

THE REFERENCE VALUE OF THE ORGANIC URBAN RENEWAL AND SMART URBAN GOVERNANCE MECHANISM IN EXTRATERRITORIAL CITIES FOR CHINA

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ABSTRACT

Urban renewal is regarded as a broad concept involving physical, social, economic and environmental aspects, which is closely related to the goal of sustainable urban development. Traditional urban renewal only focuses on the physical construction including economic input, market operation, infrastructure, land use, organization and implementation, which is far from enough. The community functions as the basic place serving for the production and life of urban residents, as well as the basic unit of a city. China's urbanization has entered a new stage of transformation and development focusing on quality improvement. The concept of emphasizing people-centered, connotative development and urban quality improvement has gradually become the theme of current urban renewal in China. Therefore, in recent years, China has been actively promoting the "Double Urban Repairs" reformation, the two programs of "Ecological Restoration" and "City Betterment", of which have become the focus of public and academic concern. However, in the face of the process of urban community renewal in

China, there are still plenty of problems to be solved, such as how to realize the organic combination of urban micro-renewal and community micro-renewal in a more scientific, professional and effective way with social governance as the entry point, how to establish and improve the new mechanism of “Ecological Restoration”, “Reformation of People’s Livelihood” and “Smart Social Governance” while maintaining the overall coordination of community, government and enterprises with the core idea of human-oriented, and how to solve the problems of unclear practical scope of rules and regulations in the implementation of urban community renewal in China, lack of democratic participation and supervision mechanism and the lagging of community self-government law development behind smart urban governance. The rule of law functions as an important basis for realizing the modernization of the national governance system and governance capacity, and the basic guarantee for social governance. Therefore, through the study of extraterritorial experience and development dilemma of urban community renewal in China, this research is expected to find a development path suitable for urban community renewal in China from the aspects of government policy mechanism, rules and regulations, and public participation.

Keywords: Urban Renewal; Community Organic Renewal; Smart Social Governance

INTRODUCTION

Urban renewal is closely related to the goals of sustainable urban development. Traditional urban renewal only focuses on the physical construction including economic input, market operation, infrastructure, land use, organization and implementation, which is far from enough. In recent years, China has been actively promoting the “Double Urban Repairs” reformation, the two programs of “Ecological Restoration” and “City Betterment” of which have become the focus of public and academic concern. Since both urban renewal and sustainable development involve multiple social, economic and environmental aspects, only by studying the complexities of the interaction of dimensions and the assessment of past and present conditions, can we offer a new perspective of sustainable urban renewal. The report of the *19th National Congress of the Communist Party of China* clearly pointed out the necessity to “strengthen public participation and rule of law in social governance”. The rule of law functions as an important basis for realizing the modernization of the national governance system and

governance capacity, and the basic guarantee for social governance. Therefore, through the study of extraterritorial experience and the current situation of urban community renewal in China, this research will conduct analysis about how to improve relevant legal strategies, relevant functions of the government and public institutions, multi-layered social governance framework, guarantee of public participation in community renewal etc. It is expected to provide a positive reference for the improvement of organic urban renewal and smart governance mechanisms in urban communities in China.

As far as China is concerned, the rapid acceleration of urbanization has also led to large-scale demolition and construction. That is to say, while the urban transportation system, public facilities and living space optimization have been significantly developed, urbanization still exposes many problems such as the continuous extension of the city and the transformation of the old city. Massive demolition and construction has resulted in a multitude of problems, including but not limited to the increasing scarcity of land resources, the monotony of urban landscapes, the destruction of urban texture, the imbalance of the ecological environment, and the lack of social networks, which have aroused the reflection and revision among both practitioners and scholars. Therefore, in the context of the development of urban land resources in China, urban renewal has gradually become an important way to enhance urban quality and connotation. In 2016, the State Council issued the *Several Proposals on Further Strengthening the Urban Planning, Construction and Management*, which points out that the establishment of various development zones and new urban areas should be strictly controlled, and urban renovation and organic renewal should be carried out in an orderly manner to solve problems such as deterioration of the environmental quality of old urban areas, disordered space, and damage to historical and cultural heritage etc., and to restore the function and vitality of the old town, better continue the historical context and display their distinctive features. It can be seen that in the case of shortage of urban land resources and stock space resources, exploring stock planning strategies such as efficient and intensive use of land functions, adjustment of spatial structure, and optimization of industrial structure serve not only as an inevitable choice under objective conditions, but also the implement of national development requirement. It is of great important to transform the concept of effective measures to cope with urban development problems in a positive direction. In this context, urban stock space has become a crucial factor to enhance the vitality and connotation of the city. The vigor of cities could be effectively

inspired by unearthing existing spatial features, natural ecological landscapes, and cultural and historical resources.

In the meantime, in the face of the process of urban community renewal in China, there are still plenty of problems to be solved, including how to realize the organic combination of urban micro-renewal and community micro-renewal in a more scientific, professional and effective way with social governance as the entry point, how to establish and improve the new mechanism of “Ecological Restoration”, “Reformation of People’s Livelihood” and “Smart Social Governance” while maintaining the overall coordination of community, government and enterprises with the core idea of human-oriented, and how to solve the problems of unclear practical scope of rules and regulations in the implementation of urban community renewal in China, lack of democratic participation and supervision mechanism and the lagging of community self-government law development behind smart urban governance.

THE ORIGIN OF URBAN RENEWAL AND ITS THEORETICAL BASIS IN CHINA

As a broad and complex concept, “urban renewal” encompasses various intervention methods when confronted with various urban problems, which is comprised of physical, social, economic, political, cultural, health and environmental aspects. From a planning perspective, urban renewal aims to improve the natural, socioeconomic and environmental aspects of urban areas through reconstruction, regeneration, restoration and conservation. It can be said that there is no standard definition of urban renewal, which causes confusion of the term “urban renewal” with other concepts, such as “urban regeneration”, “urban redevelopment” and “urban rehabilitation” by practitioners and scholars.^[1] The concept of urban renewal is regarded as a process of urban slum clearance and natural regeneration to some extent^[2]. From the perspective of physical planning and housing policy, scholar Buissink defines “urban renewal” as a building activity designed to restore decayed and outdated physical urban elements so that they can function again according to the standards of the day^[3].

The concept of urban renewal has been widely developed since the late twentieth century, not only expanded to natural aspects, but also to the social and economic aspects. From this perspective, some scholars define urban renewal as a dynamic process of physical changes in land use or building intensity, as the impact of economic and social forces on the interaction of urban areas^[4]. There is no doubt that researches related to urban renewal includes various planning issues. Urban renewal can be referred to as a movement because it has already represented significant cultural repositioning initiatives, such as the renovation of older neighborhoods in North America. Participatory urban planning implies the integration of economic and social interests between capitalists and local societies^[5]. For another, urban renewal also consists of the preservation, repairing and improvement of the social, economic, cultural and environmental standards of residential areas within the city. In short, urban renewal aims to explore broad horizons to address the multifaceted issues of urban communities. Besides, urban renewal and community development are complementary to each other and it is an inevitable trend for large cities in the world to develop from urban renewal to urban micro-renewal, and from community renewal to community micro-renewal^[6]. The concept of “micro-renewal” was first proposed by American sociologist Jane Jacobs, who states that micro-updates refer to “uninterrupted small renewal” and “scale reconstruction” in his book *The Death and Life of Big American Cities*^[7]. Jacobs believes that large-scale demolition and construction lack flexibility and choice, which will cause huge damage to the diversity of the city. American architect Christopher Alexander demonstrates that the interweaving of human behavior, psychology and spirit constitutes the diversity and complexity of cities^[8]. As a result, he advocates small-scale, diverse and incremental renewal to achieve the harmonious unity of human, nature and the city and proposes the concept of human-oriented in his book *Building Model Language*^[9].

In order to achieve a balance among resources, population and environment, Chinese government hopes to achieve urban expansion through rapid construction and settle overcrowding problem by re-developing high-density land in urban areas^[10]. In view of this, urban renewal, as an inevitable product of urbanization to enhance the comprehensive carrying capacity and sustainable urban development, has also become a realistic path for urban development in China. However, urban renewal involves many legal relationships among the government, land and housing rights holders, developers and other parties. From the procedural

point of view, it consists of renewal area delineation, starting conditions setting, application, approval, planning and plot ratio adjustment, land expropriation or requisition, land development, construction, etc. In terms of rights and obligations, it involves not only the protection and disposal of property rights in civil law, but more importantly, changes in rights and obligations arising from administrative actions and the direct impacts of administrative power on administrative counterpart's property right. Therefore, neither traditional civil law nor administrative law can adjust the legal relations of urban renewal alone. As Neil McCormick mentioned, the legal system is a guide for people to relate to each other^[11]. Definite legal guidance and guarantee are essential for the new and complex rights and obligations that are associated with urban renewal. In this case, the establishment and improvement of relevant legislation on urban renewal has become an urgent problem to be solved in the current process of China's new urbanization. However, at the legislative level, there is still a lack of commentary on the pros and cons of current domestic urban renewal legislation and quasi-legislative documents. Therefore, this paper attempts to provide reference research for the current legal basis, legislative practice and improvement of urban renewal in China.

REASONS WHY CHINA SHOULD ATTACH IMPORTANCE TO URBAN RENEWAL

Urban renewal serves as one of the important ways for a more connotative, intensive and smart urban development. Central Urban Work Conference 2015 highlights that the development of Chinese cities should adhere to intensive development, establish the concepts of "smart growth" and "compact city", scientifically delimit urban development boundaries, and promote the transformation of urban development from denotative to connotative and prevent sprawl expansion. However, cities, regardless of sizes, have gone through a rapid extension, expansion, and sprawl development in space during the past urban development in China.

After the deepening of reform and opening up, China's accelerated urbanization has become a major engine for China's economic development. However, compared with countries in the world where urbanization has stabilized, China's urbanization path has its own unique characteristics as follows.

The first characteristic refers to high speed. The number of permanent residents that used to be less than 200 million at the beginning of the reform and opening up has now reached a total of 840 million. It means that over the past 4 decades of reform and opening up, there have been more than 600 million new permanent residents in China's cities and towns, who have got rid of the past agricultural production and lifestyle, and contributed to the development of secondary and tertiary industries in cities, which greatly drives the growth of China's economy. The top 30 big cities accounted for 43% of the national GDP in 2019. It took China less than 40 years to increase its urbanization rate from 20% to 60%, which took about 200 years for European countries like the United Kingdom, and about 100 years for American countries like the United States^[12]. Therefore, the first feature of China's urbanization is fast speed. However, due to China's vast land, the development of urbanization in the eastern, central and western regions is uneven, and the urbanization rate in the eastern region is more than 10% higher than that in the western region^[13].

Secondly, China's urbanization can also be characterized by large scale. Japan was also urbanizing rapidly from the 1950s to the 1970s, increasing urbanization rate by 1.27 per year. However, Japan and other developed countries do not have such a large population base as China^[14]. To be more specific, Japan's urbanization rate has increased from 20% to 60%, but only 50 to 60 million people have entered the city, compared to 600 million people in China, which is 10 times that of Japan. It is also unique in the world that China has added such a large urban population in 4 decades.

The third feature is the simultaneous advancement of urbanization and suburbanization. Due to the relatively long period of urbanization in developed countries in Europe and the United States, these two processes are carried out in two separate stages. For example, in *The Condition of the Working Class in England, 1845*, Engels describes the terrible living environment caused by the entry of a large number of peasants into the city in the United Kingdom^[15]. Consequently, the suburbanization emerged as the time required for the purpose of better living environment and lower production costs. The rich and high-end businesses moved away from the downtown, while new industries landed on the outskirts, therefore leading to the declining downtown. The government later proposed urban revival, hoping to

re-attract new industries and the wealthy back to the core urban area and restore the prosperity of the city. Urban renewal serves as an important means of urban revival. The current world-class developed cities are constantly being updated, and their economic influence has maintained a leading position in the world over the last century. As the innovation center, the consumption center, the financial center and the R&D center, they have attracted high-end financial talents and scientific and technological talents from all over the world. During the 40 years of rapid urbanization in China, the concentration of the population to the city center and the diffusion to the suburbs have also been promoted simultaneously. Also, urban built-up areas are expanding even faster than the population growth, for example, China's urban resident population has increased by four times, while the urban area has increased by nearly eight times from the 1980s to the present^[16]. It is worth noting that urban built-up areas are different from urban planning areas and urban administrative areas as the built-up area refers to the urban area with connected buildings and complete infrastructure, which is much smaller than the urban planning area and the urban administrative management area.

STATUS QUO AND DEVELOPMENT DILEMMA OF URBAN RENEWAL DEVELOPMENT IN CHINA

The current local urban renewal system in China has undoubtedly played a positive role in the promotion of urban renewal, but there are still shortcomings in the adjustment of land management measures by existing local legislation and normative documents from the perspective of the rule of law, especially in terms of the effectiveness, contents and procedures of institutional norms and procedures of institutional norms. For one thing, legal risks exist when breaking through the provisions of higher law in the form of local government regulations or even local government normative documents. For another, local government regulations and normative documents are also at risk of lagging behind and inconsistency, such as the possible lagging or blank in target positioning, rights protection and procedural norms of urban renewal, which may make it difficult to achieve the goal of overall urban redevelopment. In general, three principal problems have occurred in the current urban renewal system in China.

Unclear Scope of Application of Rules and Regulations

Only the principled provisions of rules and regulations like the *Urban and Rural Planning Law* can be cited from current national rules and regulations. This is mainly because the legal concept of urban renewal has just been introduced since 2009 in the local government regulation *Shenzhen Urban Renewal Measures*. Therefore, the legalization of urban renewal in various places mainly relies on local government regulations and even normative documents, which are generally of low rank, weak in effectiveness and may conflict with higher norms. Furthermore, it may be difficult to secure the legal procedures of local regulations.

Lack of Democratic Participation and Oversight Mechanism

Each specific renewal plan implemented according to local legislation or normative documents belongs to the category of public policy of public administration, and publicity serves as the essential attribute of public policy. Therefore, the satisfaction of public interests as the result of the multi-party negotiation on the common interests should constitute the basic criterion of urban renewal behavior. In other words, the actions benefiting all the public implies a higher level of good deeds than that benefiting only a few^[17]. However, in practice, due to the lack of clear public interest principle constraints in local legislation or normative documents, when it comes to the specific practice of urban renewal, there are generally problems such as abnormal distribution of interests, market interests outweighing overall interests, and insufficient protection for vulnerable groups.

First of all, the distribution system of urban renewal interests is deformed. The incompatibility of social goals and interest distribution in the urban renewal operation mechanism is the key reason for many problems in China^[18]. Although urban renewal is usually planned by the government, its implementation mainly relies on the independent development and transformation of the original stakeholders. When the government cannot intervene in the distribution or control of excessive profits as a representative of public interests, the profit-seeking nature of developers participating in self-renovation can easily drive them to convert the urban renewal achievements that should be shared by the public into developer profits.

Secondly, due to the lack of overall, long-term and comprehensive planning, the current urban renewal work in different regions works individually to generate greater short-run economic benefits, rather than the long-term and overall scheme, leading to a market-oriented model in which profit is the main consideration for promoting renewal, while areas that lack market profit are left uninterested. Social capital are inclined to invest in old factories with lower demolition costs or old villages with more favorable plot ratio and incentive policies rather than the renovation of old urban areas with limited profit margins because the process of renovation of old urban areas may involve a series of problems such as excessive subdivision of property rights, a large number of owners, and high threshold for the consultation system established on renovation willingness and renovation plans^[19]. However, the actual reconstruction progress is slow, and in the cases that have been implemented, the emphasis is placed on the reconstruction of villages in the prosperous city with superior locations and greater economic profits.

Finally, there is a shortage of protection of vulnerable groups' right of habitation. The government mainly motivates the landowners and developers to promote urban renewal by incentive measures such as the comprehensive use of agreement-based transfer of land use rights, the increase in building volume, and the share of land transfer fees. But for other residents in the renewal area, especially low-income earners, tenants and migrant workers can hardly enjoy the benefits brought by urban renewal. In short, the current urban renewal legislation lacks protection for vulnerable groups such as migrant workers and low-income renters in the urban renewal area^[20]. In the society dominated by social capital, the vulnerable groups' living rights are at the risk of being ignored or even inevitably damaged in the process of urban renewal. Therefore, if the vulnerable groups whose livelihoods are affected by the renewal cannot be properly resettled, the public nature and public interest nature of urban renewal as a public administration will be questioned.

The Lagging Development of Community Self-government Laws

Public participation as a legal procedure is generally absent from the current local urban renewal legislation and normative documents. As mentioned above, as a specific urban renewal procedure of public administration, publicity is also the essential nature of urban renewal. Its

main purpose is to improve urban functions, promote environmental quality, and achieve sustainable urban development. Therefore, urban renewal should reflect public interests and achieve a higher level of goodness. However, the current local urban renewal system does not highlight the issue of public participation, and there are no specific procedural provisions except for some general concept for public participation in relevant regulations and documents.

At the same time, there is no clear definition of the object and scope of public participation in existing urban planning legislation. Urban renewal is usually carried out in the three-party interest game among the public, real estate developers, land and housing rights holders, and each participating party obtains transnormal benefits from the renewal. On the contrary, it's difficult to protect the interest of the public who may have to bear the secondary transfer of renewal costs. Even in accordance with the scope and time of public participation at the urban planning level of the *Urban and Rural Planning Law*, in practice it is difficult for the public to effectively participate in renewal decision-making given some disadvantaged groups are not entitled to propose in the planning system and procedural channels to express opinions in the zoning planning and designing phases of reconstruction of old cities.

A NEW MODEL OF ORGANIC RENEWAL AND SMART GOVERNANCE MECHANISM OF EXTRATERRITORIAL CITIES

It is widely accepted that large-scale urbanization and urban redevelopment have caused destructive consequences. Pioneering urbanizing countries first began to reconsider large-scale urban transformation. In 1969, the Committee on Public Participation in Planning published the report named *People and Planning*, which first proposed the institutional framework, methods of public planning and participation procedures^[21]. In 1975, the U.S. Congress passed the report called *Housing and Community Development Act* to terminate the large-scale urban renovation plan funded by the federal government, and turned to the establishment of a community development fund to give local governments greater autonomy and promote community renewal and redevelopment^[22]. The *Machu Picchu Charter* of 1977 can be seen as a collective reflection of the urban planning profession^[23], which proposes that the city is a dynamic organic system where the relationship between human and nature is the basic relationship that requires attention in urban planning. Therefore, the respect for the city's own system is indeed a thing that requires attention in the planning process. Secondly, it also

proposes that urban planning should adapt to the constant changes of the city's material culture since the organism and urban planning is a process of multi-subject participation. In addition, important documents such as the *Warsaw Declaration* and *Agenda 21* further developed the planning concepts in the *Machu Picchu Declaration*, emphasizing "improving the quality of life of all people should be the purpose of the construction of each settlement". From the literature review, it can be observed that since the 1960s, foreign countries have raised awareness in theory and practice of the damages caused by large-scale demolition and urban renewal methods to urban culture and residents' lives, and have carried out by small-scale theoretical research and practical exploration. These research results provide crucial inspiration and reference for China's urban renewal research and the practice of "urban renewal", "smart city governance", "community building" and "community micro-renewal" that have been in full swing in recent years.

This study selects five typical countries to analyze their organic renewal and smart governance mechanism models of extraterritorial cities from different perspectives.

Germany has established an urban renewal legal system that is independent of the urban and rural planning system. In Germany, the main laws include core laws and related laws, and supporting regulations include administrative regulations and local measures of various ministries and local governments for supervision. For example, the *Federal Construction Code* mainly stipulates the basic framework of national urban renewal, including the department responsible for organizing urban community renewal, the object and the goal of renewal. In addition to the primary legislation, each power hierarchy has standardized the operation procedures of the old community reconstruction plan, and formulated corresponding supporting regulations according to their respective responsibilities to clarify the norms of local towns' self-reporting and project approval in order to further implement the governing philosophy and ease social conflicts^[24].

France has adopted diversified financing and operating models. Urban renewal financing serves as the key to ensuring operability, and the choice of financing method depends on the government's governance philosophy and financial resources. The French government has

given greater support for the revival of declining communities. In particular, the French central government has set up special funds to support the implementation of local community improvement projects. The competitiveness-oriented renewal, which accounts for up to 50%, has a room for premium price, serving as a strong incentive for the market to intervene and inject capitals.

The United Kingdom has established special management agencies, regulations and guidelines. Since the 1990s, the United Kingdom has established the “England Cooperation Organization” and the “Regional Development Agency” as the guiding and coordinating agencies for urban renewal. At the national and regional level, the *Urban Civilization Law* on urban renewal is enacted. More detailed policy measures are proposed at the project level. For example, in 1978, Westminster promulgated the *Covent Garden Action Plan*, *Technical Wente Garden Protection*, *Supplementary Notes for Commercial Use Planning Guidelines* and other recommendations, focusing on the protection of the urban texture and historical characteristics of Covent, and encouraging mixed use with new commercial formats on the premise of not destroying historical buildings. They clearly identifies the daily maintenance of historical buildings, the revitalization of public space and economy, which provides strong guidance for the continued construction and operation of the project^[25].

Many subjects have been introduced to participate in the implementation of urban community renewal projects in Japan. The introduction of multiple players in urban community renewal projects can ensure the smooth progress of urban renewal activities, and guarantee the interests of the general public. Community members, NGOs, non-profit organizations, industry associations and semi-public governance institutions are engaged in the implementation of the project to expand the governance base for urban renewal activities^[26].

A regional renewal system with various preferential policies has been established in the United States. In view of the complexity of urban organic regeneration, the United States adopts a series of statutory preferential and incentive measures to promote an area of special value in the city. For example, in 1969, the government established a special purpose area in New York in order to avoid the threat of Manhattan office building development at that time. It also proposed that while the office building in this area was developed, other theaters could obtain

a reward of 20 % extra floor area. Although the incentive policy is non-compulsory, five new theaters have been completed one after another under the market mechanism and guidance policy, enhancing the traditional characteristics of the Broadway Theater District^[27].

DISCUSSION AND IMPROVEMENT OF THE UPDATED MECHANISM OF URBAN RENEWAL GOVERNANCE IN CHINA ON THE BASIS OF EXTRATERRITORIAL EXPERIENCE

The renewal of the community autonomy concept, clarification of the value orientation, improvement of relevant legislation and satisfaction of the practical needs of the development of smart city residents' autonomy are specific requirements for the legalization of grassroots autonomy. How to maximize public participation in urban renewal, ensure and realize urban public interests, effectively improve the living environment quality of urban residents, and achieve sustainable development depend on the improvement of legislation. Therefore, legislation should be constructed on the basis of comparative study, practice summary and problem analysis to effectively guarantee and promote urban renewal.

Improvement of Relevant Legal Corresponding Measures

The common governance experience of countries and regions with earlier urbanization process lies in ensuring and regulating urban renewal with legal systems. Countries such as France, the United Kingdom, Germany, the United States and other countries have formulated special urban renewal legal systems to define and regulate the government's authority and power exercise procedures in urban renewal^[28]. The legislative practice of various countries and regions demonstrates that a comprehensive legal system serves as the most powerful guarantee for the orderly advancement of the urban renewal. However, China's urban renewal system is not only lacking in system, but also imperfect in system design, which constitutes the weakness of the current urban renewal work in China.

Urban renewal involves complex rights relations among many subjects, leading to a variety of problems at different levels. It is recommended to combine the institutional practice of urban

renewal at the local level with the improvement of the legal system at the national level, and revise *Land Administration Law* and *Urban and Rural Planning Law* within the existing legal system framework with supplementary provisions and clarification of the basic principles and conditions of urban renewal. Meanwhile, *Urban Renewal Law* should be specially formulated to systematically regulate urban renewal activities, which lays a solid legal foundation for urban renewal.

Improvement of the Relevant Functions of the Government and Public Institutions

As a public personality, the state and government represent the will of the public and reflect the common interests of all the people^[29], which is closely related to the basic rights of the people. The government, as the natural representative of the public interest should bear the responsibility to protect the basic rights of the people, maintain the rationality of decision-making and reflect the public interests. Therefore, urban renewal itself should have the substantial effect of advancing public interest.

In terms of legal basis, laws such as *Land Administration Law* and the *Urban and Rural Planning Law* confer state responsibility to impose restrictions on land use. And the state, as a land administrator, can exercise the power conferred by law by virtue of “public interest”. China’s current constitution stipulates that for the needs of the public interest, the state may expropriate or requisition land in accordance with the law and give compensation accordingly, which can be also embodied in China’s *Land Administration Law* and *Real Right Law of the People’s Republic of China*, etc. Therefore, in urban renewal legislation, it is advisable to define public interest as the basic principle of urban renewal, and clarify that the government should obtain and maintain public interests through the promotion of urban renewal.

Based on the orientation of public interest, in addition to the redevelopment of urban features and buildings, the overall benefits should also be highlighted in terms of urban renewal in the future. Urban renewal should not be limited to buildings, but for the sake of overall interest, such as the maintenance of historical and cultural relics, the construction of major public works, the upgrading of local industries, commercial development, improvement of cultural

landscapes, community infrastructure and major disaster reconstruction. Therefore, the further legislation should clarify the specific procedures for the identification of public interests, work on the perfection of identification and review mechanism of public interests and maximize the public interests while maintaining the legitimate interests of individuals. Besides, since urban renewal is confirmed to be based on the needs of public interests according to the procedures, the existing “majority decision” mechanism may pay less attention to the needs of minorities who are not in favor of the city redevelopment. So the government should complete the objection appeal system and provide fair and reasonable protection to the rights of the dissenters through the intervention of public power.

Additionally, attention should also be paid to old towns without potential market profits to achieve the overall renewal of the old urban areas, a major focus of improving the urban renewal system. Under the current mechanism, due to the unbalanced cost and profit, there is no sufficient motivation for renewal of old cities. Therefore, the government shall bear the responsibility in the construction of the legal system. Given the constraints of the government’s human and financial resources, it is unrealistic for the renovation of old urban areas to be completely promoted by the government, but the government can use more favorable incentives to attract social forces to participate, or even establish a renewal company with joint investment of state-owned capital and social capital to effectively utilize various forces to jointly invest in urban renewal in old city areas without huge market profits. In this case, a system in which the government is the mainstay and the private sector is the supplement could be established, and social forces are encouraged to participate in the renewal of cities without potential market profits.

The most important thing is to strengthen the protection of housing rights for vulnerable groups in urban renewal. Article 14 of China’s *Constitution* stipulates that the state shall establish and improve a social security system commensurate with the level of economic development. Besides, Article 33 stipulates that the state respects and protects human rights. As for the concept of human rights, although the connotation and denotation of human rights are controversial in academia and different countries, human rights can be abstractly considered as rights and interests that a person should enjoy and be fully guaranteed and realized in the

society in which he lives, especially in the state. The *Universal Declaration of Human Rights*, *International Covenant on Civil and Political Rights* and *International Covenant on Economic, Social and Cultural Rights* have correspondingly stipulated the state's obligation to ensure the realization of citizens' right to live, which has become a constitutional right of citizens. With the development of industrialization and urbanization today, the responsible government has the responsibility to use public resources to effectively protect and actively take care of the basic rights of individuals such as survival and residence, ensuring urban residents to obtain their own houses in the cities. Therefore, the construction of relevant systems for urban renewal should, in principle, adhere to the principle of housing rights protection, and fulfill the government's responsibility to solve the housing problems of disadvantaged groups [30].

Guarantee of Public Participation in Community Renewal

Effective public participation means ensuring that the public notices suggestions that affect their affairs as early as possible from the decision-making system or decision-making process, and effectively safeguard and improve their own economic interests and welfare, and improve social status in the legal system and procedure, improve social status and development opportunities^[31]. The essence of urban renewal is an adjustment process of benefit pattern. Therefore, effective public participation can not only make administrative decision-making widely accepted by the public, avoid misunderstandings and effectively narrow the gap between decision makers and the general public. Also, it can make the public feel respected, thereby greatly reducing the sense of imbalance of groups with disadvantaged interests. Therefore, the formulation of a guiding, holistic and regulatory renewal plan should be based on the relevant major urban development plans, future urban development trends, development visions, and the development trends of other advanced cities in the world. It should also engage the public extensively and solicit opinions from all parties apart from stakeholders, including relevant public organizations, experts and scholars, whose legal status should be granted. It should be clear that public participation is very essential in the administrative decision-making of urban renewal, which needs to be improved in the ways of setting basic rules and procedures, and regulating the rights and obligations of all participants. Public opinions are heard through public participation in the form of public consultation, symposiums, hearings, and questionnaires. Through effective public participation, mistakes in urban renewal decision-making can be avoided, resulting in a more scientific and democratized decision-making, and

thereby expanding the legitimacy of urban renewal. As the old saying goes, a thousand-mile journey begins with the first step. If the self-governance at the grassroots level is always in the dilemma of “involution”, it will be detrimental to national construction and development. The “powerful state and powerful society” mode and the “extensive consultation, joint contribution and shared benefits” pattern serves as the mainstream of the development of smart social governance. The reconstruction of contemporary social order at the grassroots level should be based on the integration of traditional social order rules and modern social order norms, and the principle of order should be established on the basis of social autonomy under the framework of the rule of law^[32], which is the boundary and guarantee of grassroots autonomy. Both the promotion and subsidence of resident autonomy and the confirmation and development of negotiated autonomy shall be carried out within the framework of law. Smart city construction should be guided by people-oriented “smart governance”, and the in-depth development of “smart governance” should also be based on the “smart autonomy” of the grassroots level. Community autonomy legislation should deeply grasp the situation and transformation of social governance concepts in information society, prudently balance the government’s grid management power and community residents’ autonomy, reshape the relationship between grass-roots governments, grass-roots self-government organizations and residents, and provide effective legal support for the benign operation of the grass-roots autonomy.

ENDNOTES

[1] Peter B, Joseph J. Encyclopedia Britannica[J]. Leech, 1994, 7: 238-9.

[2] Couch C, Sykes O, Börstinghaus W. Thirty years of urban regeneration in Britain, Germany and France: The importance of context and path dependency[J]. Progress in planning, 2011, 75(1): 1-52.

DOI:<https://doi.org/10.1016/j.progress.2010.12.001>

[3] Aspects of urban renewal: report of an enquiry by questionnaire concerning the relation between urban renewal and economic development[M]. International federation for housing and planning, 1985.

[4] Couch C. Urban renewal: theory and practice[M]. Macmillan International Higher Education, 1990.

[5] Liu D, Tang J, Zhao X, Liu H. A Comparative Study of Urban Regeneration Systems in the Developed Countries and Their Enlightenment to China: Taking France, Germany, Japan, Britain and the United States as Examples[J]. Urban Planning International, 2021, 36(3): 50-58. DOI : 10.19830/j.upi.2020.051.

[6] Zhou X. Research on Urban Renewal Area Planning System [D]. Beijing: Tsinghua University, 2017.

- [7] Jane J. Death and life of big American cities[J]. M.: Novoe izdatelstvo, 2011.
- [8] Alexander C. A pattern language: towns, buildings, construction[M]. Oxford university press, 1977.
- [9] Alexander C. The origins of pattern theory: The future of the theory, and the generation of a living world[J]. IEEE software, 1999, 16(5): 71-82. DOI : 10.1109/52.795104.
- [10] Lai L W C, Chau K W, Cheung P A C W. Urban renewal and redevelopment: Social justice and property rights with reference to Hong Kong's constitutional capitalism[J]. Cities, 2018, 74: 240-248. DOI:10.1016/j.cities.2017.12.010.
- [11] Tu Rui. Research on McCormick's Theory of Legal Reasoning[D]. Southwest University of Political Science and Law, 2015.
- [12] Li C, Liu F. Political Economic Analysis on Performance of Different Market Economy Models in Developed Countries —Take the American Model and the German Model as Examples [J]. China Review of Political Economy, 2019, 9(1): 106-129.
- [13] Zhu J, Xu J, Li X. Impact of Land Urbanization and Population Urbanization on Economic Growth in China [J]. Scientia Geographica Sinica, 2020, 40(10): 1654-1662. DOI:10.13249/j.cnki.sgs.2020.10.009.
- [14] Fu S, Dai M, Wu L. Thoughts on the citizenization of agricultural transfer population *— Enlightenment Based on Japanese experience [J]. Agricultural Economy, 2018 (10): 72-74.
- [15] Wang Jiali. Rereading “The Situation of British Working Class”: Exploring the Contemporary Significance of the British Urbanization Problem [J]. Journal of Urban Studies, 2019, 4.
- [16] Chen L, Li X, Yao R. Effects of population agglomeration on urban economic growth in China [J]. ACTA GEOGRAPHICA SINICA, 2018, 73(6).
- [17] Xia Jinwen. Social governance pattern of co construction, CO governance and sharing: theoretical construction and practical exploration [J]. Jiangsu Social Sciences, 2018(03):53-62. DOI:10.13858/j.cnki.cn32-1312/c.2018.03.009.
- [18] Meng F, Wu X. Revisiting “Smart City” : Three Basic Research Questions —Based on a Systematic Review of English Literature [J]. Public Administration and Policy Review, 2022, 11(2): 148.
- [19] Zhang Yue. Urban Fragments: The Politics of Urban Preservation in Beijing, Chicago, Paris[M]. BEIJING BOOK CO. INC., 2018.
- [20] Chen Yingfang. Urban Governance Research (Volume 1): Empowerment, Housing Supply and Living Security [M]. Shanghai Jiaotong University Press Co., Ltd., 2017.
- [21] Rowe G, Frewer L J. Public participation methods: a framework for evaluation[J]. Science, technology, & human values, 2000, 25(1): 3-29. DOI:https://doi.org/10.1177/016224390002500101.
- [22] Johnson M P, Keisler J M, Solak S, et al. Decision science for housing and community development: Localized and evidence-based responses to distressed housing and blighted communities[M]. John Wiley & Sons, 2015.
- [23] Larson L R, Poudyal N C. Developing sustainable tourism through adaptive resource management: A case study of Machu Picchu, Peru[J]. Journal of sustainable tourism, 2012, 20(7): 917-938. DOI:https://doi.org/10.1080/09669582.2012.667217.
- [24] Putz A W. Housing Paul and Paula: Building Repair and Urban Renewal in the German Democratic Republic[J]. Architectural Histories, 2019, 7(1). DOI: https://doi.org/10.5334/ah.302.
- [25] Davies J S. The governance of urban regeneration: a critique of the ‘governing without government’ thesis[J]. Public administration, 2002, 80(2): 301-322. DOI:https://doi.org/10.1111/1467-9299.00305.

^[26] Ji W, Li J. A Comparative Study on the Renewal Practice Modes of Historic Buildings in China and Japan— Taking Tianjin, Kobe, and Maizuru as examples[C]//IOP Conference Series: Earth and Environmental Science. IOP Publishing, 2021, 825(1): 012031. Sci. 825 012031.

^[27] Yi Xin, Klaus R. Kunzmann. Learning from European Experience: Urban Design's Challenges in Global Era [J]. Urban Planning International,2016,31(02):12-17.

^[28] Yanhua, Yin. Modern Urban Government and Urban Management [M]. Shanghai University Press, 2003.

^[29] Rousseau, The Social Contract, He Zhaowu tr., Beijing: Commercial Press, 1996 edn, 135

^[30] Zhu Haibo. Study on Legal Issues of Urban Renewal [J]. Jinan Journal (Philosophy and Social Sciences) ,2015,37(10):69-76+162-163.

^[31] Yang Yuguan. Amendment Of China's Criminal Procedure Law Highlights Human Rights Protection[J]. Law Science Magazine,2012,33(05):19-26.DOI:10.16092/j.cnki.1001-618x.2012.05.028.

^[32] Zhou Qingzhi. Between Governance by Officials and Governance by the People: A Summary of the Order Reform of Grass-roots Society [J]. Academic Exchange,2019(07):57-63+191+2.