
Summary of Articles

Establishing “Betterment” in 1919 : A New Look at the Process of Forming City Planning Law

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This paper examines how the “beneficiary burden,” one of the financial resources underpinning city-planning projects, was established in early 20th-century Japan. The “beneficiary burden” system, established in Japan under the 1919 City Planning Law, imposes construction costs on landowners abutting roads that are being constructed. One of its characteristics in Japan is that it can be imposed without local assembly approval. Previous studies have not clarified why the system developed in this way. This paper considers this question by examining the process by which the City Planning Law was enacted.

The process of establishing the City Planning Law saw conflict between the Ministry of Home Affairs and the Ministry of Finance. The Ministry of Home Affairs, which sought to promote urban planning projects, tried to introduce new financial provisions in the City Planning Law to support such projects. However, the Ministry of Finance objected to these measures and asserted that the government could not afford to put more financial resources into developing urban areas. Although the Cabinet Legislation Bureau, which reviews laws before they are submitted to Parliament, agreed with the position of the Ministry of Home Affairs, it ultimately denied all new funding provisions proposed by the Ministry of Home Affairs.

Believing that city planning projects would therefore become difficult to carry out, the Ministry of Home Affairs worked with the Cabinet Legislation Bureau, and, with the Road Act for reference, forced a change in the text to make it the basis for financing rules. As a result, the system of imposing the cost burden on landowners in the vicinity of the roads was based not on the provisions for imposing a city-planning tax but on determining who would share the costs of the project. This was the background to the establishment of the “beneficiary burden” in 1919.

The “beneficiary burden” was thus stipulated in the City Planning Law without sufficient examination of the procedures needed for imposing the cost burden. It therefore became a system in which the burden could be imposed without obtaining either Ministry of Finance permission or local assembly approval. This made the imposition of the “beneficiary burden” easy in procedural terms, but at the same time meant giving up the means for justifying that imposition.