styles and aesthetic ideals.

As soon as the peninsula was settled by the Portuguese and other westerners in the mid-sixteenth century, Macao became a diocese of the Catholic Church as well as a foothold of Christianity in Asia. The lasting legacy of Catholicism and Christianity over the previous four centuries blessed Macao with invaluable religious monuments. Churches that have survived from the era continue to function for the congregations in Macau today. Uninterrupted contacts with the West also introduced the Chinese territory to foreign building types. Macau was, as a result, home to the first western-style theater, university, hospital and fortress in China. In stark contrast with the monumental western building types, Macao also houses an array of traditional vernacular architecture from its historic Chinese settlement. Assimilation of the two cultures bestowed Macao with architectural styles that are unique to the territory. Some designated properties display creative adaptations of Chinese design features in western building types, and vice versa.

Throughout centuries of cultural exchange, western and eastern cultures had intermingled in Macao allowing this cultural dialogue between the two civilizations to continue. Intangible
influence from the time-honored maritime trade between Portugal and China and later Portuguese colonization of Macao permeated the social body of the city, affecting religion, education, medicine, charities, language and cuisine. In turn, Macao, which was the base for the Jesuit mission in China and other parts of Asia, was a training ground for the Jesuits to learn the Chinese language and to become acquainted with China's intellectual and philosophical traditions. In the course of cultural exchange, China folk religions were also spread to the West. The core value of the Macao’s cultural heritage lies not only in its visible attributes, in essence it also includes the social lives of people and customs attached. Intangible cultural heritage, including practices, representations, expressions, knowledge and skills, to the cultural legacy of Macau have also been recognized as local heritage.

Early preservation of these historic attributes began during the mid-twentieth century. After the end of World War II, many affected countries in Europe launched campaigns to rehabilitate historic buildings that were damaged during wartime. Portugal reacted to the trend and extended her preservation policy to her oversea colonies, including Macao. In 1953, the Portuguese administration began to register the city’s architectural monuments, usually buildings of municipal purposes that spoke of historic significance or aesthetic grandeur. A task force was formed during the 1960s to draft strategies for the protection of the documented properties. In 1976, the government enacted the first legislation (Decree Law No. 34/76/M) regarding the protection of Macao’s cultural heritage. With the provision of a list of protected properties and sites, this law set up a preliminary framework for later heritage policies. Along with growing awareness in protecting the city’s cultural heritage, the Portuguese administration began to establish departments and committees that specialized in the city’s heritage management. These departments and committees had been renamed several times during colonial period but today it is the Cultural Affairs Bureau (known as IC) which manages and monitors the city’s cultural heritage. As for the legislation that is in effect for the safeguarding of cultural heritage, the Cultural Heritage Legislation (Law No. 11/2013) was promulgated to refine protection for the city’s cultural heritage amidst the city’s rapid urban expansion. A highlight of the new legislation is that public consultation is stipulated before any large-scale preservation practice is planned or

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implemented. By law, the composition of cultural heritage of Macao includes both tangible (movable and immovable) and intangible heritage. Immovable property under tangible heritage is further classified into four categories---monuments, buildings of architectural value, group of buildings and sites. The Heritage Legislation prioritizes ‘Monuments’ amongst all classifications. As of today, 50 sites in the city are identified as monuments. Conservation and management of the tangible and intangible cultural heritage are wholly funded by the Macau government.

4.2 World Heritage Designation

Figure 4: A map showing the Macao peninsula. The blue area shows the inscribed Historic Center of Macao with red dots indicating individual World Heritage monuments. Buffer zones are highlighted in pink

In recognizing the unique Sino-Luso cultural dualism in Macao, an architectural ensemble of the city, known as the “Historic Center of Macao”, was inscribed on the World Heritage List in 2005 by UNESCO. In 2002, the Macao government applied for World Heritage inscription through the Central Government of the PRC and the application was accepted by UNESCO after thorough evaluations. In fact, application for World Heritage inscription was recognized as one of the most important tasks of the Macao government after the handover, particularly in acknowledging the potential benefit to its tourism industry, which has long been an important source of income to the city, from the World Heritage brand name. The “Historic Center of Macao” was China’s only bid for the World Heritage inscription in 2005, although the
nation nominated four sites in mainland China the year after.\textsuperscript{42} Some believed that the backing of the Central government in Beijing, which put aside other tentative heritage sites and promoted the “Historic Center of Macao” as its only bid that year, contributed to the success of the application. Together with the liberalization of the city’s gaming industry in 2002, Macao’s tourism industry underwent rampant development. Statistics shows that tourism contributes up to 87.6% of the city’s GDP in 2014 while supporting 87.5% of total employment.\textsuperscript{43}

According to the Macau Heritage Legislation, the ”Historic Center of Macao” refers to “an architectural complex comprising monuments, buildings of architectural value, group of buildings, sites and their buffer zones, inscribed on the World Heritage by World Heritage Committee of UNESCO” that enable a clear understanding of the structure of the old trading port on the Macau peninsula.\textsuperscript{44} These architectural ensembles are scattered in the city’s oldest urban quarters, generally known as Zone One and Zone Two. Zone One is a narrow strip of land running from north to south of the peninsula and Zone Two is centered around Guia Hill in the northeast. The entire “Historic Center of Macao” covers a total land mass of 1.32 square kilometers, accounting for 13% of the Macao peninsula. The two zones encompass a collection of twenty-two principal buildings with each strategically linked together by public squares and streetscapes, characteristic of a European port city which blend into the densely packed lots of the territory along narrow, meandering streets.

Since the inscription on the World Heritage List, individual monuments have been carefully conserved by the MSAR government with due respect to the resource. The physicality of each monument has remained intact as guaranteed in the context of Law Decrees 56/84/M and 83/92/M, precedents of the latest heritage legislation promulgated in 2014. Two separate buffers zones have been established for each component part in accordance with the requirement of UNESCO. Despite the growing territorial compactness, major monuments and the city’s original urban fabric that define the historical settlement have been well preserved.

Most of the designated architectural monuments and local landmarks have either retained their original function or have been thoughtfully re-adapted for public interest since the World

\textsuperscript{44} Decree Law No. 11/2013.
Heritage inscription. The restoration and rehabilitation of Traverssa da Paixão, a local landmark featuring an ensemble of Portuguese colonial row houses, for instance, presents a successful case of re-adaption. These elegant residences were built during the late nineteenth century but had been left empty for many years. After careful restoration, the houses now function as a creative complex with theaters for local art films and independent films. The IC hopes to encourage creative productions from local filmmakers and to garner public support for this relatively new industry of the city. A similar rehabilitation strategy was applied to a line of seven colorful row houses on Rua da Ribeira do Patane built in the Thirties. Though these houses are neither local landmarks nor architecturally significant in terms of style, Alberto Ung, President of the IC, believed that they were nonetheless important to the streetscape. Considering the lack of public amenities in the neighborhood, the dilapidated houses were restored and re-adapted as a public library. The intent in these preservation programs is to strengthen the connection between the city’s cultural heritage and its people by weaving in historic resources to people’s lives.

The World Heritage inscription has also increased awareness among local citizens of Macao’s cultural heritage, including local landmarks and properties that have the potential for greater recognition. According to Jacob Cheong, former chief of the Cultural Heritage Department of the IC, local Macao citizens, in general, are proud of Macao’s World Heritage inscription as well as their identity as the stewards of the city’s important cultural heritage. Cheong commented that while Macao is proclaimed as the ‘gaming mecca in the East’ in the international arena, locals are less proud of the city’s booming gaming industry even though it propelled the city’s revenue and employment. While the economic opportunities generated from Macao’s cultural heritage are not as lucrative as the gaming industry, they identify an intimate affiliation with the rich historic resources in their city---it is the cultural identity of Macao in which its citizens take pride. In general, Cheong commented that the Macau locals are very supportive of his department’s preservation endeavors. But he also admitted that many citizens expect further rehabilitation strategies for local heritage.

Despite the sound conservation programs that the government has in place for the physical attributes of the landmarks, the MSAR administration was often criticized for

45 “Art Cinema at the Traverssa da Paixão Opening in this Month,” Macau Daily, September 2, 2015.
46 “Rua da Riberira do Patane Library will be in Service Next Year,” Macau Daily, November 5, 2015.
47 Personal interview with Jacob Cheong in Macao on December 27, 2015.
compromising the city’s heritage for urban development. Tam compiled a list of controversies that documented tensions between historic preservation and urban development in the city during 2004-2013.\textsuperscript{48} According to Tam, there were fourteen disputes in which local cultural heritage was threatened with demolition. In most cases the buildings were retained after development proposals stirred up opposition from the public.

4.3 Case of Ha Wan Market

Out of the fourteen cases, the case of Ha Wan Market unfortunately closed with its controversial demolition. Ha Wan Market was designed by the famous local Chinese architect Jose Chan during the Fifties. The building had served as a market for the neighborhood since its erection in 1954. To many local people, the market building was part of their daily life and was essentially an indispensable component to the neighborhood.\textsuperscript{49} As a result, when the Civic and Municipal Affairs Bureau (IACM) announced its intention to demolish the market building in 2004, the locals voiced strong opposition against the plan. One major concern of IACM was safety, particularly after the reinforcement of the building was found exposed. An official of the bureau felt that while the technical issue at hand did not pose immediate threats, the worn out structure of the building would require extensive reconstruction in future years.\textsuperscript{50} Given the lack of public facilities for recreation in the old neighborhood, the demolition of the market promised to provide extra land for a multifunctional building capable of satisfying these contemporary needs. Local preservation groups, however, believed that the issues could be reconciled with strategic restoration and rehabilitation. The Association for Macau Historical and Cultural Heritage Protection and the Macau Historical Society pointed out that the old market building was a remarkable example of the city’s Modernist architecture. At the same time, IACM had sorted a neighboring lot for a temporary marketplace. The two associations questioned the urgency to demolish the marketplace and recommended the government to consider other alternatives. Because the building was not listed as a local landmark, it was not subject to any

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\item \textsuperscript{48}Chi Kuong Tam, “Development Strategy for Macao’s Heritage Management,” Paper submitted to Hong Kong Institute of Education.
\item \textsuperscript{50} “IACM Tends to Demolish Ha Wan Market,” Macau Daily, July 16, 2004.
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legal protection. In 2006, the building was demolished. It is now replaced by a new municipal market complex equipped with amenities for the neighborhood, including a library, a health care station, a much-needed public garage and several rooms for intramural recreation.

Although the IC was not directly involved in the case of Ha Wan Market, some blamed the bureau for not listing the market building as a local landmark beforehand. The issue of conflicting interest between the government and the locals from the neighborhood was undeniably apparent in this case. Proponents for preserving the building questioned why the old market building was not listed as a local landmark in the first place. Antonio Ng, member of the legislative assembly, recommended the Bureau to reflect on the existing list of landmarks and consider expanding the list to include sites that are important to their immediate neighborhoods.51

By using the ladder model from chapter two to evaluate the level of participation in this case of Ha Wan Market, local citizens are in a very passive position in influencing Macao’s heritage management. Public participation, in this case, was trapped in the bottom rung. This does not mean that local people are indifferent to their built heritage and that they are not interested in taking a more active role. In fact, in this controversial case, there were local associations that had advocated for preserving the old market building. However, participatory activity in heritage management at that time was low. It was simply because there was no protocol or mechanism to solicit that. Taking a retrospective account on the previous heritage legislation Decree Law No. 83/92/M which was in effect when the case took place (repealed by Law No. 11/2013 in 2013), there was no legal provision for local citizens to nominate buildings or sites for landmark designation to the IC. Also, no criteria or standards were published informing the public about how landmarks were being evaluated. In other words, ever since historic preservation came into existence in Macao, it was always the government administration who had authoritarian power over what was to be protected. One could only speculate that there might be some criteria of significance for internal evaluation by the government. Yet, the fact that these standards were not disclosed to public and that there was no meaningful way to engage

the public in the decision-making process made preservation management an undemocratic process.

The intent of mentioning the case of Ha Wan Market is not to suggest a verdict for either side. Rather, reflecting on this case allows us to identify gaps and unexploited opportunities to engage the community in the official governmental preservation framework. The professional knowledge invested in compiling the list of landmarks was not to be contested. However, there was an apparent discrepancy between the government’s definition of heritage and the locals’ interpretation of their heritage. While locals agree with the government’s designation of landmarks that were already on the landmark list, some felt that sites that they perceived as heritage - in most cases sites that they attached personal sentimental values to - were left out. The IC attempted to reconcile these shortcomings in its preservation management framework through the promulgation of an updated heritage legislation in 2013 which will be discussed in a later section.

Unfortunately, before these reforms could take place, the Macao government received more intensified backlash from the public against its weak will in safeguarding the city’s heritage, especially when one of the inscribed World Heritage property, the Guia Lighthouse, almost fell victim to the city’s vigorous urban development. Macao’s cultural heritage received international attention not long after its World Heritage inscription as a result of this controversy. The Guia Lighthouse case was mentioned in most literatures that discussed historic preservation in Macao (Chung 2009; Distefano, Imon and Lee; Tam 2013). Despite the indelible stain that this case left on Macao’s preservation history, the level of public debate triggered from this controversy evoked what Chung termed “a maturing stride for Macau’s citizen participation.”

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4.4 Guia Lighthouse Case

In 2006, the Guia Lighthouse, sitting atop the peninsula’s highest point (94 meters above sea level) became the subject of a new construction controversy. Three development projects, including a mixed-use high-rise tower, a thirty-four story residential block and a new headquarter for the Liaison Office of the PRC in Macao, were approved by the Land, Public Works and Transport Bureau (DSSOPT) in close vicinity to the Guia Hill. Technically speaking, these proposed projects did not violate the aforementioned two decrees as the planned locations for the buildings, 200 meters away from the south slope of the hill, were all right outside the buffer zone for Zone 2. If constructed, the three buildings, asking for heights of 135 meters, 124 meters, and 99.12 meters, would adversely damage the visual integrity of the Historic Center by blocking the visual linkage between the lighthouse and seascapes. In fact, Decree 68/91/M and Decree 69/91/M, promulgated in 1991, had previously set a height limit of 20.5 meters for the Guia area.
in order to preserve the visual corridors. Yet, in August 2006, without acknowledgment from the public, Chief Executive Order 248/2006 annulled the two decrees as they were considered to be obsolete and not applicable to the rapid urban development in contemporary Macao. Media coverage of this scandal elicited public outcry.

Figure 6: A historic postcard showing the Guia Lighthouse from 1916 indicating the lighthouse as the oldest on the Coast of China. Photo credit to Klaus Hülse

Public shock was evidenced by strong objection and outspoken criticism of the projects and the decision-making that lead to their approval. This was arguably the first time that the public - as opposed to cultural heritage experts and professionals - was actively engaged in preserving their cultural heritage in the face of negative determinations by the government. The Guia Lighthouse Protection Concern Group, an association formed by local preservation activists in response to this controversy, created renderings that showed how the projects in question would drastically impact the viewsheds from the Guia Lighthouse. The renderings were published in newspapers and disseminated online which successfully provoked more attention from the local. The concern group even issued a letter to UNESCO, hoping the institution could intervene and express its concerns to the attention of the Central government (in Beijing) and the Macau administration”, thus halting the development projects. The World Heritage Committee transmitted the issue to ICOMOS for review and comments. ICOMOS affirmed the possible

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The destructive effects of the new constructions which would undermine the “very function and character as a landmark of the City (the lighthouse).”

With pressures from the Macao locals, the Chinese Central government and UNESCO, the MSAR administration drafted another decree that expanded the buffer zone from 2 to 2.8 square kilometers. Height limits now range from 5 meters to 90 meters, depending on the proximity to the lighthouse itself. This measure will ensure that visual corridors are saved. On the State Party’s report submitted to UNESCO in 2008, it was stated that the additional height limitations “constituted an “utmost effort” towards conservation in the socio-economic context of the territory of Macao, which covers only 8.7 square kilometers with a population exceeding half a million and record development rates.” As of today, none of the proposed construction was carried out after the incident. The historic beacon of the Macao peninsula continues to illuminate the sky every night.

The incident reflected the lack of participatory planning and stakeholder consultation in Macao’s heritage management. Historic preservation in Macao has long been top-down with very little transparency. This has been evident throughout the annulment of the old decree law by the Chief Executive to the approval of construction projects by DSSOPT. Neither was the public consulted nor were stakeholders engaged during the whole decision-making process. Worse still, according to Tam, certain gaming enterprises and real estate developers were the only non-governmental parties that were involved. It was not until members of the Legislative Assembly openly queried DSSOPT was the scandal known by the public.

Public awareness in the city’s cultural heritage has never been formally articulated in the government’s heritage management. Rui Leao, a Portuguese architect and Chairman of DOCOMOMO Macao who has had close relationships with local neighborhoods in the historic urban quarters of the city, comments on the place-based character of the local communities that local cultural heritage has always been part of local people’s life. As a Portuguese who has been in Macao for a long time, Leao regarded the Macao local public as a “culturally-interesting body” that they have always respected both indigenous Chinese heritage and colonial Portuguese

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55 UNESCO, Document WHC-08/32.COM/7B.
56 Ibid.
58 Personal Interview with Rui Leao on January 10, 2016 in Macao.
Yet, despite the public awareness in Macao’s cultural heritage, voices of the local citizens have never been consciously threaded into the city’s heritage planning processes. As a result, there is a tendency for local citizens to vest more trust in social agents such as local associations than in the government. In the case of Guia, it was a collaborative effort between local people and local groups like the Guia Lighthouse Concern Group in saving the visual integrity of the Historic Center. The government had essentially underestimated the public responsiveness in heritage policies.

People’s response to the Guia case signaled for more involvement in local heritage management afterward. The outbreak of the Guia incident fomented a surprisingly vocal public distrust in the government’s role as the authoritative steward for Macau’s heritage. If one uses the proposed ladder framework to measure the level of public participation, one can observe that all of a sudden the level of participation had escalated from the lowest rung in the case of the Ha Wan Market to the seventh rung (i.e. grassroots-led negotiation). In this case, local citizens finally realized that without a strong community stewardship in the government’s heritage management, important heritage assets like the Guia Lighthouse could be mismanaged. In order to strengthen protection for the city’s cultural heritage, local people then understood that they must be more effectively incorporated into dialogues with the government over preservation matters. In the Guia case, civic activism in historic preservation flowered for the first time and succeeded in opening up the authority to include public dialogue into their decision-making process.

One might argue that if people were really concerned about the city’s cultural heritage, such civic activism should have been evident before the Guia case and probably before the demolition of Ha Wan Market. In the case of Ha Wan Market, people outside that neighborhood might not necessarily agree with the sentimental values of the old market building ascribed by the neighborhood dwellers. But the Guia Lighthouse is a different story---its cultural significance to the landscape of Macao is indisputable. In this case, the public was the last to know of the horrendous development projects. The fact that Decree 68/91/M and Decree 69/91/M were repealed silently without consultation was already disturbing. The ‘coincidental’ announcement of the three development projects made the incident even more suspicious. This particular case showed how cultural heritage in the context of Macao can be, in Chung’s words, “contested...in

\[59\] Ibid.
the course of conservation politics.” More civilian engagement into Macau’s preservation planning was thus necessary to ensure heritage not being easily compromised or even corrupted from external forces. David Lung, UNESCO Chair Professor in Cultural Resource Management at the University of Hong Kong and an advisor for Macao’s submission for World Heritage inscription, commented that “there needs to be a “hand in glove” collaborative effort between the government and the community” to achieve a comprehensive preservation management.

The Guia Lighthouse controversy encapsulated the climate of historic preservation in Macao after the inscription of the Historic Center. Urban development is not necessarily antithetical to heritage management. Yet, by its unilateral decision-making in favor of new development, the Macao government compromised the city’s preservation planning, making it possible for developmental pressures to encroach on the physical well-being and cultural value of the Macao’s heritage. Therefore, strengthening the overall strategy for the protection of cultural heritage is urgently necessary, presumably with the implementation of a sound management plan and updated legal instruments for heritage conservation.

The Macao government did show genuine progress in improving and broadening its preservation dimensions after the Guia Lighthouse incident. A new heritage legislation (Law No. 11/2013), which aims to provide a more enhanced legal basis for the protection of the cultural heritage and sustainable development of the city, was promulgated in 2013. Also, drafting of the management plan for the city’s heritage was also completed in 2014. This time, the public was consulted in both matters.

4.5 Macao Cultural Heritage Protection Law

In 2008, the IC published a consultation text for the amendment of the Cultural Heritage Law which was enacted in 1992. In fact, as early in 2002, the IC had proposed updating the Heritage Law to better comply with the application of World Heritage inscription of the Historic Center of Macao. However, the process was delayed until 2006 when the IC established a special committee for the drafting of the Heritage Law. The committee comprised of legal experts and

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professional technicians from the IC, DSSOPT, IACM and the office of the Secretariat for Social Affairs and Culture. By 2008, the committee finished the preliminary draft of the law and consulted with the IC and professionals for the first phase of consultation and assessment. This was to make sure that new law would prevent controversies like the aforementioned cases from happening again.

In February 2009, the drafted law was published to the public for the second phase of consultation. Four public consultation fora, each with different discussion topics, had been held for the occasion in which officials from the IC would communicate with interested parties. Attendees include interested individuals from the public, scholars from local institutes, representatives from interest groups like the Macau Association of Historical Education, the Macau Heritage Ambassadors Association, the Association for the Agents of Macau and other stakeholders of local intangible heritage. Discussed topics included but were not limited to provisions of incentive and penalties, evaluation of movable heritage, protection of intangible heritage, protocols for government internal collaborations and guidance for signage design within protected areas. Local press reported that attendees were active in exchanging views with the government officials during the public fora. In addition, the IC also reached out to neighborhood associations, labor unions, professional associations and other interest groups for suggestions. Officers from the bureau attended discussion sections in regard to the drafted law held by grassroots groups in the hope to better reflect public interest in the new law. Because the incident of Guia Lighthouse precipitated a surprisingly high level of community participation in the realm of Macao’s historic preservation, the government began to understand their obligation to allow for public participation. Thus, the IC adopted an active attitude in inducing public participation in the drafting of the new Heritage Law. It was expected the drafting of the legislation would be completed in late 2009.

However, the drafting of the new Heritage Law was delayed with its final promulgation in 2013. Tam, who analyzed Macao’s governance through the lens of the city’s historic preservation, provided an extensive account of the aftermath of the two phases of consultation. According to Tam, the MSAR government had unreasonably delayed far too long the

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promulgation of the legislation. In July 2010, Stephen Chan, Vice President of the IC, claimed that the respective committee had already finalized the drafted law for evaluation at the Executive Council during the fourth quarter of the year. Nevertheless, it was not until mid-2011 that the drafted law was viewed by the Executive Council. The Executive Council officially introduced the drafted law at the Legislative Assembly in July 2012. While the drafted law was passed unanimously in October, relative articles within the Heritage Law were to be further reviewed by the standing committee of the Legislative Council. At the same time, the articles under the new Urban Planning Law and the Land Use Law were also awaiting the same committee for review. Tam also noticed that as the term for the Legislative Council at that time was ending in the first half of 2013, the final lawmaking process was very hectic as the standing committee was charged with reviews of three laws. If the processes were not completed before the next term began, the three drafted laws would be considered expired. The whole evaluation procedure would have to restart with the new term. Fortunately, the standing committee managed to complete reviews for the three laws before the end of their term. Hence, the Heritage Law (Law No. 11/2013), the Urban Planning Law (Law No. 10/2013) and the Land Use Law (Law No. 12/2013) were promulgated in 2013 and were all put into effect starting in March 2014.

Although the IC had enabled community engagement, the drafting process of the Heritage Law lacked transparency. Tam commented that the government had intended to implement a bottom-up approach in the drafting of the Heritage Law. Yet, it essentially failed because there was no management mechanism created to follow up with public consultation. No analytical studies of the collected opinions from the two consultation phases were ever published. Hence, it was hard to tell if the new Heritage Law reflected any of the public concerns and interests. Also, the government offered no explanation as to why the evaluation of the drafted law was put on hold for three years since its completion in early 2010. Local press reported dissents from the public about the delay in the passing of the law. Tam suspected that government might actually intentionally delay the process so that it could rightfully extend the level of freedom enjoyed by private developers during the period, particularly because it was a

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64 The Executive Council is the core policy-making organ of the MSAR Member of the Executive Council are appointed by the Chief Executive. A similar consultation committee existed during the colonial Portuguese administration. The Executive Council should always preview any drafted law prior to sending it to the Legislative Council for review.

65 Tam, “Governance Crisis over Disputed Heritage Conservation in Macao,” 75.

66 Ibid, 76.
time when economic development in Macao was soaring at its peak. In any case, the new Heritage Law was already put into effect. The IC had held information sessions in which officials would explain specifics of the Heritage Law to the general public. The reason for the delay, however, still remains a mystery to the public.

Aside from listing the responsibilities and obligations of the MSAR administration, property owners and general citizens in safeguarding the city’s cultural heritage, the new Heritage Law introduces several new components. The new law provides a sound legal framework for the government and its citizen to better preserve the city’s rich cultural resources. It does not reject any of the elements from the previous law which was drafted in 1992. Rather, it augments the content of the precedent so that it can better articulate the needs of preservation in contemporary Macao. According to the new Heritage Law, MSAR administrators should establish a Cultural Heritage Committee as a consultative entity for the IC. Also, the IC should launch an assessment system for nominated immovable property. MSAR residents can now nominate immovable properties for landmark designation to the IC. The IC, upon receiving such application, should initiate examinations of an nominated property. The procedure should include the IC’s own assessment, recommendations from the Cultural Heritage Committee and results of public hearings. The new law broadens the categories of the city’s cultural heritage by stipulating protection for “movable property”, “archeological heritage”, “intangible heritage” and “ancient trees”.

More importantly, the new Heritage Law confers more power to the IC to influence direct and indirect issues related to Macao’s cultural heritage. The entire legislation describes any opinions issued by the IC as ‘binding’, and in certain articles even ‘mandatory’. In other words, opinions issued by the IC prior to the enactment of this law tended to be advisory in nature, meaning that they did not necessarily have legal effect. By elevating the level of importance of the IC’s opinions in cultural heritage from ‘advisory’ to ‘binding’, the law acknowledges a more vital role of preservation within the city’s larger development. For instance, Article 43 of the Cultural Heritage Protection Law stipulates that “urban planning involving the Historic Center of Macao, classified immovable property or buffer zone shall only progress with the participation of IC.”67 Similarly, the Urban Planning Law promises participation from the IC in planning for

67 Law No. 11/2013 Section IV Article 43.
areas surrounding the Historic Center, local landmarks and respective buffer zones.\textsuperscript{68} Also, recognizing the deficiency of inter-government collaboration in prior cases the Heritage Law stipulates that other public sectors of the MSAR “shall take initiative or at request of IC, to assist Bureau in safeguarding and enhancement of MSAR cultural heritage.”\textsuperscript{69}

Essentially, the IC is now charged with more obligations under the enforcement of this new Heritage Law. According to Johnny Lam, member of the Cultural Heritage Committee, some locals are concerned that the increased authority of the IC will override Macao’s development with historic preservation.\textsuperscript{70} Also, because the bureau now has more power in deciding issues involving the city’s cultural heritage, the IC is at the same time charged with greater responsibility in protecting the city’s cultural heritage. Hence, it is necessary to maintain a high level of capabilities in dealing with heritage management within the bureau in order to mitigate the chance of making mistakes that may negatively impact the city’s heritage. Since the new law has been put into effect for roughly two years, it will take a longer period of time to better judge the effectiveness of the law as well as the performance of the IC after redistributing its power. The bureau should also consider creating monitoring indicators to determine its effectiveness while constantly establishing channels for comments from the public on this topic. But one thing for sure is that should the bureau properly exercise the power given, heritage management in Macao can become an effective driver for the city’s sustainable development. With the abundant cultural resources, it can form a strong coalition with new developments, thus contributing to a better future for the city.

4.6 Framework of the “Protection and Management Plan for the Historic Center of Macao”

As stipulated in the new Heritage Law, the Bureau is also in charge of making a protection and management plan specifically for the Historic Center of Macao. This presumably grew out of the concern of UNESCO, which requested the government to develop a management plan following the Guia Lighthouse incident that would seek “to protect the heritage significance of what is left of the historic urban landscape that contributes to the setting and views of the

\textsuperscript{68} Law No. 12/2013 Section IV Article 17.
\textsuperscript{69} Law. No. 11/2013 Section V Article 14.
\textsuperscript{70} Lam, "Some Opinions about the Draft Law for Heritage Protection."
property (Historic Center of Macao). Responding to UNESCO’s recommendation, Article 51 of the Heritage Law addresses the obligation of the MSAR administration to compile protection and management plans for the Historic Center of Macao. According to the law, the protection and management plans should provide clear definitions and guidelines for several key preservation issues, including landscape management, regulations of the bulk of buildings and criteria for reconstruction and restoration. Any proposed management plans for the city’s preservation are subject to public hearing which should last for a period of at least sixty days. It also states that the directives of any urban planning strategies should not contradict any protection plans for the Historic Center of Macao. With that said, the city’s future comprehensive planning is expected to prioritize preservation so that its cultural significance will be safeguarded with greater strength.

In 2014, the IC published a public consultation text that presents a framework for the “Protection and Management Plan for the Historic Center of Macao”. Six public consultation sessions were hosted between October and December for the framework. Copies of the framework were available online at the IC website and offline at several indicated locations for free. The text also featured a questionnaire that enabled the public to rate and comment on each criterion of the framework. The public could turn in their feedback to the IC through email, fax and mail. In this event, the IC recognized community engagement as a crucial component in establishing an appropriate management plan for the Historic Center of Macao and that inputs from the public would “define direction” and “pile a solid foundation...for further establishment of the plan.”

The framework mainly proposed planning mechanisms that would secure spatial elements the Historic Center of Macao. Part of the cultural significance of the Historic Center of Macao lies in its retained layout of an old European port city in the East. Visual connections amongst individual historic buildings and visual corridors between the entire Historic Center of Macao and seascapes are prominent physical features of the Historic Center as they are living testimonies to the dynamics of an urban fabric from the past. The Guia Lighthouse was an example of how urban development, if not monitored closely, could hamper important view

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71 UNESCO, Document WHC-09/33.COM/7B.
sheds. As a result, the IC aims to expand its preservation approach by establishing rules and guidelines that regulate development surrounding designated core zones and buffer zones. Proposed principles include having stricter regulations over bulks of buildings in close vicinity to these zones and controls outdoor signage within the Historic Center. The objectives of the framework were to make sure that the “integrity and totality of the space and views of the Historic Center” is preserved and visible. By establishing a long-term management program, the IC hopes to “maintain a high sensitivity and awareness responding to the changes and transformations of the Historic Center.”

    Compared to the public consultation processes in the drafting of the Heritage Law, the Bureau created greater transparency in the participatory processes in this framework proposal. The public actively responded to the proposed framework. Throughout the sixty-day consultation period, the IC received 756 responses from the public, including local individuals, neighborhood associations, local institutions and preservation groups. The majority of responses were submitted directly to the IC headquarter. As soon as the consultation period had ended, the IC performed a detailed analysis of the collected opinions. In August 2015, the Bureau compiled all responses as well as the analytical study it had conducted over the year into another public text. Like the consultation text, the compilation was available to the public for free online and offline. Every piece and form of comments the Bureau received were attached in the text. They could range from only a few words to several pages.

    Most comments supported the planning and management framework proposed in the framework, though it could be due to the fact that the questions were designed to generate consensus. At the end of the consultation text, the Bureau included a survey with seven closed-ended questions to which people could choose to ‘agree’ or ‘not agree’. However, it would be most rare if people ‘disagree’ to some of the questions. For instance, question 1 from the questionnaire asked if the respondent “agree to protect the feature and integrity of the appearance of “The Historic Center of Macao”. The bureau’s study showed that 98.86% of the responses agreed with this question.

73 Ibid, 19.
74 Ibid.
Again, 95.45% of the respondents agreed to this question.\textsuperscript{76} These questions were formulated to lead the respondent to a preferred response, and in these two cases, ‘agree’. What was the information that the IC sought to capture from these questions? If the IC was just interested in knowing the general attitude of the public towards the city’s cultural heritage, it could have already been acknowledged from previous cases such as the Guia Lighthouse controversy to which people spontaneously reacted.

Each of the seven questions recorded more than 90% of responses ‘agreeing’ to the concerned subject. On the surface, it would appear that the majority of the public was agreeing with the directives of the framework. However, given that the framework did not present specific information as to how the government would work towards each proposed objectives, the questionnaire could not capture anything more than the public’s general consensus that preservation of the Historic Center of Macao was necessary. The deficiency of the consultation text was also reflected in some of the supplemental comments by the public, claiming that it was vague and general in content and must be substantiated.\textsuperscript{77} Some commented that the design of the questionnaire should be improved in order to solicit meaningful answers.

The survey alone was not necessarily contributing any meaningful data to the bureau in formulating future guidelines or policies to manage and safeguard the spatial elements of the Historic Center of Macao. Comments from the ‘Supplemental Opinions’ section in which respondents could further comment on the framework after filling in the questionnaire gave the Bureau additional data to understand how the public felt about the proposed framework. The Bureau also acknowledged opinions that were not directly collected from the surveys. These external sources were mostly comments found on other media such as local newspapers, online forums and blog posts.

The Bureau presented an analytical study of the collected opinions in which it sorted out nine major topics addressed in all collected opinions. They included concerns and doubts over the government’s will in preservation, the strength of the proposed preservation policies, balance between preservation of visual corridors and urban development and strategies in preserving intangible heritage. Opinions about the city’s ‘urban fabric’ also recurred in the received comments. Some reported not understanding the term at all. Some recognized ‘urban fabric’ as

\textsuperscript{76} Ibid, 24.
\textsuperscript{77} Ibid, 26.
an organic entity that preservation of the city’s ‘urban fabric’ should respect and manage change within the space rather than freezing it in time. Most also recognize the need to enhance promotion and education of the city’s cultural heritage.

Although the participatory processes involved in the proposed management framework have increased the level of transparency in Macao’s heritage management, the degree of influence of community participation is yet to be determined. As of today, the IC has not announced how the compilation of comments will be articulated into their management and planning programs for the Historic Center of Macao, although the Bureau has promised to commence designing actual management programs for implementation with other government agencies in the second half of 2015.

One thing that is certain is that the Bureau is working out relative plans with experts in the field. My internship experience in June 2015 at Shanghai Tongji Urban Planning & Design Institute allowed me to preview guidelines for outdoor signage installation within the Historic Center of Macao which has not yet been published. A workforce from Dr. Shao Yong’s Urban Conservation Studio was hired to formulate guidelines for outdoor signage so that view sheds and distinctive feature of heritage in the Historic Center are not hindered. Understanding that the guidelines are intended for a wider range of audience including the general public, the IC specifically requested the workforce to simplify the text so that the guidelines can be understood by the public as a whole. It is not known whether there will be a public consultation on the drafted guidelines. Nevertheless, in this regard, it was certain that the Bureau was conscious of preparing effective materials and information for the public to meaningfully participate in the management process of the city’s heritage.

4.7 MSAR First Census and Nomination of Immovable Properties

Just as the public was consulted of the management framework in 2014, the IC also launched a census program for immovable cultural heritage that has been left out of the current inventory of local heritage. The current list of city’s identified immovable cultural heritage has not been updated since the promulgation of the previous Heritage Law by the colonial Portuguese administration in 1992. Considering the massive urban transformation that the city has undergone over the past two decades, the IC recognized the need to expand the inventory so
that properties of cultural value unique to the city would receive proper protection. In the classification process, not only did the Bureau send out technicians to survey and document buildings, it was the first time in Macao’s preservation history that local citizens were allowed to nominate sites by submitting a ‘classification proposal’. As long as the proposal contained the required information, including the location of immovable property, description, current use and condition of the property, visuals of the property and its context and a statement of significance, the IC shall launch relative classification procedures on the concerned property. There is no age requirement for a property to be nominated to the inventory as long as it meets at least one of the classification criteria established in the Heritage Law. Initially upon receiving an application, the IC will communicate with owners of the concerned immovable property through a preliminary hearing and conduct the Bureau’s own evaluation. Based on the received information the Bureau will then decide whether it will launch further classification procedures or not. Once approved, the application material will be passed forward to the Cultural Heritage Committee for review. Immovable properties that are nominated after all these bureaucratic processes are further subjected to public consultation. The law governs that the entire classification procedure must be completed within twelve months. During this one-year period, owners must put all ongoing activities in the concerned property on a one-year moratorium.

In December 2015, the IC announced holding a sixty-day public consultation period for ten nominated immovable properties. Similar to the previous public consultations, the IC hosted three public fora where interested parties of the public were invited to exchange dialogues with the IC officials. The IC also compiled value assessments and visuals for each of the nominated sites into a booklet. The booklet is available at designated spots and on the IC website for free. It was intended to illustrate the identified values of each property to the public so that they could be informed before attending the fora. A survey was also designed for public feedback in which people were asked if they agree with the designation of each of the nominated properties. As of today, it is not known how many public responses the IC received. Local press reported full house at each of the public fora held for the event, and attendees were active in exchanging

78 Law No. 11/2013 Chapter III Section I Article 20.
79 Law No. 11/2013 Chapter III Section I Article 18. The criteria are: “1. Importance of property as remarkable testimony to lifestyle or historical fact; 2. Aesthetic, artistic, technical or material intrinsic value [of property]; 3. Architectural design of property and integration with city or landscape; 4. Value of property as symbolic or religious witness; 5. Importance of property in study of culture, history, society or science.
views with the officials. Part of the reason for active participation in the public fora, though, was the involvement of a contested property on the list of nominated sites.

4.8 1 Rua da Barca Controversy

Figure 7: Villa building located at 1 Rua da Barca before demolition. Photo credit to Macao Daily

The concerned property was a villa building located at 1 Rua da Barca, a street that was developed by the Portuguese in the early twentieth century. The three-story building was first built in 1917 and had been adapted for different uses over time. Part of the architecture was torn down and reconstructed, but most architectural features on the facade from the original design, such as classical arches with Corinthian columns and decorative ceramic tiles on walls, were retained. Rua da Barca used to be home to architecture of similar form and style. However, many of the buildings have been replaced by tall buildings after the Eighties as the population of the city began to grow. As a result, 1 Rua da Barca is one of the very few examples that still survives
in the area. The IC believes that the building is a remarkable example of a popular building type from the era, hence the Bureau proposed for the nomination of it.

However, the building was nominated when it was in midst of demolition. In January 2013, three private developers purchased the property. They intended to demolish the existing architecture and construct a six-story residential building on the land parcel. In March, DSSOPT issued an alignment plan that required the developers to retain the building. However, in November, the original decision was repealed as the Bureau claimed that the building was found structurally unstable. The three developers were then issued a demolition license. According to government regulations, developers can indicate an intended period of demolition for their properties. If the demolition work is not concluded on the intended date, the developers will need to apply for another license extension to continue with the work. Extension of license is a very common practice in the construction industry of Macao and normally DSSOPT seldom denies its issuance. Yet, on the night of 30 December 2013, DSSOPT announced that although the developers had applied for a license extension to continue with the demolition of 1 Rua da Barca, the Bureau would reject issuing an extension to the developers. DSSOPT’s reason was that the concerned demolition had stirred controversies in the local society that further discussion on the
appropriateness of the demolition was necessary. At that time, one-third of the building had already been torn down.

The public criticized the IC of failing to protect the building from being demolished for private interest. Yet, the IC claimed that they had identified the cultural values of the building long ago and had recommended DSSOPT, under any circumstances, to at least retain the bulk and facade of the building in 2012. Some local citizens were worried that owners or developers of historic buildings would want to expedite demolition of their properties before the official promulgation of the Heritage Law on 1 March 2014, which might interfere with the current freedom they had with their properties. Confusion with Macao’s governance was also tightened up in this incident, especially because the IC and DSSOPT apparently had no coordination in the first place. Many people, whether they were pro or against demolition, were again disappointed with the absence of inter-governmental collaboration in heritage management. The building at 1 Rua da Barca was essentially a victim as a result.

The incident got more complicated with the IC’s launch of classification process on 1 Rua da Barca. When a building is placed under the classification process launched by the IC, any work on the building must be put to moratorium for a year by law. If a building is designated as local heritage, the developers will be required to rehabilitate the demolished portion to this previous state. Lao Chau Lam, one of the three developers of 1 Rua da Barca, told local press that the incident had already incurred huge costs to him and his partners. He emphasized that the developers had legally purchased the buildings from previous owners and they should be given the right to continue with the demolishment. But Lao did not reject collaborating with the IC as long as the Bureau was willing to come to terms with him. In fact, after the first public forum held by the IC in regard to the ten nominated sites, Lao opened his building to the public. The intent was to let the public better judge for or against the designation.

Regardless, the IC was strongly in support of preserving the building. Many interested parties doubted if 1 Rua da Barca still possessed the identified cultural values in the current dilapidated state. Ung, President of the IC, claimed that the Bureau was confident that they could reconcile the damages into its original state although he did not further define the notion of

81 “Developers of 1 Rua da Barca will Claim for Compensation if Property Gets Classified as Landmark,” Chengpou, January 11, 2016.
“original state” of the building, which had been modified several times over the years. Ung also reckoned that 1 Rua da Barca was a remarkable architecture in the neighborhood. By preserving the building, he believed that 1 Rua da Barca, standing as a potential local landmark, could help to construct a sense of “belonging” to people living in the neighborhood.\footnote{“1 Rua da Barca Must Not Be Demolished,” All About Macau, February 3, 2016. Accessed on April 2, 2016. \url{http://aamacau.com/2016/02/03/渡船街 1 號拆不得-吳衛鳴：我們還有什麼可留給下一/}} In response to Lao’s concern that developers would be imposed with the cost of repair, Ung said that should the building become a classified immovable property of the city, the government would assist the owners with financial and technical resources to carry out the necessary rehabilitation work.

Although the government has created participatory mechanisms for local people to engage in the classification of the city’s immovable cultural heritage, some were skeptical of the degree of influence that public input could have over the processes. With the exception of 1 Rua da Barca, there were almost no contentions over the designations of the other nine nominated properties. 1 Rua da Barca was a different case because the building involved conflicts of interest and, particularly to the three current owners of the building, regulatory taking without just compensation. Judging from the Bureau’s comments on the building after the consultation activities, it was almost as if the Bureau would have 1 Rua da Barca classified regardless.

Indeed, participatory activities involved in this case have hit the middle rung of ‘consultation’ on the ladder model. Yet such direct dialogue between the government and the local public was in vain because the Bureau had apparently predetermined results for the classification. One local citizen commented that in the 1 Rua da Barca, the Bureau appeared to be “creating values for the building just for the sake of creating heritage.”\footnote{“Developers of 1 Rua da Barca will Claim for Compensation if Property Gets Classified as Landmark,” Chengpou, January 11, 2016} By law, the Bureau still holds the veto power over the nomination after consultation with the public and the Cultural Heritage Committee. Though the classification is not concluded yet, it will not be surprising to see all properties being inscribed in the end.

If 1 Rua da Barca was still in the state right before the demolition, the nomination of this building might not be subjected to this level of contentions. The proposed cultural value of the building, which was largely attributed by its architectural integrity, would not have been disputed if the building had not yet been shattered. According to the IC’s assessment, 1 Rua da Barca, in
its complete form, was said to have satisfied criterion (2) and (3). However, one must remember that by the time the building entered the process of classification, its architectural integrity had already been wrecked by the demolition. So, is it right for the IC to impose the same set of values to the architectural ruin of 1 Rua da Barca? Does the current form of the building still satisfy any of the criteria?

Joe Chui, president of the Macao Urban Planning Institute and a member of the Macao delegation at the National People’s Congress, reckoned that there should be debate regarding the established criteria for landmark nomination. Chui was not convinced by the IC’s classification of 1 Rua da Barca. The IC claimed that 1 Rua da Barca was one of the very few remaining examples of such architectural style. Hence, preservation of the building should be justified. Chui commented that the IC’s classification was more likely “a punishment imposed on the innocent developers who just happened to have owned one of the few remaining pieces of this building category.” Also, even if it was one of the very few surviving examples of this architectural style, Chui, who is also a professional architect, questioned if this architectural style was significant to the architectural history of Macao at all. In general, he found the classification process very problematic. Rather than just consulting the public of what immovable properties to be preserved, Chui recommended that there should be as well an open discussion regarding what preservation in the context of Macao should be, and how it should be carried out.

In the several cases mentioned in the study of Macao, it is apparent that citizens are poised to get more involved in the preservation of the city’s cultural heritage. The vacuum of community participation in the cases of Ha Wan Market and the Guia Lighthouse had stirred up a considerable level of public distrust in the government’s commitment to protecting the city’s cultural heritage. In the Guia case, if the locals had not stood up against the government’s policy, the visual connections between the Lighthouse and the seascapes would have been obstructed, thus destroying the integrity of the Historic Center of Macao. This scandalous case of Guia Lighthouse, however, was a catalyst in influencing the government to create more processes for the public to participate in the city’s heritage management.

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84 Law No. 11/2013 Chapter III Section I Article 18. Criterion (2): Aesthetic, artistic, technical or material intrinsic value [of property]; criterion (3): Architectural design of property and integration with city or landscape.

85 Personal Interview with Joe Chui on 29 December, 2015 in Macao.
While the management of the city’s cultural heritage has proven to be insufficient, there is a concomitant need for the government to go beyond central administration of heritage toward empowering local community stewardship of heritage. The public has been active in engaging in government-initiated consultation programs regarding the formulation of the Heritage Law, the management and protection framework and the proposed classification of the ten immovable heritage. Even though the effectiveness of these programs is yet to be judged, it is apparent that the government has attempted to create more participatory processes for local people to engage in heritage management. But there needs to be mechanisms to help to form meaningful participations. The following section will explain how the idea of joint fact-finding can be incorporated into a framework to facilitate meaningful participatory processes in Macao’s heritage management.

4.9 Creating Meaningful Participatory Process in Macao’s Preservation

Under the existing cooperative character of the society, a meaningful mechanism should be created to facilitate collaborations between the private and public sectors in protecting the cultural heritage of Macao. Macao has a strong culture of participation as exemplified in the myriad mutual help associations existing in the city today. Chapter 3 discussed how local associations used to be intermediaries with the colonial administrations of the past. The civilian

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population is rarely engaged in meaningful participatory processes of programs initiated by the government. The government’s tokenism eventually results in public distrust. What the communities want is essentially an effective way to participate. They ask for respect of their civic roles in influencing the formulation of policy for a better society. However, in reality, the conventional way of resolving various claims by means of direct investigation is not effective. Andrews point out that in the public sphere, the tasks of decision-making and analysis had been routinely separated from each other, and such division of labor made direct communication between the government and the public difficult.

Given the broad spectrum of participants that heritage management in Macao aspires to reach out to, it is not feasible by any means to achieve a consensus of the entire society on heritage management. Because members of the public do not necessarily ascribe the same values to the city’s heritage, conflicts are common occurrences among members of the public. While conventional top-down approach tends to avoid dealing conflicts by adopting unilateral efforts, the end result less likely produces satisfactory solutions. The need to engage stakeholder parties representing different perspectives into dialogues is commonly acknowledged, even by the government. While direct communication between the government and the public is not recommended, the proposed framework is expected to be initiated by the government. It should also provide facilitations when necessary.

This framework recognizes the current collaborative practice between the IC, the Cultural Heritage Department and the Cultural Heritage Committee. It is most logical for the IC and the Cultural Heritage Department to focus in implementing preservation policy and jointly discuss preservation matters with the advisory committee. In fact, the current collaborative processes between the IC and the advisory committee is already a form of joint fact-finding. However, in order to fully practice the essence of joint fact-finding, the IC should make their meetings accountable to the public. That does not mean that they have to allow public hearing of their meetings. Yet, there should be a report published to the public that record what are the decisions made and what are the items that have yet to be decided on. It will be even more desirable if the IC can publish agenda items prior to each meeting so that the public can know the ‘things of concern’. The current mode of operation should be retained, but more transparency must be added to the processes.
Since this framework seeks to consolidate the division of labor in public-policy planning, it suggests not to engage the local grassroots into direct communication with the government. This is not to disrespect the grassroots’ voice or their affiliation with local heritage and reject them from the participatory process. Joint fact-finding seeks to create a fact-based problem-solving effort in each negotiation. Hence, participants of a joint fact-finding process must possess a considerable level of capacities. Rather the framework proposes to embed the local grassroots who have heritage and preservation interests into the pre-negotiating process.

In joint fact-finding, it is crucial for local stakeholders to assess a concerned subject matter and identify the representatives for the fact-finding processes. At this point, local associations, particularly the neighborhood associations, can provide such platform for problem assessment and election of representatives. In the context of Macao, it will be ideal for the interested individuals of the local grassroots to elect two (at most three) representatives from the leadership-level members of the General Union of Neighborhood Associations (UGAMM). UGAMM is one of the influential traditional associations in Macao that has a high density of grassroots membership. The idea of centralizing these activities to UGAMM is that if each neighborhood is allowed to have one representative to take part in the joint fact-finding effort, the fact-finding committee will be out of balance with a dominant presence of advocates from the social realm. The elected representatives should have good analytical skill so that they can articulate messages of the public mass to the committee.

Assessment can be implemented in the form of open houses where all interested grassroots can attend. Ideally, such open house discusses the major preservation issues that the IC expects to discuss with its advisory committee. This will require some synergy between the Neighborhood Association and the IC in which the IC should be able to inform the association about the agenda items beforehand. Elected representatives are expected to listen to what the people wants to say and analyze what are the fact-based interests pertaining to the concerned subject matter that can be transmitted to the joint fact-finding committee. Note that the grassroots mass may not always make factual claims or suggestions. Joe Chui has also commented that sometimes the local grassroots just want to say whatever is on their mind at a given platform. The pre-negotiation phase at this point should encourage people to voice out the opinions no matter if they are reasonable or not. This is their right to have a say over preservation matter. However, in order to facilitate analysis in the negotiation level within the committee, the elected
representatives have to be able to sort out fact-based suggestions that really relate to the
cconcerned subject matter for transmission to the joint fact-finding committee. Some may argue
that this form of activity again alienates the grassroots’ voice from influencing the course of
action. It is true that the grassroots have the right to influence decisions, provided that they must
have the capabilities to do so. Again, personal interests and moral blames do not contribute much
to an objective planning analysis or decision-making process. At this stage, especially within the
breadth of local grassroots, it is essential to have capable representatives to act on behalf of
grassroots interests in preservation matters and buffers some of the collected responses.

A similar process should happen to stakeholder groups from the professional sector and
specific interest groups like preservation associations. Again, the elected representatives from
these stakeholder groups should have a certain level of leadership in the realm of interest. They
should filter and synthesize inputs from their fellow members to better articulate the party’s
stand in the committee. Likewise, the IC should inform these stakeholder parties of the agenda
items so that every participant in the committee are on the same page. One may question how do
these groups come together to form joint fact-finding effort given the sea of associations existing
in Macao. The list of participants should be selected by the government, presumably the IC, out
of a set of selection criteria which assists the government in identifying stakeholder
representatives. The government should, however, avoid inviting representatives from groups to
which members of the Cultural Heritage Committee are affiliated with.

After all these preparatory measures are implemented all stakeholder representatives will
congregate at a secluded place where the process will not be interfered. Every representative
should be given the same amount of time to speak out their concerns, and everyone is expected
to speak. There should be a time constraint for each joint fact-finding meeting so domination of
several particular representatives should be avoided. At the same time, as mentioned earlier, a
representative must deliver the fact-based interests of his/her fellow members to the committee.
Participants must remember that they are engaged to form a working relationship with each other
and not compete for any resources or power as there is not a chairman in the process to arbitrate
the negotiation. The presence of a facilitator or panel controller will be desirable to ensure that
some basic ground rules, such as time-keeping, everyone has the chance to talk and so forth, are
maintained. He or she should be also responsible for recording the discussed points and the
outcomes of the negotiation. The government should sponsor the hiring of a local facilitator for
this event, and it is preferable that the facilitator himself or herself has substantive knowledge in local preservation practice with no direct affiliation with the government. The joint fact-finding committee should adjourn with one single conclusion text that every participant acknowledges of, and any other version of this text is considered illicit. The facilitator should deliver the text to the IC after the bureau finishes its joint fact-finding meeting with the advisory committee. Both the government panel and the local panel should make their reached outcome available to the public and should be accountable. Ultimately, such joint fact-finding efforts help to mediate before conflicts in local preservation practices.

One crucial point for this model to be effective is the creation of strategies to deal with the aftermath. There should be efforts invested in monitoring the process and record the sum of the joint efforts of each dialogue in both panels. Gathered information, including reached agreement or continuing debate should be shared with the other panel for discussion in the next interaction. There should be monitoring program as part of the larger management framework of Macao’s cultural heritage with the provision of monitoring parameters to measure the level and quality of community participation in Macao’s heritage management is maintained. Data collection should be carried out periodically and specific technical agencies should be established to ensure its long-term implementation. Heritage managers of the IC do not have to be in full control of the forces though they should possess a level of understanding of these pressures and measures. Interested stakeholder groups should collaborate in the monitoring effort to sustain a comprehensive management and protection. Such monitoring indicators are presumably a mix of quantitative and qualitative, and can be a potential topic for further research in creating better communicative planning in Macao.

There is no end in this proposed framework as it should be implemented as a practice within the government agencies and the civil society respectively. This framework will help to create a shared perspective in historic preservation and mitigate public distrust in the MSAR government’s preservation approach. While the majority of the public is not directly engaged with the government, by engaging in this joint fact-finding framework local or lay expertise can gain validity.
Chapter 5. Conclusion

5.1 Summary of Findings

By using the city of Macao as a case study, this thesis research conveys how the effective mechanism is necessary to solicit meaningful participation in heritage preservation. Macao has abundant historic resources that are unique to the city. The stewardship of the city’s cultural heritage hence requires strategic collaboration between the government and local citizens. Macao has made some major strides in its preservation efforts since its World Heritage inscription. These included enacting a new Heritage Law, drafting a management framework for the city’s cultural heritage and nominating additional sites to the city’s list of landmarks. However, the case study reflected how ineffective participatory processes in management planning for heritage has stirred up public distrust in the city’s governance. The three controversial cases encapsulated intense public awareness in local heritage, but community participation has never been well exploited in Macao’s current preservation practice.

It is also necessary to first apprehend the conditions of participatory culture of a place before implementing any participatory mechanism. The social dynamics in Macao since colonial period have given rise to the unique existence of local associations between the local grassroots and the authoritative government. Macao has a unique participatory culture in which local associations play an important intermediary role in maintaining social harmony. Direct communication between the government and the local public is seldom effective, hence public distrust in local governance is resulted. With regards to this, engaging local associations as a medium in participatory processes for public policy is appropriate. As a long-established bridge between the local society and the government, there is potential to enhance the role of local associations in creating better community participation in Macao’s heritage management.

While Arnstein’s ladder of participation is used to understand the meaning of participation at different participatory activity levels, this thesis rejects the result-oriented nature of Arnstein’s ladder and takes the stand that meaningful participation should be more process-oriented. This should be recognized by both the grassroots and policy maker. In terms of heritage management in Macao, on one hand the government should make conscious decisions in
engaging the public into the planning processes instead of merely consulting them on subject
matters that are already decided. On the other hand, local citizens should acknowledge the
legitimacy of their representational government in making a decision; they cannot expect the
government to produce their most intended outcome. The civil society of Macao as a whole
should understand that historic preservation is intended for the city’s cultural heritage and neither
side should exploit the processes to serve their own interests. Community participation is
essentially an integral component to Macao’s preservation practice, but the city needs a sound
mechanism to implement public participatory processes more effectively and meaningfully.

The proposed joint fact-finding framework is a potential solution to create better
consultative processes in heritage management. In the current context of Macao’s, the joint fact-
finding framework supports social inclusion by allowing all members of the public or any
stakeholders to be part of a dialogue that is related the city’s cultural heritage in the initial stage.
It sustains the traditional social practices of self-help by utilizing the representational role of
local associations in the Macao society that can lead to or enhance community empowerment. In
the initial phrase, representatives of stakeholder associations can help to mediate conflicts before
it elevates to a subsequent phrase by having pre-negotiation sessions with the broader local
citizens. Because each participant is expected to deliver fact-based interests of their respective
stakeholder groups, the framework can create rational conversations on a concerned matter
within the joint fact-finding committee. This serves as the concrete basis for committee members
to collaboratively seek an agreement. The framework does not change the current relationship
between the IC and the advisory Cultural Heritage Committee, nor does it attempt to impose a
role for the local public into the discussion at this level. Because direct communication between
the government and the local citizens can easily be paralyzed into chaotic noises without a
compromised perspective, this framework facilitates dialogues between the government and the
local public in a strategic way. It also supports credible and open process for these collaborative
processes as the main principle under which the framework operates is transparency. It not only
allows the public to be involved in the process but also enables them to monitor the
government’s preservation approach. The framework highlights shared responsibilities for
Macao’s heritage and higher public commitment in preservation will sustain protection of the
city’s cultural heritage and the relative values ascribed to it.
5.2 Further Recommendation

The proposed joint fact-finding framework is not intended as an immediate solution to the current situation in Macao and would require further refinement before its actual implementation. Instead of advocating more dialogues between the government and the local communities, this thesis hopes to initiate a discussion of the ‘how’---how the civil society should be involved to create a meaningful public participation in the city’s heritage management. The joint fact-finding is one of the options that this thesis finds most appropriate for the Macao context, and it is open for further discussion on its validity. This thesis also recommends the Macao government to create a comprehensive framework or protocol to regulate and sustain community participation in heritage management. This is missed out in the proposed management and protection framework for the Historic Center of Macao, and the government should address it fully in future enactment of such framework. There is not a prescriptive participatory framework that can fit the context of Macao because social dynamics differ from cultural contexts.

It is essential for every successful participatory program to identify, prioritize and map stakeholders (individuals or groups) Care is needed to involve the right people in participatory processes because it is one of the decisive components to any participatory approach. Heritage is closely associated how local people self-identify. As a result, Public participation is critical to the ethical performance of cultural heritage management. Effective community participation can reconcile the previous public distrust in the MSAR government’s stewardship of the city’s heritage, thus sustaining the legitimacy of its governance in the long run.
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