

## INFORMATION NOTE

### Intangible cultural heritage

#### 1. Introduction

1.1 This information note serves to provide members of the Panel on Home Affairs with information on the *Convention for the Safeguarding of the Intangible Cultural Heritage* (the *Convention*) of the United Nations Educational, Scientific and Cultural Organization (UNESCO), and measures taken to safeguard the intangible cultural heritage (ICH) in Hong Kong and the Mainland.

#### 2. Convention for the Safeguarding of the Intangible Cultural Heritage

2.1 UNESCO adopted the *Convention* at its General Conference held on 17 October 2003. Listed below are the purposes of the *Convention*:

- (a) safeguarding ICH;
- (b) ensuring respect for ICH of the communities, groups and individuals concerned;
- (c) raising awareness at the local, national and international levels of the importance of ICH, and ensuring mutual appreciation thereof; and
- (d) providing for international co-operation and assistance.

2.2 Following the ratification of the *Convention* by 30 State Parties, the *Convention* entered into force on 20 April 2006. An important obligation of State Parties to the *Convention* is inventory-making. Article 12 of the *Convention* stipulates that each State Party is obliged to draw up, in a manner geared to its own situation, one or more inventories of ICH present in its territory and that these inventories are to be regularly updated.

### **3. Intangible cultural heritage**

3.1 According to the *Convention*, ICH is manifested in the following domains:

- (a) oral traditions and expressions, including language as a vehicle of ICH;
- (b) performing arts;
- (c) social practices, rituals and festive events;
- (d) knowledge and practices concerning nature and the universe; and
- (e) traditional craftsmanship.

3.2 ICH to be preserved under the *Convention* should possess the following characteristics:

- (a) being transmitted from generation to generation;
- (b) being constantly recreated by communities and groups, in response to their environment, interaction with nature, and history;
- (c) providing communities and groups with a sense of identity and continuity;
- (d) promoting respect for cultural diversity and human creativity;
- (e) being compatible with international human rights instruments; and
- (f) complying with the requirements of mutual respect among communities, and of sustainable development.

3.3 The *Convention* defines "safeguarding" as measures aiming at ensuring the viability of ICH, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and informal education as well as the revitalization of the various aspects of such heritage.

## 4. Hong Kong

### Establishment of the Intangible Heritage Unit

4.1 In November 2004, the Hong Kong Government announced that the *Convention* would be applicable to Hong Kong. Following the enforcement of the Convention in April 2006, an Intangible Heritage Unit was set up under the Hong Kong Heritage Museum to undertake necessary works to comply with the Convention. Hong Kong is also required to compile an ICH inventory.

### Intangible cultural heritage inventory

4.2 In October 2006, the Leisure and Cultural Services Department commissioned the Hong Kong University of Science and Technology (HKUST) to conduct a pilot study before compiling a comprehensive ICH inventory for Hong Kong. The pilot study would make reference to the 78 items of ICH inscribed on the first provincial list of ICH of Guangdong promulgated by the Guangdong government in 2006, and identify if there were any relevant ICH items in Hong Kong. The pilot study would also highlight some important issues of ICH and make recommendations for the conduct of a territory-wide survey.

4.3 In October 2007, HKUST submitted the pilot study report to the Hong Kong Government. The Government is now considering commissioning an agency to conduct a territory-wide survey and compile a comprehensive ICH inventory for the territory. In July 2008, an Intangible Cultural Heritage Advisory Committee<sup>1</sup> was set up to advise the Government on the conduct of the survey.

### Intangible cultural heritage programmes

4.4 In addition to the Government's effort in compiling a comprehensive ICH inventory for Hong Kong to enhance the preservation and promotion of ICH in the territory, non-governmental organizations in Hong Kong have also participated in the safeguarding works of ICH.

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<sup>1</sup> Appointed by the Secretary for Home Affairs, the Intangible Cultural Heritage Advisory Committee consists of a chairman and 12 members. The terms of reference are: (a) monitoring the conduct of the territory-wide survey of Hong Kong's ICH; (b) advising on the research methodology of the territory-wide survey; and (c) examining the findings and recommendations in the survey report on Hong Kong's ICH for submission to the Government for consideration.

4.5 In 2007-2008, the Hong Kong Jockey Club donated HK\$7.79 million to The Conservancy Association<sup>2</sup> to carry out renovation works at its Centre for Heritage<sup>3</sup>, and to implement a three-year Community Engagement and Education Programme that began in October 2007.<sup>4</sup>

#### *Community Engagement Programme*

4.6 The Community Engagement Programme consists of the following two programmes:

- (a) the community oral history programme which invites participants to collect oral history in designated districts; and
- (b) the living history partnership programme which invites old craftsmen to teach and explain traditional skills at workshops, talks and exhibitions as well as to conduct guided tours to older districts and neighbourhoods.

4.7 Since the launch of the Programme in October 2007, the oral history of seven intangible heritage, including the fire dragon dance, Cheung Chau Bun Festival, the making of bamboo steamer, traditional printing, Jiao Festival, the transformation of Sai Ying Pun and the making of Fa Pau, have been recorded in video tapes by staff of the Centre for Heritage, students and the public.

#### *Education and Outreach Programme*

4.8 To enhance young people's understanding of the local history, culture and heritage appreciation, the Centre for Heritage collaborates with primary and secondary schools to organize heritage tours, fieldwork studies, thematic talks, exhibitions and workshops for students. Since the launch of the Programme in October 2007, over 3 400 students from about 40 schools have participated in activities organized by the Programme.

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<sup>2</sup> Founded in 1968, The Conservancy Association is a non-government environmental organization dedicated to the protection of the environment and the conservation of natural and cultural heritage.

<sup>3</sup> Formerly Tsan Yuk Maternity Hospital, the Centre for Heritage has been declared a Grade III historic building by the Government.

<sup>4</sup> The Hong Kong Jockey Club (2008).

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*Community Education Programme on Heritage Conservation and Rejuvenation in Wan Chai District*

4.9 In 2007-2008, the Hong Kong Jockey Club donated another HK\$3.89 million to St. James' Settlement to launch a three-year Community Education Programme on Heritage Conservation and Rejuvenation in Wan Chai District to enable the public, especially the younger generation, to take an active part in the conservation and rejuvenation of the district's living history and intangible heritage.<sup>5</sup>

Lord Wilson Heritage Trust

4.10 Established in December 1992, the Lord Wilson Heritage Trust aims to preserve and conserve the human heritage of Hong Kong by organizing activities and providing funding support to assist organizations and individuals in undertaking heritage-related activities and research projects. Between 2006 and 2007, a sum of HK\$5.55 million was awarded to 28 applications.<sup>6</sup>

Greater Pearl River Delta Cultural Co-operation

4.11 Organized annually by Guangdong, Hong Kong and Macao, the Greater Pearl River Delta Cultural Co-operation Summit provides a forum for the three places to study and safeguard ICH. The first Greater Pearl River Delta Cultural Co-operation meeting was held in Hong Kong in November 2002. At the meeting, Guangdong, Hong Kong and Macao agreed to enhance co-operation in the area of Cantonese opera. In particular, they agreed to enhance collaboration in projects such as the Cantonese Opera Day, proposed inscription of Cantonese opera on the UNESCO's *Representative List of the Intangible Cultural Heritage of Humanity*, and joint performances and organization of the International Conference on Cantonese Opera.

4.12 In 2006, the three places successfully applied to the State Ministry of Culture for the inclusion of both Cantonese opera and herbal tea into the first National ICH List. In September 2008, the Central Government supported the submission of inscribing Cantonese opera on the UNESCO's *Representative List of the Intangible Cultural Heritage of Humanity*, and the result is expected to be announced in late 2009.

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<sup>5</sup> The Hong Kong Jockey Club (2008).

<sup>6</sup> Development Bureau of the Hong Kong Special Administrative Region (2008).

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## 5. The Mainland

### Items listed under UNESCO's Representative List of Intangible Cultural Heritage of Humanity

5.1 Since 2001, four items of ICH from the Mainland have been inscribed in the UNESCO's *Representative List of Intangible Cultural Heritage of Humanity*. They are:

- (a) the 500-year-old Kunqu Opera, known for its graceful movements and poetic lyrics;
- (b) the 3 000-year-old guqin seven-string zither;
- (c) the Twelve Mukams, a 12-part suite of ancient Uygur music; and
- (d) the Pastoral Song sung by a Mongolian ethnic group.

### Policies on intangible cultural heritage

5.2 In March 2005, the State Council issued *The Advice on Strengthening China's Intangible Cultural Heritage Protection (The Advice)*, stipulating the Central Government's policies on safeguarding ICH. *The Advice* puts forward guidelines and principles of preservation works. According to *The Advice*, the guidelines of safeguarding ICH are "*focusing on protection, salvage first, reasonable utilization, passing down and development*", while the principles are "*government leading, social participation, defining responsibility and forming resultant force, long term programming, step by step implementation, combination of point and plane, paying attention to breakthrough*".<sup>7</sup>

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<sup>7</sup> Luo (2008).

### Relevant authorities

5.3 While the State Council is responsible for policy formulation, the Joint Conference at the ministerial level<sup>8</sup> is responsible for co-ordinating the preservation works. Relevant government departments, academic organizations, universities and colleges, enterprises and institutions, and social groups are also involved in the safeguarding of ICH. Examples of these organizations are the Expert Committee on Safeguarding National Intangible Cultural Heritage<sup>9</sup> and the China Safeguarding Intangible Cultural Heritage Centre<sup>10</sup>. Similar authorities have also been established at the local level to carry out ICH safeguarding works within their jurisdictions.

### Law and code of practice

#### *Law on Safeguarding Intangible Cultural Heritage*

5.4 In 2007, the Ministry of Culture drafted the *Law on Safeguarding Intangible Cultural Heritage of the People's Republic of China*. The draft has been included in the 2008 legislative plan of the National People's Congress.

5.5 At the local level, eight provinces and regions have the safeguarding ICH law in place. Other provinces, municipalities and autonomous regions are planning or deliberating laws and regulations in this regard.

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<sup>8</sup> Led by the Ministry of Culture, the Joint Conference of the Safeguarding of ICH at the ministerial level consists of nine ministries and commissions: (a) Ministry of Culture; (b) National Development and Reform Commission; (c) Ministry of Education; (d) State Ethnic Affairs Commission; (e) Ministry of Finance; (f) Ministry of Construction; (g) China National Tourism Administration; (h) State Administration for Religious Affairs; and (i) State Administration of Cultural Heritage.

<sup>9</sup> The Expert Committee on Safeguarding National Intangible Cultural Heritage is an advisory body responsible for the planning and implementation of ICH works, assessment of the *Directory of National Level Intangible Cultural Heritage Masterpiece* and the accreditation of the ICH transmitters.

<sup>10</sup> Established under the Chinese Academy of Arts, the China Safeguarding Intangible Cultural Heritage Centre is a professional organization responsible for organizing academic and public events, exhibitions and performances on ICH, and exchanging, recommending, publicizing results and experiences of ICH safeguarding works amongst regions.

### *Interim Method on the Safeguarding and Administration of the National Level Intangible Cultural Heritage*

5.6 In 2005, the *Interim Administrative Method for Application and Assessment of Intangible Cultural Heritage Masterpiece at the National Level* was issued. In October 2006, the Ministry of Culture issued the *Interim Method on the Safeguarding and Administration of the National Level Intangible Cultural Heritage (Interim Method)* in the form of minister's order, stipulating the requirements for relevant authorities and transmitters<sup>11</sup> as well as strengthening the administration involved in ICH projects at the national level.

### *Cognizance and Administration Method of Representative Transmitter of National Level Intangible Cultural Heritage Project*

5.7 In 2008, the Ministry of Culture published the *Cognizance and Administration Method of Representative Transmitter of the National Level Intangible Cultural Heritage Project*, regulating the cognizance standard, rights, obligations and subsidies of representative transmitters.

### Measures for safeguarding intangible cultural heritage

#### *Intangible Cultural Heritage Masterpiece Directory*

5.8 Established in 2005, the *Intangible Cultural Heritage Masterpiece Directory* stipulates the ICH masterpiece directory system at the national, provincial, municipal and county levels. While the ICH directory at the national level is approved and issued by the State Council, the ICH directories at the provincial, municipal and county levels are approved and issued by the local authorities which report to the respective immediate higher level authorities for reference.

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<sup>11</sup> Transmitters are persons transmitting knowledge from one generation to another.



*Transmission of intangible cultural heritage*

5.9 Communities are encouraged to learn about listed ICH via transmitters. In June 2006, 226 national ICH transmitters were accredited under five categories, which were folk literature, acrobatics and athletics, folk arts, traditional handicraft arts and traditional medicine. In February 2008, another 551 national ICH transmitters were accredited under folk music, folk dance, traditional drama, folk art and customs.

*China National and Folk Culture Protection Project*

5.10 In 2003, the Ministry of Culture, the Ministry of Finance, the National Nationality Affairs Committee and the China Federation of Literary and Art Circles jointly set up the China National and Folk Culture Protection Project, aiming at preserving rare, imminent, extinct national and folk culture with historic, cultural and scientific values.

*Surveys of intangible cultural heritage*

5.11 In June 2005, the Ministry of Culture conducted a nation-wide ICH survey. The Ministry also carried out nation-wide ICH resources surveys between 2005 and 2008. The surveys confirmed that many provinces, municipalities and autonomous regions had compiled detailed operation manuals and conducted training courses for their communities to safeguard ICH as well as to collect relevant information on safeguarding ICH.

*Application and assessment of intangible cultural heritage at the national level*

5.12 The State Council approves and publicizes a list of national ICH once every two years. In May 2006, the State Council issued the first batch of 518 national ICH, after considering 758 applications from various regions and authorities. In June 2008, the second batch of 510 national ICH was approved. These two batches of national ICH could be grouped into the following 10 categories:

- (a) folk literature;
- (b) folk music;
- (c) folk dance;

- (d) traditional drama;
- (e) quyi or storytelling performances;
- (f) acrobatics and athletics;
- (g) folk art;
- (h) handicraft skills;
- (i) traditional medicine; and
- (j) folk customs (minsu).

### *Cultural Heritage Day*

5.13 In December 2005, the State Council issued a *Notice on Strengthening Cultural Heritage Protection*, and established the "Cultural Heritage Day". Various activities were organized during the "Cultural Heritage Day". For example, in 2006, the Ministry of Culture held the Forum of Safeguarding China's Intangible Cultural Heritage and the Special Evening Party of China Cultural Heritage Day in Beijing. In 2007 and 2008, the Ministry of Culture organized a series of events in Beijing such as exhibitions of national ICH and drama performance relating to national ICH to celebrate the "Cultural Heritage Day".

### *Conducting forum, seminars and training classes*

5.14 Forums, seminars and training classes are conducted regularly to promote theoretical research and provide personnel training for the safeguarding works of ICH. For example, the Ministry of Culture organizes the China Intangible Cultural Heritage – Suzhou Forum once every two years, with the most recent forum sessions being conducted in July 2005 and June 2007 respectively. The Ministry of Culture also organizes training classes at the China Art Research Institute, with the latest ones in 2004, 2005 and 2006.

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## Funding

5.15 According to the *Interim Method*, funding for safeguarding national ICH will be provided by the cultural administrative department of the State Council. The *Interim Method* also stipulates that the local cultural administrative departments should seek financial support from the respective local governments for safeguarding ICH under their respective jurisdictions.<sup>12</sup>

5.16 In 2006, the Ministry of Finance and the Ministry of Culture jointly issued the *Interim Administration Method of Safeguarding National Intangible Cultural Heritage Special Fund* to strengthen the administration of the funding for safeguarding national ICH as well as to generate greater benefits of capital expenditure. Between 2003 and 2008, a special fund of RMB236 million was appropriated for safeguarding ICH.<sup>13</sup>

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<sup>12</sup> For example, Cantonese opera is entitled to public funds to support its development. According to the 2009-2010 Budget, the Hong Kong Government has already injected HK\$20 million into the Cantonese Opera Development Fund, and will further invest about HK\$33 million in 2009-2010 to further support the research and promotion of Cantonese opera.

<sup>13</sup> National Working Group for IPR Protection (2008).

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