

Analysis of Legal System of Land Use in Archaeological Sites

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Abstract : It is important to actively adjust the legal system of land use in archaeological sites and the reward system to meet the needs of modern society and to solve the dilemma of government management. Under the principle of administration according to law and the principle of the clarity of law, human rights, legal orders and legitimate expectation shall be regulated. The Cultural Heritage Preservation Act has many norms related to archaeological sites in Taiwan. However, in practice, the preservation of archaeological sites still encounters many challenges. For instance, some archaeological sites have 'management and maintenance plans'. The restrictions of land uses are not clearly defined making it difficult to determine how planting types and cultivation methods will impact the underground relics. In addition, there are questions as follows. How to coordinate the 'site preservation plan' with the Regional Planning Act and the Urban Planning Act? How to define preservation of land, preservation area and other uses of land or area? How to define land use in practice? How to control land use? After selecting three sites for the case investigation, this study will analyze the site's land use status and propose the direction of land use and control methods. This study suggests that the prerequisite to limit the use of land is to determine the public interest in the preservation of the site. Another prerequisite is to establish a mechanism for permitting the use of the site and for setting the site preservation and zoning maintenance practices according to the Regional Planning Act, Urban Planning Act and other relevant rules, such as, land use zoning, land use control, land management, land maintenance, regional development and management and etc.

Keywords : archaeological site, land use and site preservation plan, regional planning, urban planning

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