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# Exploring Measures for Urban Heritage Conservation in Its Early Stages

*A comparative study between Ho Chi Minh City and Yokohama City*

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**Abstract:** This study proposes measures to improve urban heritage conservation in the central area of Ho Chi Minh City (HCMC), Vietnam, by comparing it with Yokohama City (YC), Japan. Based on the past literature on the development stages of urban heritage management, two aspects critical for successful heritage conservation—legal framework and management structure—were examined. The common drawbacks associated with these two aspects and the countermeasures taken for advancement in the early stages of heritage conservation in the two cities were compared. In addition to policy analysis, in-depth interviews with officials and experts were conducted to collect data between 2013 and 2015. The results show that while both cities faced the need for legalisation in the first stage of their heritage conservation, YC could systematically move to the second stage to accelerate its legislative process and establish an urban design division and an external expert team. In the second stage, both cities lacked powerful incentives and enforcement, but YC has supplemented its enforcement measures, persistent negotiation and coordination activities to actively apply its incentives. The solutions for HCMC focus on proposing additional incentives and sanctions to enable its Department of Planning and Architecture officials to effectively negotiate with owners and investors and develop a legal framework while conducting pilot projects to inform legalisation. An urban conservation team within the government to collaborate with organisations specialised in conservation is also proposed to improve the city's management structure.

## 1. INTRODUCTION

Heritage plays a crucial role in enhancing urban identity and contributing to economic growth by promoting tourism (Logan, 1995a, 2002). Rapid development imposes high pressure on the socio-economic status and architecture in many large Asian cities (Logan, 2002), which has seen the



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rising need for urban heritage conservation over the last few decades ([Askew, 2002](#); [Kim, 2018](#); [M. Y. Lin, Asano et al., 2005](#); [Pilai, 2013](#); [Pimonsathean, 2017](#); [Salma Nasution and Jenkins, 2016](#); [Siririsak, 2009](#); [Suzuki, 2017](#); [Wang, 2013](#)). However, there are cities with developed conservation frameworks and management structures, while several others are still in their developing stages ([Kashihara, Fujioka et al., 2017](#); [Logan, 1995a, 2015](#)). Vietnam, particularly Ho Chi Minh City (HCMC), is a case in point ([Hung, 2020](#)). HCMC, the economic powerhouse of Vietnam, has several historic properties, particularly monuments, French villas, and shophouses, in its central area. Widespread demolition of old buildings in recent years, however, poses an urgent need to preserve the city's heritage ([Hahn, 2017](#); [Hung, 2020](#); [T. H. Nguyen, 2017](#)).

While the contexts of cities vary, successful conservation criteria include a city being well-equipped with four toolkits of historic urban landscape (HUL) that have been proposed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO). These toolkits consist of knowledge and planning tools, regulatory systems, civic engagement tools, and financial tools ([United Nations Educational Scientific and Cultural Organization, 2013](#)). They are essential for the management of HUL ([Bandarin and van Oers, 2012](#); [Van Oers and Pereira Roders, 2013](#)). Indeed, several conservation strategies discussed in past literature converge with these four toolkits. In addition, management structure ([Rojas, 2015](#)) or heritage governance ([Ripp and Rodwell, 2016](#)) is another critical factor for effective conservation.

To analyse the evolution of a conservation process, ([Rojas, 2015](#)) proposed a theory to categorise different development stages of heritage management. First, the primary stage of conservation in the face of heritage deterioration mainly involves sporadic preservation of monuments by societal elites. Cities in this stage are constrained by the lack of a relevant institutional framework, adequate management structure to coordinate stakeholders, and sufficient resources to solve problems in their heritage areas. The second stage involves greater government intervention, wherein the national governments improve structures of authority for conservation by enacting legislation, establishing institutions, and investing more resources. The third stage makes adaptive conservation possible through the participation and actions of various stakeholders. Scholars have described this process and extracted key factors for transitions between stages from various case studies. Taipei's ad-hoc conservation efforts by city officials before the establishment of its legal framework ([C. C. Lin, 2007](#)) are examples of actions in the first stage. The city's accumulated research and discussions during the 1990s that led to the designation of a special historic district accompanied by the transfer of development rights (TDR) scheme ([C. C. Lin, 2007](#); [M. Y. Lin, Asano et al., 2005](#)), can be understood as a move from the first stage to the second stage. Similarly, Hanoi conducted a series of studies in the early 1990s before the establishment of its first conservation regulation ([Kashihara, Fujioka et al., 2017](#); [Logan, 1995a](#)). Examples of progress from the second to the third stage can be found in the case of Yokohama. Its municipal government and residents responded to condominium construction in heritage areas by developing and utilising a legal framework and civic participatory system, which resulted in a local plan to protect their environment ([Suga, 2013](#); [Suzuki, 2017](#)). Shophouse conservation in Bangkok is another example of the transition from the second stage to the third, where residents and academics confronted the government's master plan by proposing an alternative plan to avoid eviction ([Pimonsathean, 2017](#)).

However, literature often highlights the establishment of the legal framework as an achievement, and not much weight is given to what has led to this stage. To effectively prevent the loss of urban heritage, it is crucial to better understand the actions and efforts that are taken in the early stages of conservation to enable transition between the stages. Rojas' (Rojas, 2015) theory of stages in heritage conservation suggests the necessity of extracting lessons on the actions taken to develop a legal framework and coordination strategies before a formal management structure is to be established. In other words, it is important to know the factors that enable a city to move from its first stage—when it encounters sporadic preservation of heritage due to an unavailable legal framework, inadequate management structure, and insufficient resources—to the second stage—when the legal framework is established with institutions and greater resource investment for advancement in conservation.

As indicated by several scholars, the legal framework for conservation encompasses the development of conservation plans by local municipalities (M. Y. Lin, Asano et al., 2005; Matsui, Kubota et al., 2011; Suzuki, 2017) and residents (Pimonsathean, 2017; Suzuki, 2017), designation of conservation areas in public plans (M. Y. Lin, Asano et al., 2005; Logan, 1995a; Pimonsathean, 2017), and design of systems for funding and compensation (C. C. Lin, 2007; M. Y. Lin, Asano et al., 2005; Rojas, 2015; Suzuki, 2017). The management structure for conservation includes coordination among key government persons (Pimonsathean, 2017), conservation organisations from private, public to intermediary sectors (Pilai, 2013), and public participation in the process (Pimonsathean, 2017; Rey-Perez and Siguencia Ávila, 2017; Rojas, 2015; Zancheti and Hidaka, 2012). Of the management structure, the collaboration between sectors within a government remains a challenge, and the establishment of informal and self-generating networks is essential for effective organisational functioning and coordination (Ripp and Rodwell, 2016). Such informal networks and support structures are especially important when the legal framework is virtually absent. Some of the legal frameworks illustrated above are common and are considered standards of conservation. However, when the legal framework is yet to be developed or not functioning due to low compliance by the people and a lack of human and financial resources (Waibel, 2004), other strategies outside this official framework would be instrumental in preventing the loss of urban heritage. Thus, both formal and informal measures should be analysed to enable their application in localities where the regulation or management structure is underdeveloped or not functioning.

The legal framework and management structure as benchmarks highlight three important aspects to help understand the driving forces of a successful transition between the first and second stages in heritage conservation. First, the actions taken to protect heritage in a city, when the legal framework and management structure are still under development or absent. Second, the drawbacks and countermeasures to develop the legal framework and management structure. Third, the development and operation of legal frameworks and management structures for conservation. Considering these three aspects, this research examined the experience of a city successful in its transition from the first to the second stage and draws out lessons for another struggling city. In particular, the research first scrutinised the actions taken to protect the heritage and to promote the underdeveloped legal frameworks and management structures for the conservation of the two cities. Next, the research looks into the drawbacks and countermeasures associated with establishing the legal framework and management structure in each city that

enable it to proceed from the first stage to the second. The lessons drawn from this comparison can shed light on why the struggling city is unable to make the transition, and what could be applied here, from the experience of the successful one.

To select a successful case, both qualitative and quantitative criteria were considered. Qualitatively, a city is considered successful to some extent if it has developed and been equipped with the HUL's conservation toolkits ([United Nations Educational Scientific and Cultural Organization, 2013](#)) and a working heritage governance system. Quantitatively, the success of conservation can be measured by the number of urban heritage sites that have been registered to the heritage list based on a relevant framework. Based on these criteria, Yokohama City (YC) was selected as the city to have successfully transitioned from the first stage to the second stage. The city has developed its legal framework for heritage conservation (planning tools) since 1988 with a large-scale conservation subsidy (financial tool) and a civic participation system (civic engagement tool) since the late 1980s ([Suga, 2013](#); [Suzuki, 2017](#)). The city has been committed to heritage conservation by establishing a robust management structure, including the Urban Design Division (UDD) in as early as 1968, supported by a conservation NGO ([Suzuki, 2013](#)). Under the general guidelines established in 1988, YC has conserved 206 historical buildings, including modern heritage, and certified 97 historical buildings ([Urban Design Division Urban Development Bureau City of Yokohama, 2012](#)).

The example of YC could help improve HCMC, where there has been widespread demolition of old buildings in recent years for economic growth ([Hahn, 2017](#); [Hung, 2020](#); [T. H. Nguyen, 2012, 2017](#)). Drawing the experience from YC for HCMC is particularly important, as both cities share many common characteristics in terms of their development history and architectural heritage. Both are port cities that have similar urban heritage such as Western villas; industrial heritage, including port facilities and warehouses; modern architecture; and old folk houses and temples. Furthermore, both cities have undergone the widespread demolition of historic buildings during their rapid economic development stage—YC from the 1960s to the 1970s and HCMC from the 1990s to the present.

In addition, HCMC was selected as a case study owing to its underdeveloped legal framework and management structure for conservation, which will be detailed in one of the following sections ([Hahn, 2017](#); [Hung, 2020](#); [T. H. Nguyen, 2012, 2017](#)). The scarcity of research on its urban heritage conservation is another reason. Related studies in Vietnam have largely focused on Hanoi ([Fukukawa, 2010](#); [Kashihara, Fujioka et al., 2017](#); [Logan, 1995a, 1995b, 1996](#); [Morris, 2010](#); [Pham, 2015](#); [Utsumi, 2017](#)). Hanoi, as the country's capital, has also received greater attention from the government for heritage conservation in comparison to HCMC ([Musil, 2016](#)). In contrast, few studies have examined the conditions of heritage properties in HCMC and its need for conservation, despite the city's deterioration of urban heritage. These studies highlight conservation problems, such as the lack of an effective management structure and a legal system ([T. H. Nguyen, 2012](#)), limited recognition of cultural heritage ([Hung, 2020](#)), and the absence of a public-city participatory approach in conservation ([Hanh, 2006](#)). Others detail the development of the Vietnamese urban planning systems and those related to HCMC that partially involve landscape preservation ([Matsumura, Nguyen et al., 2017](#); [Matsumura, Sawaki et al., 2012](#)), and describe the city's architectural values and the rise in public awareness of its architectural heritage ([Doling, 2019](#); [Hahn, 2017](#); [T. H. Nguyen, 2017](#)). Nevertheless, little

is known about the management aspects of HCMC's conservation, and no study has been conducted to understand the position of the city government in this regard. The scarcity of studies on the HCMC's legal framework and management structure calls for further research to improve the city's urban heritage conservation.

The article is structured as follows: Section 1 details the research background and literature review. Section 2 explains the study's research methods. Section 3 describes the two case cities and identifies the stages of urban heritage conservation in each city. Section 4 presents the research results. It starts with the legal framework and management structure and what has been done in the first and second stages of HCMC's conservation, followed by those of YC. It then elaborates on the drawbacks and countermeasures against them in establishing the legal framework and management structure of the two cities in order to compare and draw lessons. Section 5 draws out lessons from YC's experience to apply to HCMC. Section 6 summarises the research contributions and future research implications.

## 2. RESEARCH METHODS

In addition to in-depth interviews, a bibliographical survey (policy documents, secondary information from journal articles, published reports, and news articles) was conducted to collect data. Twelve semi-structured interviews were conducted between 2013 and 2015 (see [Table 1](#)). Of the interviews, six were with officials and experts from the HCMC Department of Planning and Architecture (HDP), the HCMC Institute for Development Studies (HIDS), and members of conservation programmes in Vietnam. The other six were conducted in Japan with consultants and planning experts involved in the development of the 1/2,000 Detailed Plan for the Central Area of HCMC, managers in the YC's Urban Design Division (UDD), and planning experts and academics ([Urban Design Division Urban Development Bureau City of Yokohama, 2012](#)).

In the semi-structured interviews, the interviewees were asked about the current status, past conservation programmes, issues of the legal framework (institution, regulation) and management structures (organisation, coordination, participation) in both cities, the development process of the Detailed Plan for the HCMC's Central Area, the incorporation of urban heritage conservation into this plan, and opinions on the conservation of the city's architectural heritage (see [Table 1](#)). The interviews were manually transcribed, upon which information was extracted based on three main themes: legal framework and management structure; actions, drawbacks and countermeasures; and the achievements in the first and second stages to enable the comparison of the two cities and proposals for conservation measures. Coding of information from the interviews is shown in the column to the extreme left of [Table 1](#). Published reports containing a series of interviews with people involved in YC's urban design ([Doi and Ozawa, 2012](#); [Kuniyoshi, 2011](#); [Odashima and Nakano, 2012](#); [Tsunakawa and Kaya, 2012](#)), and group interviews with those involved in the early stages of YC's community development ([Nishi, Hori et al., 2013](#); [Nishiwaki, Ozawa et al., 2013](#)), served as the supplementary source of information.

The absence of interviews with owners of private historic buildings in both cities is a limitation in this study. For HCMC, the list of private historic properties that met the requirements for evaluation and conservation as part of the city's Action Programme for Architectural and Landscape Conservation

had not been finalised and authorities had just prepared a list for evaluation at the time of the research. It was thus impossible to determine which owners were to be contacted to collect information. In YC, the local area of Yamate was in the midst of an internal conflict among the residents' organisations at the time, making it unapproachable for interviewing the residents. To minimise the impact of this research limitation, information on the owners' concerns and problems regarding the conservation of their properties was sought from interviews with officials (V-2, J-5) and experts (V-5, J-3) and secondary information ([Odashima and Nakano, 2012](#)).

Table 1. Summary of in-depth interviews and supplementary information sources

Code	Affiliation (date of interview)	Key topics discussed
V-1	Director, Planning Information Centre, HDPA (12/08/2015)	The legal framework for conservation - incentives for owners of private properties and floor area ratio (FAR) bonus for developers; Implementation of HCMC's Action Programme
V-2	Vice Director, Dept. of Urban Development and Studies, HIDS (28/08/2015)	The legal framework for conservation, especially on villa classification and incentive policies for owners of private properties
V-3	Director, Architecture Research Centre, HDPA (07/09/2015)	The legal framework for conservation; Progress of HCMC's Detailed Plan for the Central Area; Issues around the General Guidelines for Urban Architectural and Landscape Management, particularly FAR bonus, and other incentives; The inventory of French villas and its progress; Management structure for conservation, including the coordination between staff members within HDPA and the Conservation Steering Committee
V-4	Head, City Centre Planning Division, HDPA (09/09/2015)	The legal framework for conservation; Progress of HCMC's Detailed Plan for the Central Area; Implementation of HCMC's Action Programme; The General Guidelines for Urban Architectural and Landscape Management with a focus on FAR bonus; Collaboration between departments for conservation; Proposals for better conservation
V-5	Deputy Head, General Planning Management Division, Team Leader of the Supporting Team, the Steering Committee of the Action Program for Conservation (11/12/2015)	The legal framework for conservation; Implementation of HCMC's Action Program; The inventory of French villas and its progress; Difficulties in conserving French villas, especially villa owners' financial concerns; Collaboration between staff members within the Conservation Steering Committee
V-6	Expert on conservation who undertook the city's first Architectural and Landscape Conservation Program in HCMC (08/12/2015)	HCMC's research program from 1993 to 1998; Challenges for establishing the legal framework for conservation in HCMC
J-1	(Focused group) Three experts from urban planning consultant company (02/10/2015)	Process and discussion during the development of Detailed Plan for the Central Area of HCMC; Vietnam's urban planning system; proposals for conserving HCMC's built heritages; proposal for HCMC's management structure

Vietnam

Japan

J-2	Researcher, former employee at urban planning consultant company (24/10/2015)	The status of HCMC's built heritages and proposals for conserving them; process of inventory-making of heritage buildings proposed for conservation during the making of Detailed Plan
J-3	Planner, worked as consultant on Yamate's conservation (24/04/2015)	Process of the conservation of Yamate area with residents' initiatives
J-4	Manager UDD, Project Department, Urban Development	Development process of Yokohama's civic participation system; proposals for Yokohama's further development of participatory scheme
J-5	Assistant Manager Bureau, YC (18/12/2015)	Development process and difficulties of Yamate area's conservation; owners' feelings for Western villas; proposals for Yokohama's conservation of Western villas
J-6	Professor, YCU, Former urban designer at UDD, YC (12/08/2013)	Development process of Yokohama's urban design; strategies taken for conservation during the 1970s
Supplementing information sources		Referred contents
<a href="#">(Doi and Ozawa, 2012)</a>		Urban design and development process of conservation of Yamate area and other localities in the 1980s
<a href="#">(Odashima and Nakano, 2012)</a>		Efforts of conservation of Yamate area; owners' feelings towards the inherited heritage buildings
<a href="#">(Tsunakawa and Kaya, 2012)</a>		Development process of civic participation in Yokohama since the late 1980s to 2000s
<a href="#">(Kuniyoshi, 2011)</a>		Coordination process by UDD in the 1970s-2000s
<a href="#">(Nishiwaki, Ozawa et al., 2013)</a>		UDD's efforts on community development embracing history in its early years

### 3. DESCRIPTION OF CASE CITIES

Ho Chi Minh City, formerly Saigon, was established in 1698. It was later developed by the French into the principal city of Cochinchina from 1862 to 1954. Thereafter, Saigon continued to be the capital of South Vietnam until the country's reunification in 1975 ([Hung, 2020](#); [T. B. Nguyen, Samsura et al., 2016](#)).

The socialist subsidy system and America's embargo delayed the country's economic development, inadvertently preserving the city's urban heritage ([Logan, 2002](#)). After the 1986 reform, Vietnam's transition to a market economy with a socialist orientation led to a booming economy characterised by rapid urbanisation and a thriving real estate market in big cities, including HCMC ([T. B. Nguyen, Samsura et al., 2016](#); [Quang and Kammeier, 2002](#); [Waibel, 2006](#); [Waibel, Eckert et al., 2007](#)). The city is now spread over 2,061.4 km<sup>2</sup> and has a population of approximately 8.6 million ([General Statistics Office of Vietnam, 2017](#)).

The French stayed in Vietnam for nearly 100 years, leaving in their wake many historic monuments, mainly in Districts 1 and 3 of the HCMC's central area ([T. H. Nguyen, 2012, 2017](#)). So far, the city has mainly preserved monuments, in addition to some minor efforts to protect villas and shophouses. The prominent ones include the Notre-dame Cathedral, the Saigon Post Office, and the Ben Thanh Market. Several villas and shophouses have already been demolished to make way for modern construction ([Figure 1](#)).



At the national level, the Law on Cultural Heritage (CH Law), enacted in 2001 and revised in 2009, and the subsequent government decree in 2002 laid the foundation to protect the country's cultural heritage. HCMC's designated heritage sites, both at the national and municipal levels, based on the CH Law, are managed by the HCMC Department of Culture, Sports, and Tourism (HDCST). As of 2017, there were 20 designated relics within the HCMC's central area, consisting mainly of public edifices, temples, and revolutionary headquarters. Meanwhile, valuable architectural structures that have not yet been designated as heritage but are worth protecting, e.g., villas and shophouses, civil engineering heritage structures, and cultural landscapes, have been almost neglected.

The HDCST uses a 'monumental' approach to national and city-level architectural heritage, which protects these buildings' aesthetic and historic value in isolation but does not consider their relationship with the surrounding environment and landscape wherein they are situated (Musil, 2016). In the Vietnamese urban planning system, however, district conservation begins with an area decided in the city's master plan, which subsequently affects subordinate plans (Institute for Conservation of Monuments Urban Solutions and Nuffic, 2008). The lack of flexibility in the urban planning system stipulated by the country's Law on Construction has hindered effective urban management by the city government (Matsumura, Nguyen et al., 2017). However, since 2010, the newly introduced architectural management guidelines system (see Decree No. 38/2010/ND-CP, Circular No. 19/2010/TT-BXD) allowed cities directly under the Central Government (including HCMC) to stipulate regulations in specific urban areas that can be utilised for urban conservation (Matsumura, Sawaki et al., 2012). Meanwhile, no conservation regulation has been implemented except for a floor area ratio (FAR) incentive scheme which was introduced in 2013, and effective coordination among the stakeholders has remained an issue. A conservation regulation for French villas was issued in 2020, 22 years after the first inventory. Therefore, HCMC can be understood as stepping into the second stage with regards to the legal framework, while its management structure is still in the first stage.

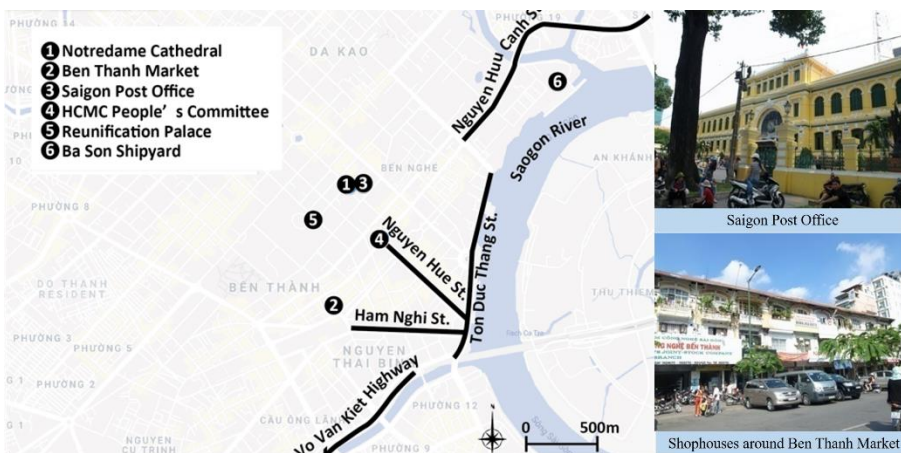


Figure 1. The location of urban heritage in the central area of HCMC  
(Source: compiled from Open Street Map)

After the establishment of a harbour in 1895, YC became the first port in Japan to open trade with the West (Department Planning Bureau City of Yokohama, 2002). Today, it is the largest port city—and the second-largest

city after Tokyo—measuring 437.38 km<sup>2</sup>, and is inhabited by over 3.7 million people ([Statistical Information Division Policy Bureau Yokohama City, 2021](#)). The city has also witnessed the devastating earthquake of 1923 and air raids during World War II. The period of rapid economic growth during the 1960s and the 1970s led to the demolition of several heritage structures. Nevertheless, during the same period, the urban design policy formulated in the 1960s, and conservation efforts which began in the 1970s promoted the conservation and enhancement of the city’s heritage to make it unique and attractive. The heritage structures include the Western-style villas in Yamate, Western and Japanese modern style buildings in Kannai, and port and civil engineering heritage structures, such as the Dockyard Garden in Minatomirai ([Figure 2](#)).

Heritage sites in the YC are conserved by three parallel systems. These include the national designation system of cultural properties based on the Act on Protection of Cultural Properties (1950), the Municipal Ordinance on Protection of Cultural Properties (1987) issued by the YC Board of Education (YCBE) (both cover mainly traditional housing and Japanese temples and shrines), and the city’s original classification system since 1988 managed by the planning section. At the city level, both conservation-specific and urban planning-related legal documents provide conservation frameworks for YC’s urban heritage. Additionally, at the urban-planning level, the FAR incentive scheme has been adopted since 1973, which was later amended in 1985 to include the FAR bonus for conservation.

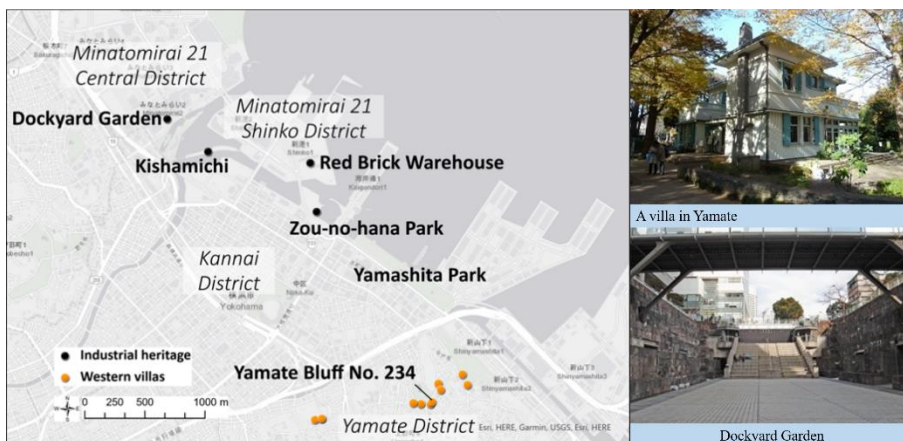


Figure 2. The distribution of urban heritage in the centre of YC

The YC has developed its heritage-related legal frameworks since the 1970s, first applied in the Yamate area, and other guidelines to target the whole city in 1988. The guidelines provided a funding scheme for the restoration of historic buildings. In addition, the city has worked closely with a conservation NGO since the late 1980s and civic groups since the 1990s. The city successfully developed its civic participation system between the 1990s and 2000s ([Murahashi, 2009](#)), (J-4), which was used to advocate against condominium construction. Therefore, it can be understood that YC was in its first stage between the 1970s and 1980s, the second stage in the 1990s, and the third stage from the late 1990s to the present.

## 4. RESULTS AND DISCUSSION

### 4.1 Conservation Issues in HCMC

#### 4.1.1 Legal framework for urban heritage conservation

Regarding the legal framework, two important efforts were identified from the policy analysis and in-depth interviews: a series of basic conservation research programmes in the 1990s (V-5,6) and the development of the Detailed Plan for the Central Area and the following guidelines between 2009 and 2013 (J-1). The first urban architectural and landscape conservation programme was implemented by the HDPa from 1993 to 1998 (V-6). The programme proposed criteria for evaluating and classifying architectural and landscape heritage, accompanied by an inventory of 108 properties chosen for conservation. This inventory included valuable architectural structures that were not designated as national or city-level heritage (V-5). Another heritage investigation was conducted as part of a research project by the Lyon Urban Community in collaboration with the HCMC Department of Construction in 1995. Based on the results of the above programmes, the city's People's Committee (PC) issued Notification No. 46/TB-UB-QLDT on 17 May 1996 requiring relevant management bodies to draft temporary regulations to protect the 108 proposed properties. This notification served as the only legal basis for city authorities to rely on to conduct any conservation action in the city for the following decades. Notification No. 46 lacked any power of enforcement, and about one-third of the proposed properties had already been demolished by the late 2000s (J-1, V-6).

Later, Correspondence No. 4130/QHKT-ĐBI on 21 November 2003 was sent from the HDPa to the PC of HCMC, reporting the status of French villas, many of which are private properties, and proposed management standards and architectural planning for those villas in Districts 1 and 3. However, there was no further progress in the city's legislation. The city government issued several legal documents to facilitate conservation efforts only in 2013 ([Table 2](#)). Lack of awareness among the government and the public (V-1,6), inadequate resources (V-1), and ineffective conservation policies (V-1,4) were cited by the interviewees as hindrances to improving the legislation based on the results and proposals from past conservation programmes. An example of such hindrances could be observed in a detailed inventory of private villas produced to develop their legal protection. The inventory making was delayed at the time of the interviews due to limited human resources, budgets (V-1), and incoordination between the HDPa and the HDCST (V-4). While the HDCST only looks into the individual cultural heritage designated by the CH Law, the HDPa focuses more on architectural planning and management and does not have authority in cultural heritage protection. This difference in the jurisdiction of the two departments poses a challenge, given the fact that urban architectural heritage needs to be conserved by situating them within the surrounding landscape and environment, which can only be regulated by the HDPa.

To overcome these obstacles, the city established a committee and a technical team for villa classification for conservation in 2015 (see Decision No. 2176/QĐ-UBND). The general criteria for this villa classification were formulated in 2018 (see Decision No. 33/2018/QĐ-UBND). In May 2020, the city's PC approved a list of classified villas for protection, which indicates the owners' responsibility to preserve their properties (see Decision No.

1550/QD-UBND). Accordingly, 52 villas were classified as group 1, which were to be strictly preserved; 75 as group 2 or those wherein only the exterior is to be preserved; and 24 as group 3, including those that could be renovated at the owner's disposal. This approval is an improvement of the legal framework. However, a survey in August 2020 by the HDPA indicated that 560 of the city's 1,550 pre-1975 villas had already become dilapidated or changed to some extent by the time of the PC's approval ([Vietnam News, 2021](#)). Therefore, much remains to be seen regarding how these villas will be protected in the future, given the lack of sanctions for violations in the regulation.

In addition to the above efforts to conserve historic buildings and villas, the development of the 1/2,000 Detailed Plan (Zoning) for the Central Area of HCMC (930 ha) began in 2009 with the assistance of Japanese consultants. In 2012, this detailed plan was approved, along with the Guidelines for Urban Architectural and Landscape Management of the HCMC's Central Area (Decision No. 3457/QD-UBND) in 2013. Apart from the control of FAR for each building plot, the guidelines specify the conservation of important architecture and landscape, including an FAR bonus for developers if they commit to one of eight conditions in their construction projects, including the preservation of historic buildings (Article 6) (*J-1*) ([Ho Chi Minh City Department of Planning and Architecture, 2011](#); [Matsumura, Nguyen et al., 2017](#)).

Table 2. Summary of issued legal documents from 1996 to 2020

Date	Documents
17/05/1996	Notification No. 46/TB-UB-QLĐT on completing documents to include 108 properties for conservation and requiring relevant authority agencies to draft temporary regulations to realise this conservation plan.
21/08/2010	Decision No. 3691/QD-UBND on the establishment of a Steering Committee for proposing action programmes to conserve architecture and landscape.
29/12/2012	Decision No. 6708/QD-UBND on approval of the Detailed Plan 1/2000 (Zoning) for the Central Area of HCMC (930 ha)
29/05/2013	Decision No. 2751/QD-UBND on the City's Action Programme for Architectural and Landscape Conservation.
28/06/2013	Decision No. 3457/QD-UBND on approval of the Guidelines for Urban Architectural and Landscape Management for the Central Area (930 ha) of HCMC
13/05/2015	Decision No. 2176/QD-UBND on the establishment of a Committee and a Technical Team for Villa Classification
13/11/2018	Decision No. 33/2018/QD-UBND on approval of the criteria for evaluating and classifying old villas in HCMC
11/05/2020	Decision 1550/QD-UBND on the list of classified villas in HCMC

In formulating the above guidelines, the Japanese consultants re-examined the inventory from the 1990s and conducted further surveys to propose a new list of buildings for preservation with cultural historic values. As the 1990s inventory lacked shophouses and other testimonies of ordinary people's lives and modernist architecture, the consultants intensively surveyed the possible heritage buildings to cover these structures (*J-1*). Consequently, 204 buildings were included for preservation in Appendix 3 of the Guidelines, and Article 20 stipulates the preservation of these heritage buildings. This Article prohibits the demolition of, or inappropriate alteration to, these heritage buildings and mandates the preservation of the exterior of the buildings. It also states that any work on the listed buildings needs to be reported and consulted with the HDPA. This Article is exceptional. The incorporation of such conservation measures in the Detailed Plan and Guidelines was largely

supported by a few committed HDPAs officials. They persistently negotiated with the central government to realise the unprecedented regulation to utilise the architectural guidelines system enacted in 2010 (*J-1*). However, it was also noted that only a small group in the HDPAs remained motivated to the conservation and the same was not seen in other departments, and thus proved insufficient to make a drastic change (*J-1, V-5*). [Table 2](#) summarises the legal documents issued from 1996 to 2020 in HCMC.

Although conservation was stipulated in two articles of the Guidelines (Articles 20 and 54), they still lack sanctions for violations and enforcement power, which was indicated as a limitation (*J-1*). Furthermore, the FAR bonus has not been attractive enough to promote conservation. There was no documented historic building preserved by developers in exchange for the FAR bonus, as stipulated by the Guidelines (*J-1*). Several interviewees mentioned the need for sufficient incentive to strike a balance between development and conservation and to convince the owners of private heritage properties about conservation benefits (*V-1,2,3,4,5,6, J-1*). The economic profits derived from renovating such properties, especially villas, often discourage many owners from conserving their properties (*J-1*). The lack of funding for conservation also made it unrealistic to propose attractive incentives to involve private owners in conserving their deteriorating properties (*V-1,2,3,4,6, J-1*). Additional incentives, such as tax reduction and TDR, were suggested to balance conservation responsibilities and people's economic interests (*J-1*). However, the adoption of such incentives was difficult because it involved different ministries, budgets, and laws (*V-1*).

The outcomes of the above programmes and activities, which aimed to produce a basic inventory during the 1990s and recent regulations for conserving villas, indicate that the HCMC's legal framework was still in between its first stage, preparation for the legal framework (during the 1990s and 2000s), and the beginning of the second stage, formulation of conservation legislation and institutions (in the 2010s). Even though the research was conducted for establishing the legal framework, a full inventory was delayed, slowing the entire legislative process. The interviews suggest that the major challenges for moving from the first to the second stage were the lack of human resources, limited budgets, the bureaucratic gap between the planning and cultural sectors, and stakeholders' low awareness. The lack of legal enforcement due to the absence of penalties for violations and sufficient incentives for conservation were among the biggest challenges for establishing an effective legal framework.

#### **4.1.2 Management structure for urban conservation**

In HCMC, the HDPAs oversee the city's urban planning and architecture management; however, it does not possess any authority in heritage preservation, which is under the control of the HDCST. This bureaucratic gap indicates a big challenge in heritage management in the face of HCMC's rapid urban development (*V-3,4*).

In response to this dilemma, a Steering Committee (SC) was set up in 2010 to develop an action programme for urban conservation following Decision No. 3691/QĐ-UBND. The SC consisted of representatives from various departments and agencies, such as the HDPAs, the city's Architect Association, Archaeological Association, University of Architecture, and University of Fine Arts (*V-5*). In 2013, the SC proposed the HCMC's Action Programme for Architecture and Landscape Conservation for 2013–2015, which was approved by the city's PC by Decision No. 2751/QĐ-UBND.

This action programme proposes three objectives: identifying architecture and landscape for conservation, seeking appropriate solutions and policies for conservation, and forging effective collaborations across the city's departments to achieve these objectives (Ho Chi Minh City, 2013). Therefore, nine items, as summarised in *Table 3*, were suggested to be implemented from 2013 to 2015. The HDCST is in charge of cultural heritage as defined by the CH Law; the HDPDA takes charge of surveying, investigating, and creating the inventory of architectural and landscape heritage; and the HIDS is responsible for drafting conservation policies, especially incentives. However, in-depth interviews (V-1,2,3,4,5) and the latest news revealed that these items have not been implemented, except for the announcement of the list of classified villas for protection in 2020 and the FAR incentives in the Guidelines in 2013.

*Table 3.* Summary of the nine items of action programme

No.	Items	Identified Actor	Deadline
1	To identify historic and artistic monuments of typical values, both groups and individuals, to propose for designation in accordance with the CH Law.	Mainly HDCST, in collaboration with other Depts.	2013
2	To identify historic structures, landscapes, and areas important for conservation; to examine the conditions of these structures and landscapes; and to survey, evaluate, and classify them based on a set of developed criteria for proposing relevant solutions.	HDPDA	2013
3			
4	To develop general regulations on architectural and landscape conservation for HCMC.	HIDS	2013-2014
5	To develop conservation regulations for historic structures, landscapes, and areas.	Mainly HDPDA in collaboration with other Depts.	2013-2015
6	To study policies for conservation, focusing on incentive schemes.	HIDS	2014
7	To develop a city's website on architectural and landscape conservation.	HDCST	2014-2015
8	To establish a department for architectural and landscape conservation (tentatively called Department for Conservation and Development).	(not specified)	2014 – 2015
9	To annually organise domestic and overseas training courses as well as visits and study tours to learn from cities in Vietnam and abroad.	(not specified)	2013-2015

The delay in progress, especially in the inventory of architectural and landscape heritage, was largely attributed to the lack of human resources and expertise in contrast to the workload (V-2). The SC members were also responsible for different tasks at their home departments, which imposed curbs on their involvement in the action programme (V-3). Several interviewees suggested that a dedicated urban conservation department within the city's administration should be established for at least three potential advantages (V-1,3,4,5). First, it would provide full-time, dedicated personnel for conservation. Second, as a separate department, it could receive funds directly from the central government, thereby tackling the financial shortage (J-1). Third, it would facilitate the legal transfer of authority related to architectural and landscape conservation to subject-matter experts. Another suggestion was the creation of a support network outside the government, consisting of experts in architecture and related fields (J-2). This would minimise the shortage of human resources and support and motivate pro-conservation HDPDA officials (J-1). Such support would be especially valuable in an environment where there was widespread neglect of the value of urban heritage and a lack of public participation in the conservation process in HCMC (V-1,6).

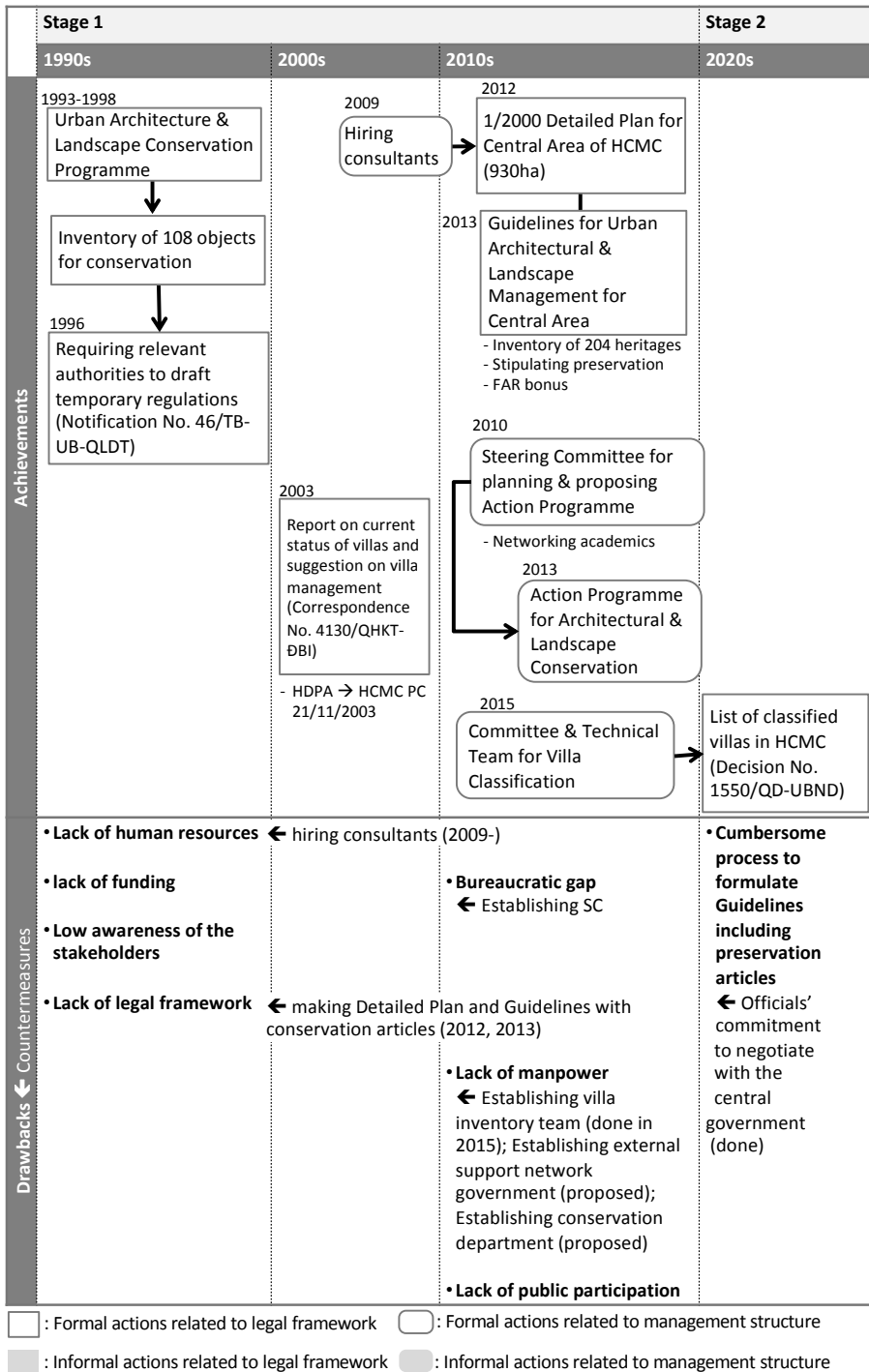


Figure 3. The development of HCMC’s urban heritage conservation

Numerous stakeholders, including government officials and academics, were involved in the action programme, but the coordination and management were inefficient, as evidenced by the delay in achieving the programme objectives and the loss of several valuable architectural properties, especially of French villas over time. In recent years, laypeople and experts voiced their opinions in the media (*J-1, V-6*). The demolition of No. 213 Dong Khoi Street in 2014 and the Tax Trade Centre in 2016 galvanised the public to petition the saving of the latter structure, gathering up to 3,500 signatures ([Doling, 2019](#); [Hahn, 2017](#)). Such public efforts have contributed to raising awareness

regarding the urban history and increasing support for heritage conservation. However, developers exert more power in influencing the course of urban development, calling for stronger policies for conservation governance and public participation ([Doling, 2019](#)).

In sum, the HCMC's management structure is still struggling in its first stage, given its inadequacy to coordinate the stakeholders. Establishing the SC was an attempt to strengthen heritage management and a possible move to the second stage. However, this outcome did not prove effective. A serious lack of human resources and agencies capable of urban conservation management remains most challenging. [Figure 3](#) provides a summary of HCMC's urban heritage conservation process from the 1990s, focusing on its legal framework and management structure.

## 4.2 Lessons from Yokohama City

### 4.2.1 Legal framework for urban conservation

YC's legal framework for conservation originated from events in the early 1970s in the Yamate area. After a petition from the residents to address the issue of demolishing Western-style villas for condominium construction in the area, the city promulgated the General Guidelines on Conservation of Landscape and Scenic Beauty in the Yamate Area in 1972 (Yamate Guidelines) ([Suga, 2013](#); [Yamate Community Development Meeting, 2010](#)).

At the urban-planning level, an incentive scheme called the Urban Area Environmental Design System was introduced by the UDD in 1973. Its purpose was to strike a balance between the demand for more floor area in buildings and the need to maintain an urban environment by offering FAR bonuses to developers. Coupled with a 31m height restriction in urban areas, this bonus has proven to be effective. The bonus is provided to construction plans that fulfil any of the six prescribed construction conditions, which include conservation and restoration of historic buildings since 1985 by its amendment ([Kuniyoshi and Odashima, 2013](#)). This incentive scheme was seen as a negotiation tool to request private developers to conserve historic buildings in their projects, an example being the case of Former English House No. 7. In 1979, the developer conserved about 30% of the building and utilised the historic building as a memorial hall ([Kuniyoshi, 2011](#)).

Additionally, the case of a Western-style building and its bitter experience with city officials was a catalyst to the legalisation process; the historic building was to be demolished for condominium construction, and the citizens requested the city to preserve the building in the mid-1970s. However, without any legal institutions, the city answered a 'no'. Eventually, a restaurant owner bought the building and preserved it as the current Yamate Archives in 1977 ([Kuniyoshi and Odashima, 2013](#); [Suzuki, 2017](#)). This project suggests that there was a certain level of awareness among citizens before the legal framework was established ([Kuniyoshi and Odashima, 2013](#)).

From 1977 to 1979, the city surveyed the historical formation of the port city, Yokohama. A city-extensive heritage inventory survey was conducted from 1983 to 1984, identifying 2,094 historic buildings, about 2,000 historic relics, and 100 historic landscape areas, and their values were ranked into three levels ([Department Planning Bureau City of Yokohama, 1986](#)). Based on the survey, draft guidelines were formulated together with budget estimates for subsidies to serve as a foundation to request funds from the city government ([Nishiwaki, Ozawa et al., 2013](#)).



Concurrently, the UDD staff made ad-hoc projects to conserve historic buildings in Yamate in the first stage. Under the pressure of development during the 1970s, efforts were made to identify historic buildings that were to be demolished and request the concerned people—construction companies, owners, and so on—to preserve parts of the buildings so that they could be reassembled at other locations ([Doi and Ozawa, 2012](#)). Based on such relentless efforts, Yokohama's principle of conservation 'from even a door knob' was established ([Odashima and Nakano, 2012](#)). This represents a commitment to the conservation and prevention of the total demolition of urban heritage, which was reflected in the focus of the 1988 Guidelines to conserve buildings' exterior including outdoor structures.

The UDD of the YC promulgated the General Guidelines for Community Development Embracing History (1988 Guidelines) in 1988 ([Doi and Ozawa, 2012](#)). This legal document was a milestone for YC's urban heritage conservation to enter the second stage with the introduction of a three-level classification system, specified as certification, registration with conservation contracts, and registration and subsidy system for the restoration of historic buildings. A noticeable element of the 1988 Guidelines is the subsidy amount of 60 million JPY, which was exceptional at that time in ([Doi and Ozawa, 2012](#)). Historic buildings certified or registered with contracts can be subsidised for survey/design, exterior conservation, anti-earthquake refurbishment, and maintenance. The choice of general guidelines, which lack legal sanctions but allow flexible conservation, was a strategy adopted by the UDD to create an option for valuable architectures that have not been designated as heritage. Indeed, the UDD's focus was 'to conserve the parts that are important for landscape' ([Nishiwaki, Ozawa et al., 2013](#)) to revitalise the city. To date, rather than enforcing the strictest conservation methods, which allow no change to historic buildings and their surroundings, the city focuses on conserving their exteriors; if necessary, owners of historic buildings are allowed to renovate the interiors while keeping the building's exterior intact. This can be understood as 'façadism', which is sometimes criticised as an unauthentic form of conservation (*J-2*) ([Araoz, 2011](#)). Nevertheless, this flexible approach for securing heritage in the face of high development pressure is a viable option under these circumstances. In Yokohama, this flexibility has rendered conservation more feasible and made it easier to secure consensus among stakeholders ([Doi and Ozawa, 2012](#)). Usually, the owners of a designated historic building fear the prohibition of any change to the building design and structure although the outdated interior facility that lacks modern amenities causes discomfort for living ([Doi and Ozawa, 2012](#); [Rojas, 2015](#)). The owners' needs and concerns have thus been considered throughout the development, and later the implementation of the 1988 Guidelines (*J-5*). The UDD staff tried to build trust-based relationships with people, considering their attachment to historic buildings and maintenance-related troubles while extending the support of the city administration to these building owners simultaneously ([Doi and Ozawa, 2012](#)).

The interview revealed several problems associated with conservation, based on the 1988 Guidelines (*J-5*). The lack of enforcement power in the legal framework for conservation was such an issue. Given that the 1988 Guidelines serve merely as a subsidy scheme, without legal sanctions and punishments for violations, the city administration can only request the owners to keep the old buildings. Consequently, the conservation of each building is subject to its owner's approval. To overcome this challenge, the city's landscape ordinance, established in 2006 with more enforcement power,

has been applied. By designating heritage sites as historic buildings of importance or historic buildings that contribute to the landscape, the systems are expected to reduce violations by allowing the city to cancel the building permits ([Yokohama City, 2013](#)) or charge fines for altering the historic building without the city mayor's approval ([Department Planning Bureau City of Yokohama, 2020](#)).

Although the 1988 Guidelines provide exceptional financial support, the UDD staff did not see it as directly facilitating the conservation of buildings among owners (*J-5*). Many owners are neutral about conserving or developing their historic buildings. If an owner is either neutral or positive about keeping the building, the city government can propose various options, including restoring and renting out the building (*J-5*). However, it is usually after the death of the original owner that a decision is taken to conserve or not conserve a historic building. This is because the heir/heiress is suddenly burdened with heavy inheritance and property taxes, which, when coupled with the maintenance costs, render conserving the building an unattractive option. If at this juncture, a property developer steps in, developing the property rather than conserving it becomes a lucrative alternative, even though financial support for conservation is available. According to an interview, once the decision to dismantle the building is taken, a change of mind in the owners is almost impossible. Therefore, it was considered paramount to capture the information before the developers do so, and this was done by visiting the Yamate area regularly to communicate and develop rapport with the residents and the leaders of the neighbourhood associations (*J-5*).

The development process of the YC legal framework for conservation, as mentioned above, has at least three implications. First, the inventory creation and implementation of emergency rescue projects were conducted concurrently in the first stage, when a legal framework for conservation was not yet mature. These projects provided experiments that contributed to the development of a more comprehensive conservation system in the second stage. It should also be noted that these projects were conducted in discussions with the owners to understand their needs and concerns, which were also reflected in the 1988 Guidelines. Second, the FAR incentive was used as a negotiation tool by the government to facilitate conservation. Third, the lack of enforcement power in the legal framework was overcome by applying more enforcing legal systems (landscape ordinance) to urban conservation.

#### **4.2.2 YC's management structure for urban conservation**

The YC's first stage of conservation stemmed from the city authorities' holistic vision of urban design in the 1960s. An urban design strategy was introduced to tackle the various problems that arose in the wake of urbanisation and to create a city distinctively different from Tokyo (*J-6*). This holistic approach facilitated the incorporation of amenities, unique features, and cultural values into infrastructure development so that development projects could be more people-friendly. In Japan then, the concept of conservation was perceived as contradictory to development, so conservation activists at the UDD proposed conservation as a way to improve the city by utilising its heritage. In the rapid economic development era, the people 'tended to oppose the regulation', so the strategy taken was to raise support by stating 'this can help create a better city' without using the word 'conservation' (*J-6*). The UDD, formerly the Planning and Coordination Bureau (PCB), which was established in 1968, is today the principal executioner of the city's urban design. Given that it lacked legal power in

executing urban design, any authority, and budget, the UDD's prime strategy was to negotiate with other bureaus and building owners (J-6). Specifically for the building owners, until a few years after the promulgation of the 1988 Guidelines, the UDD staff sent registration notifications to heritage building owners notifying them of the values of their heritage (Nishiwaki, Ozawa et al., 2013). This radical approach surprised many owners, yet many gladly knew their properties were valued (Nishiwaki, Ozawa et al., 2013). In the process of promoting urban design, the UDD also coordinated design in development projects conducted by various city administration bureaus, for example, the 1997 Kishamichi Promenade project. Here, the old rail track, an industrial heritage, was conserved within the project under the city's Road and Highway Bureau through the UDD's design coordination (Kuniyoshi, 2011). Gradually, the UDD gained the status of a design coordinator (Kuniyoshi, 2011) (J-6). Through the principles and methods of urban design, heritage can be used to enhance the city's landscape and thus be conserved instead of demolished (Figure 4).



Figure 4. Examples of urban heritages conserved through urban design activities

Apart from the coordination to leverage conservation efforts, the city's management structure was strengthened by the establishment of a research team within the UDD. Originally, the Landscape Conservation Committee belonged to the UDD (Nishi, 2013) but later developed into an independent organisation called Yokohama Heritage (YH) in 1988. YH is a group of conservation experts supporting UDD's conservation projects. In 1992, the YH became an NGO, engaged in heritage surveys, research, consultation with property owners, public education activities, such as seminars and site visits, and collaboration with the city administration (J-6) (Yokohama Heritage, n.d.). Undertaking commissioned surveys for the city government and holding consultations with the owners, the organisation helps reduce the UDD's workload.

The above experience provides at least four lessons for the management of urban heritage conservation in its development from the first to the second stage. First, the vision of urban design during the first stage helped reconcile the conflicts between conservation and development to some extent by utilising the city's historic assets for better landscape and urban design methods to conserve these assets in development projects. Second, the strategies were devised and implemented by the UDD to coordinate and negotiate with stakeholders in the process of conservation. The UDD intentionally and wisely covered their goal under more acceptable words to facilitate conservation when the framework was yet to be established. This

was done not by terming conservation as a burden and a mandate but as a method to make the city more attractive, which echoes the aim of YC's urban design.

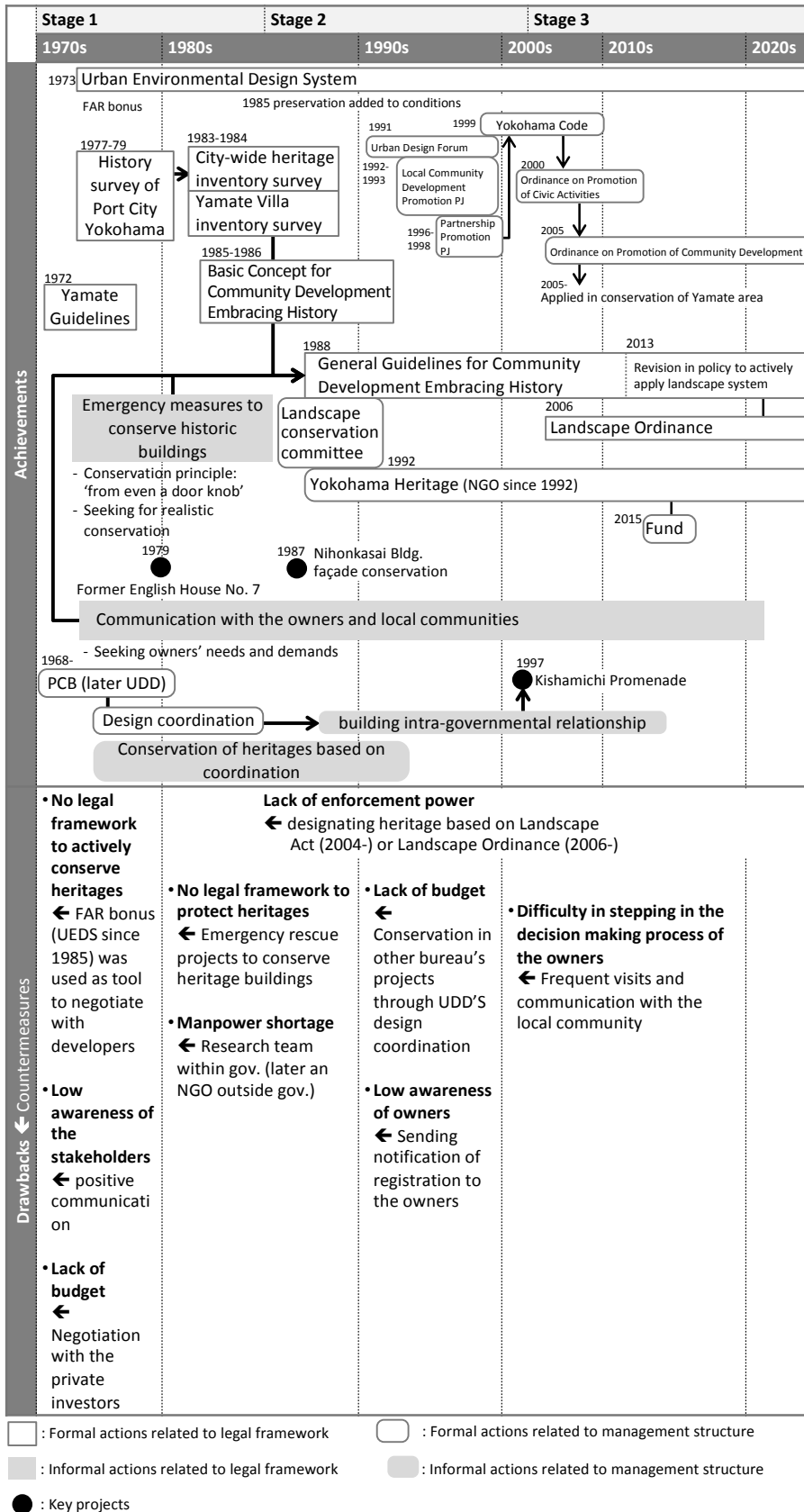


Figure 5. The development of YC's urban heritage conservation

Third, the inter-sectoral design coordination promoted by the PBC and UDD has contributed to heritage conservation among other bureaus and their development projects. Fourth, the development of YH reduced the UDD workload. The fact that YH was originally within the UDD suggests that developing a professional team within the city government into an outside organisation of experts can be a good strategy to improve the management structure from the first stage to the second. The third and fourth lessons can be positioned in the third stage of (Rojas, 2015) theory, which relates to various stakeholders' synergic actions. However, the case of YC shows that formulating a coordination structure among stakeholders from the first stage is crucial for a successful transition to the second stage of conservation. [Figure 5](#) captures YC's urban heritage conservation process from the 1970s onwards, focusing on the city's legal framework and management structure.

### **4.3 Comparison between HCMC and Yokohama City**

#### **4.3.1 Drawbacks and countermeasures in the first stage**

Based on the above findings, this section focuses on the common drawbacks and compares countermeasures in the first stage (Section 4.3.1) and the second stage (Section 4.3.2) of conservation in HCMC and YC.

In the first stage, both cities suffered from inadequate legal frameworks, low budgets for conservation, insufficient human resources, and low awareness among stakeholders. Although the two cities handled conservation in the face of development pressure, the divergence was observed in the move after the inventory making and how they secured workforce.

HCMC made its first heritage inventory in the 1990s; however, the push towards legislation was not enough, resulting in merely a notification by the PC and a report and proposals from the HDPa to the PC for villa conservation. However, in YC, the move towards legislation was made systematically, including concept making, budget requests, and intra-governmental coordination. It should be noted that the series of actions were founded upon the experiences of emergency rescue projects for historic buildings since the 1970s, which acted as pilot projects and enabled officials to capture the needs of the owners through negotiations with private developers and building owners.

The budget shortage was covered by the UDD's coordination. Rather than securing and executing UDD's own budget, some conservation projects have progressed with case-by-case negotiations with developers using FAR incentives. In addition, conservation was incorporated into projects conducted by other departments through the UDD's design coordination. To enable this, having design coordinators in the city government can be a key strategy, as observed in the case of YC.

Regarding insufficient human resources, while HCMC has involved external experts in its SC, the role divisions did not include external organisations, such as the university, who could have provided workforce. As suggested by an interviewee, involving university experts would help support the HDPa's work, such as surveying and evaluating heritage. The slow progress of conservation in HCMC was also due to the small number of pro-conservation officials, even within the HDPa. Thus, a support network is expected to encourage and maintain the motivation of these minority officials. Contrastingly, in YC, a committee (later YH) was established to undertake surveys within the UDD. The assistance of YH as a conservation NGO to support the UDD can be a good example of such a support network to provide

extra workforce for speeding up the conservation process. Establishing a conservation department could be another solution, as proposed by several interviewees in HCMC. The motivation for this task is expected to increase when there are clear duties and priorities for conservation.

As to the low awareness of the stakeholders, YC officials facilitated conservation among the stakeholders using positive communications, offering options, and extending support to the heritage owners, thus not making conservation a challenging but feasible task in the eyes of the stakeholders. This approach is helpful when conservation is perceived as a risk to development and economic benefits. In other words, communicating the benefits of utilising urban heritage for development activities can promote conservation. In addition, it seems that the registration certificates sent out by YC to the owners contributed to raising awareness. Not only encouraging the public about conservation but also directly informing the owners about the value of the buildings increases their awareness of and attachments to their heritage buildings.

In short, while both HCMC and YC faced the need for urban conservation in the rapid economic period, two factors pushed YC's framework to the second stage. First, step-by-step actions were taken, such as accumulating practical lessons in emergency rescue projects, capturing the needs of building owners for conservation through good communication and support, coordinating within the government to request a budget, and formulating conservation guidelines. Second, in terms of management structure, establishing the UDD, strengthening it as a design coordinator and creating an expert team that effectively collaborates with UDD were important measures.

#### **4.3.2 Drawbacks and countermeasures in the second stage**

In the second stage, both cities lacked a legal framework with enforcement power and powerful incentives. However, the fact that the cities could effectively harness the legal framework depended on whether they had supplementary enforcement measures and whether they could cover the lack of powerful incentives by persistent negotiation and coordination with the stakeholders.

Whereas HCMC has not had any countermeasure to supplement enforcement power, YC utilised its landscape ordinance to equip the city government with sanctions. With the subsidies provided by the 1988 Guidelines, the conservation framework has become more comprehensive. From YC's experience, therefore, designing a system of conservation framework consisting of measures with different degrees of sanction and incentives will be effective, expanding the possible strategies that city officials can propose to the owners or developers.

In terms of incentives, HCMC only added a condition of FAR bonus to its architectural guidelines, which is yet to be effective. There were several proposals for possible incentives for HCMC; however, an interview in YC revealed that both FAR bonus and large amounts of subsidies were not evaluated as powerful incentives. In other words, it is important to facilitate the effective application of incentives. In practice, the UDD staff saw the subsidy as an enabler to propose possible alternatives to the owners according to their situations by close communication and exploring how the buildings can be utilised. Similarly, the FAR incentive was more effective if actively used as a negotiation tool with private developers in the YC. This suggests that for an effective design and application of incentives, preparing a wide range of options and utilising them to create a tailor-made proposal to each

owner or investor would be necessary to make conservation a more realistic choice. In addition, several achievements in the second stage relied on the UDD's coordinator's role, which had continued since the first stage. Their consistent attitudes towards proposing conservation as an option within a wider urban design strategy, and arranging the coordinating division as a proponent of this alternative seems effective.

In short, both cities were equipped with a conservation legal framework that suffered from a lack of enforcement power and powerful incentives; however, three factors led to the YC's achievements in the second stage: the use of another legal system with more enforcement power, promotion of the effective application of incentives, and the intra-governmental coordinator's role by the UDD.

## **5. MEASURES FOR URBAN HERITAGE CONSERVATION IN THE DEVELOPING STAGE OF HCMC**

Ho Chi Minh City's urban heritage conservation lies between the first stage—sporadic conservation and ineffective management, as well as inadequate resources—and the second stage—available legal framework but weak enforcement power and management structure. To successfully move from the first to the second stage and improve the urban heritage conservation, the following measures are proposed by adapting the YC's detailed actions identified in the previous section and adding them to the HCMC's existing legal framework or management structure.

First, it is essential to prepare further conservation options to enable the HDPAs officials to negotiate with private owners and developers. Although the Guidelines in 2013 and villa regulation in 2020 were issued, both lack penalties and enforcement power. This is similar to the situation of YC at the beginning of its second stage, in which the city overcame hurdles by incorporating conservation into the city's development projects through coordinating in design activities, negotiating with private investors, and tailoring support in conservation to meet the owners' needs. At present, HCMC can utilise only the FAR incentive in negotiations. With its active application in the negotiation, as a next step, establishing restoration funding should be considered. In formulating a reasonable conservation framework, it could be effective to conduct pilot projects and estimate annual budget based on the existing inventory. In the future, a legal framework should be developed to adopt a holistic approach to urban heritage conservation that is well equipped with both sanctions and incentives, as in the case of YC.

Second, to reinforce the management structure for conservation, establishing teams of experts inside and outside the city government is essential. This could provide the government with long-term and extra workforce support. As stated in the city's action programme, establishing a department for conservation is proposed because it can request an exclusive budget from the central government and possesses the power to draft its regulations and incentives. However, establishing a new department might create more bureaucracy, thus setting up an inter-sectoral team may be a good starting point. If it has sufficient potential, it may be upgraded to a department. A coordination team that works with all stakeholders would be useful in overcoming bureaucratic hassles and grant more expertise among relevant departments. This is to explicitly incorporate the coordinator's role into the

conservation process, as in the case of YC. Moreover, it is proposed to establish an external organisation of experts like the YH to share the workload with the HDP or the new conservation team. This could be made possible by promoting collaboration among universities in HCMC, especially among those invited to SC meetings for the action programme. Third, increasing awareness of heritage value among officials and citizens needs to be considered throughout the conservation process to promote synergies and actions.

## 6. CONTRIBUTION AND RECOMMENDATIONS FOR FUTURE RESEARCH

This research contributes to the literature on urban heritage conservation in the early stages of its activities. It also sheds light on the legal framework and management aspects of conservation in HCMC, a topic under-investigated in Vietnamese research. Furthermore, it details what can be done to enable the transition from one stage to another to achieve a better legal framework as well as management structure for heritage conservation. In particular, the research examined the legal framework and management structure of HCMC and YC and the associated drawbacks and countermeasures in each case to draw lessons from YC for HCMC. The findings from YC's first stage, especially the legislation process involving inventory creation, 'developing while experimenting', and thereby capturing the owners' needs, prove to be effective. Before the comprehensive framework is established, it is also important to promote conservation through coordination and negotiation with the other city departments, building owners, and investors, and to enable this work, preparing tools consisting of incentives and sanctions and arranging coordination activities are shown to be vital. These measures can be considered for localities other than HCMC to make a successful transition from the first stage to the second stage.

As the study lacks primary information from the community, evaluating the awareness and sentiments of citizens, developers, owners of private properties, and the population at large is imperative to gauge the potential of making a transition from the second to the third stage in the future.

Apart from lacking data from owners of private properties, one limitation of the study is that by focusing on practical implications for HCMC in the early stages of conservation, the adaptation of the participatory approach in order to move from the second stage to the third stage was not discussed in spite of its necessity for urban heritage management ([United Nations Educational Scientific and Cultural Organization, 2013](#)). YC developed its civic engagement frameworks during the 1990–2000s ([Murahashi, 2009](#)), (J-4), which was utilised in urban heritage conservation in the Yamate area in the third stage ([Suga, 2013](#); [Suzuki, 2017](#)) (see [Figure 5](#)). While YC had conservation efforts by the citizens in the early stages that also facilitated the legislation process, HCMC has not seen a similar movement even though there were petitions for the Tax Trade Centre. This difference is considered to originate from the different political systems. The adaptation of the civic participation scheme in a democratic country to a socialist country must be explored in future research, and it may be realised by examining the steps and important factors in existing participatory projects, such as the improvement of the residential environment ([Kidokoro and Katayama, 2004](#)), and



considering the possible application of the findings to urban heritage conservation.

## AUTHOR CONTRIBUTIONS

Conceptualisation, S.K. and V.D.Q.N.; methodology, V.D.Q.N. and S.K.; investigation, S.K., V.D.Q.N., and N.S.; resources, V.D.Q.N., S.K., and N.S.; data curation, S.K.; visualisation, S.K.; writing—original draft preparation, S.K. and V.D.Q.N.; writing—review and editing, V.D.Q.N. and S.K.; supervision, S.K., V.D.Q.N., and N.S. All authors have read and agreed to the published version of the manuscript.

## ETHICS DECLARATION

The authors declare that they have no conflicts of interest regarding the publication of the paper.

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