

THE ROLES OF THE SCHEME OF MANAGEMENT OF THE HAMPSTEAD GARDEN SUBURB IN MAINTAINING THE LIVING ENVIRONMENT

ハムステッド・ガーデンサバーブの居住環境維持に対するマネジメントスキームの役割

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Keywords :
Hampstead garden suburb, Scheme of management, Living environment

キーワード :
ハムステッド・ガーデンサバーブ, マネジメントスキーム, 居住環境

Although many studies have been done on the Hampstead Garden Suburb, not so many deal with how its good living environment has been preserved until today. This study clarifies that the scheme of management based on the leasehold reform act 1967 plays an important role for the preservation by enabling the trust to control strictly and flexibly its living environment and by offering a stable platform for the control. To preserve a good living environment, it is necessary to manage the developed residential area as a whole. The roles and importance of the scheme should be recognized more in Japan.

1. Introduction

The Hampstead Garden Suburb (HGS) is a well-known suburban residential estate constructed in a London suburb at the beginning of the 20th century that had a crucial influence on the establishment of the town planning in England. Many studies, including the planner's own, have focused on the HGS's construction, urban design, or its historical significance¹. However, not so many studies deal with how the living environment there has been preserved and maintained until today².

The purpose of this study is to clarify the contents, actual administration and role of the Scheme of Management (SM) based on the Leasehold Reform Act 1967 in the preservation and maintenance of the living environment of the HGS, after taking a brief look at the establishment history of the New HGS Trust, the managing body of the SM.

This study is mainly based on existing studies on the HGS, internal documents held by the New HGS Trust Ltd, leaflets and brochures for residents issued by the Trust, an interview with the manager of the Trust³, as well as legal texts relating to the preservation of the living environment of the HGS.

2. The Establishment of the New HGS Trust Ltd.

Although the HGS Trust, the builder of the HGS, kept managing the estate after World War II, it faced a takeover attempt in the 60s. In order to resist it, the HGS Protection Society was formed by opposing inhabitants in January 1962, and it even made a petition to the High Court. After various twists and turns, however, the whole freehold of the HGS was finally transferred to the Suburb Leaseholds Ltd, former Co-partnership Tenants Ltd, in July 1962. The Next year, the four interested parties, the

"old" Trust Ltd, the Suburb Leasehold Ltd, the Protection Society and the Residents' Association, reached an agreement to create a new managing body, the New HGS Trust Ltd. It was established somewhat later in 1968 "for the purpose of ensuring the maintenance and preservation of the character and amenities of the HGS⁴." <Fig.1 >

In 1969, the Suburb Leaseholds Ltd held a public auction, and sold all its properties in HGS to the Ashdale Land and Property Company Ltd, a wholly-owned subsidiary of Eagle Star. <Fig.2> At this time, the Leasehold Reform Act 1967 had already been passed by Parliament, and according to the act, owners of leasehold houses could acquire their freehold (enfranchise) at the end of their lease contract term. Therefore, the danger of degradation in the living environment became real. For, if the Ashdale had allowed enfranchisement to individual residents in response to their request, that would have enabled individual residents to alter their houses and gardens as they liked. Such a situation was foreseen by some of the residents. When the then Prime Minister, Harold Wilson published his plan for leasehold reform in 1964, a joint letter from the Chairmen of the Protection Society and Residents' Association was sent to him. It underlined the necessity of retaining some power to the landlord even after enfranchisement in order to preserve a good living environment. This opinion was incorporated into the Bill, and realized as the SM in Section 19 of the Leasehold Reform Act in 1967. At the time of Ashdale's purchase, it had been possible to preserve HGS's living environment by establishing a SM with the certification of the Minister in charge and the permission of the High Court.

In 1970, the certification of SM was granted by the Minister to the New HGS Trust and the Ashdale, and their jointly-made SM came

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Fig.1 Memorandum and Articles of Association of the New HGS Trust

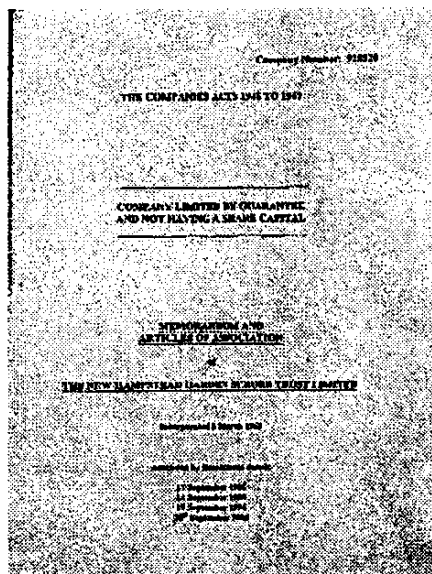


Fig.2 The Catalogue of HGS in Auction: note Lease terms are written as 99 years and 999 years.

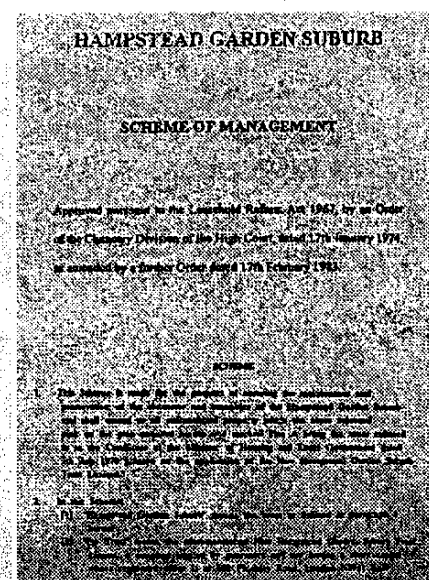
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Hampstead Garden Suburb
comprising some
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including £203,135 per acre

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HEALEY & BAKER
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155 QUEEN VICTORIA STREET, E.C.4
THURSDAY 11th OCTOBER 1989 - 3pm

Address	Area	Estimate	Actual	Address	Area	Estimate	Actual
1. 1st Floor Flat	100	100	100	1. 1st Floor Flat	100	100	100
2. 1st Floor Flat	100	100	100	2. 1st Floor Flat	100	100	100
3. 1st Floor Flat	100	100	100	3. 1st Floor Flat	100	100	100
4. 1st Floor Flat	100	100	100	4. 1st Floor Flat	100	100	100
5. 1st Floor Flat	100	100	100	5. 1st Floor Flat	100	100	100
6. 1st Floor Flat	100	100	100	6. 1st Floor Flat	100	100	100
7. 1st Floor Flat	100	100	100	7. 1st Floor Flat	100	100	100
8. 1st Floor Flat	100	100	100	8. 1st Floor Flat	100	100	100
9. 1st Floor Flat	100	100	100	9. 1st Floor Flat	100	100	100
10. 1st Floor Flat	100	100	100	10. 1st Floor Flat	100	100	100
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12. 1st Floor Flat	100	100	100	12. 1st Floor Flat	100	100	100
13. 1st Floor Flat	100	100	100	13. 1st Floor Flat	100	100	100
14. 1st Floor Flat	100	100	100	14. 1st Floor Flat	100	100	100

Fig.3. HGS Scheme of Management



into effect in 1974 by approval of the High Court. <Fig.3> In 1988, the New Trust acquired Ashdale's remaining interests on the Suburb, and became the ground landlord again. At this point, the whole area of the HGS fell under the integrated control of the New Trust through the SM for freeholders and through covenants in the leases for leasehold properties⁶.

3. The Contents and Administration of the SM and its Relationship with the Planning Control

The SM is a kind of legal framework that was established for the purpose of ensuring the maintenance and preservation of character and amenity of a residential area once-owned by one landlord. It endows the landlord with the power of agreement on the freeholders' alteration of their properties⁶. The following sections explain the HGS's SM's contents, actual administration and relationship with the planning control.

3-1 The Contents of the SM

The SM of HGS consists of two parts. One is "Scheme," which provides the basic structure of the scheme, such as the purpose, the management body, the management charge, the termination of the SM. The other is "the Scheme Schedule," which is a list of items that could be regulated by the SM. The outline of each

part is as follows.

At first, Art.1 of the Scheme states, "this Scheme is made for the purpose of ensuring the maintenance and preservation of the character and amenities of the Hampstead Garden Suburb," and it defines by an attached map the geographical area to which the SM is applied. Art.3 states, "the rights and powers of management authorized by this Scheme shall be exercised by the Trust," while Art. 5 states, "this Scheme shall apply to all enfranchised properties and the owner thereof shall as from the date of enfranchisement be bound by the same." These two articles compose the legal basis of the Trust's management authority. Art.6 provides the annual management charge, and the following three articles define calculation methods for the charge. Art. 10 provides the obligation of notice to the Trust when any change of ownership happens. From Art.11 to Art.14, there are provisions concerning the termination and variation of the SM, and other technical matters.

Secondly, the Scheme Schedule comprises 14 articles. <Fig.4> Many articles require enfranchised property owners "prior written consent of the Trust" in such cases as alterations of their gardens, the external appearance of buildings, uses of buildings, and so on. There are also articles that directly impose specific obligations on the owners, such as Art.6 (the inhibition of exposing washing or clothes on front elevation) and Art.8 (the obligation of contracting fire insurance). Some articles are so strong as to allow the Trust to inspect any enfranchised property if there is any doubt of a substantial breach or non-observance of the SM. This kind of strong restriction on the individual rights is the reason that the Leasehold Reform Act 1967 requires the High Court's approval for the SM⁷.

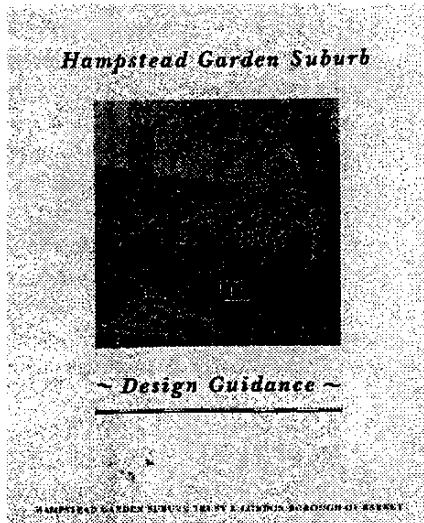
3-2 The Administration of the SM

Then, how is the SM, contents of which are described above, actually administered, and what actual role does it play in the maintenance of the living environment? In particular, how does the Trust grant to residents "prior written consent," which is their main method of living environment control? Although the Scheme Schedule states, "such consent shall not be unreasonably withheld (Art.10(B))," there are no provisions that substantially state when this consent should or should not be granted. It is, after all, judged

Fig. 4 The Contents of the Scheme Schedule

Art	Item	Obligation
1	Building on gardens, Alteration of general appearance of gardens, etc	Prior written consent
2	Alteration of external appearance of any building	Prior written consent
3	Change of uses of properties	Prior written consent
4	Erection of fences, etc Cutting down trees, etc	Prior written consent
5	Station of caravan, trailer, etc	Prior written consent
6	Exposition of washing or clothes on front elevation, etc	Direct imposition
7	Keeping good condition of exterior and structure, etc	Direct imposition
	Alteration of the existing colour scheme	Prior written consent
8	Fire insurance	Direct imposition
9	Reinstatement of destroyed building, etc	Direct imposition
10	Procedure of consent	
11	Substantial breach or non-observance	Acceptance of inspection
12	Works, repair, maintenance or restatement required by the Scheme	Acceptance of entrance, Charge
13	Charge for open green, common garden, etc	Charge
14	Charge for easement, etc	Charge

Fig.5 HGS Design Guidance



on a case-by-case basis through the interpretation of the purpose of the SM.

However, since it is too vague for residents to foresee the permissibility of their plan of alterations, the Trust produced the Design Guidance in 1994, collaborating with the Barnet Borough, the local planning authority of the area. <Fig.5> This is a leaflet of 16 pages that states basic principles on "extensions" and "building materials and details," such as walling materials, tiles and roofs. In addition, various guidance notes are published by the Trust to supplement Design Guidance. For example, there is a guidance note for the installment of a satellite dish dated 27 February 2001⁹. Concerning a satellite dish, the Design Guidance mentions in a mere 15 lines of its text that the size, design, siting and colour should minimize the impact on the building, and that it may be sited in the rear garden and screened by planting. The guidance note, on the other hand, lists up more detailed standards on both sides of the A4 size paper, and gives more detailed guidelines to the residents⁹. <Fig.6> Similar kinds of guidance notes are published on various subjects by the Trust¹⁰.

On the basis of these standards, actual alterations of properties are made in the following order. At first, residents who want to make alterations are advised to consult the Trust Architectural Adviser¹¹. The original plan is modified in this process taking into consideration various factors. Then, after the formal submission of the application for Trust Consent by the inhabitants, the Trust notifies the neighbours and invites them to view the plan at the Trust's offices. At last, the Trust decides whether or not it grants consent to the plan based on the standards in the Design Guidance and other supplementing notes, as well as taking into consideration neighbours' opinions¹². The whole process from submitting plans until a

ROOFS

The variety of roof shape is one of the joys of Suburb architecture. The design and details of eaves, gables, hips, gables, fascias and porches are of great importance. Existing original details should be precisely matched, particularly the method of joining valleys and hips.

Dormer Windows and Loft Conversions

To create a picturesque general appearance, most eaves on early houses were often brought down below bedroom ceiling level. This meant that dormer windows were needed at first floor level. These often had small tiled roofs or else lead flat roofs designed as part of the overall roofscape. 'Half dormers' with the lower part of the window set into the wall and the head breaking through the roof eaves, are also common. Modern dormers tend to be made too large in order to maximize internal space. As a result, detailing is often sketchy and heavy. New or replacement dormers must match the original exactly but should comply with modern Building Regulations and thermal insulation standards. Nothing is less convincing than a 'near match' side by side with the original.

Many housebuilders apply to convert large roof spaces. They set several instances of unsatisfactory loft conversions with yawl, boxed-out dormers which were carried out in the 1950s before the strict controls of today were in place. Such applications would now be refused.

As part of a loft conversion, dormers in the front slope of the roof may be suitable

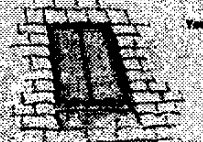
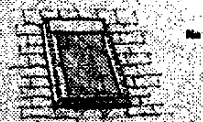
depending on circumstances. Dormers will be expected to be in proportion with the size of the roof, without oversteering or dominating elevations, and with designs complementing the style and appearance of the house. We will carefully consider whether a proposed dormer creates a precedent, for example, in a group of houses. An important consideration will be the effect of the dormer on the character and appearance of the property, the street and where relevant the group of properties of which it forms a part. Small cottages are generally designed to be two storey buildings; loft conversions with dormer windows will often seriously affect their character and will generally be unacceptable.

On a larger house appropriately sized and designed dormers are generally acceptable. If sited to the rear or side, care must be taken to ensure that a significant increase in overlooking of neighbouring properties is avoided. In the case of a semi-detached property, particularly if symmetrical, care will be taken to ensure that a dormer window does not imbalance the pair.

If you have an original attic rooflight, this does not mean that you can automatically install a dormer in the same location. Similarly, alternative and possibly unorthodox dormer in neighbouring properties will not necessarily be accepted as an argument for the installation of a dormer in your property. To enable your proposals to be fully assessed, please provide large scale drawings. These should show constructional details to a scale of 1:10 or 1:15 by the Trust and 1:20 for the Council.

Small traditional rooflights may be acceptable in discrete locations, generally on the roof slope, offering an alternative to a dormer on modest properties. Their use on front roof slopes will be considered carefully to ensure that the character of the property is not compromised. Modern rooflights in deep frames, which break up the line of the roof surface, are not considered acceptable.

Flat roof 'crown roofs' on Suburb properties may allow the fitting of concealed flat rooflights.



Traditional rooflights are acceptable. They are sited on the slope and are set into the roof slope. Modern flat rooflights are often installed and usually obscure the eaves of their building.

decision taken by the Trust Council usually takes about 6 weeks, and on average the Trust processes over 300 applications for alterations to properties per year¹³. Thus, the alterations of an individual property that has its own character and the preservation of the living environment as a whole are harmonized by this flexible control within the framework of the SM, integrating previously notified rules, consultation with a professional and opinions of neighbours.

At present, there are 9 main estates that operate SM under the Leasehold Reform Act 1967¹⁴. These estates organized "the Section 19 Group" following the proposal of the HGS, and get together each year to discuss the problems of operating SMs. The last meet-

Fig.6 Guidance Note on Satellite Dishes

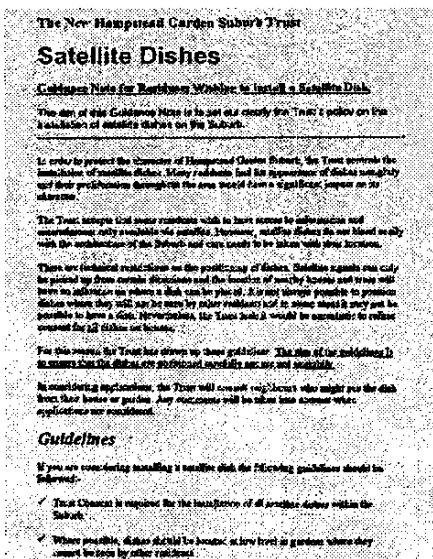


Fig.7 The Agenda of the Section 19 Group Meeting in 2002

SECTION 19 GROUP	
MEETING AT BOURNVILLE VILLAGE TRUST	
THURSDAY 27 th MAY 2002	
AGENDA	
12.30 am	Collect and welcome, including thanks to James Wilson, who retired from BVT after 24 years, 22 as Chief Executive, in July.
11.00 am	James Wilson in being the group up-to-date with the BVT proposal to vary the Scheme of Management. Initial meeting of the Leasehold Valuation Tribunal set for 18 th July 2002.
11.20 am	Discussion on the Evening Standard article of the 16 th January 2002.
11.45 am	Presentation by Alan Shipton on the proposal to change Bourneville Mark 2 in Telford.
12.15 pm	Any Other Business, including date and venue for next meeting.
1.00 pm	Lunch
1.45 pm	Tour of the traditional Bourneville site, but a tour of the BVT owned-marketing regeneration work in town city Birmingham.
2.30 pm	Tea, and depart from Bourneville.

Fig.8 The 25th anniversary of the Scheme



vidual houses at the same time.
 (3) It offers a stable platform for the preservation of living environment as stated above.

On the first point (stricter control): since the basis of the planning control is not an agreement among inhabitants but the public interest, the level of living environment reached by it must be limited to a level required by society in general. This puts an inherent limit on the strictness of planning control. Indeed some people seek a good living environment, but not all people necessarily put much emphasis on that point. Therefore, it is neither realistic nor desirable to seek such a good living environment by imposing strict control on all members of society. However, if people who seek a good living environment are willing to accept stricter control, it is permissible to set up such a system that enables them to do so. The SM is a system of this kind. The SM of the HGS clearly states in its provisions that its purpose is the maintenance and preservation of the character and amenities of the HGS, and that the owners shall be bound

ing took place at Bournville in May 2002¹⁵. <Fig.7>

3-3 The Preservation of Living Environment by the Local Planning Authority

Besides the SM based on the Leasehold Reform Act 1967, there exists a system of preservation of the living environment by local planning authorities¹⁶. At present, the whole area of the HGS is designated as a conservation area (since 1968), and about 500 buildings are listed. An "Article 4 direction" was also enacted in 1971. The London Borough of Barnet, the local planning authority of the area, strictly controls the living environment through these regulations. In the past, there was criticism among residents to the effect that the operation of the SM by the Trust is too expensive and needlessly duplicating Barnet Borough's planning power. However, the Residents' Association rejected any suggestion that Barnet could take over management of the Trust as being naïve¹⁷. Since they made the Design Guidance together in 1994, the Trust and Barnet Borough are preserving the HGS's living environment in close collaboration as dual systems that have common policies¹⁸. <Fig.8>

4. The Roles of the SM

In our view, the SM plays an important role for the preservation and maintenance of the living environment in the HGS, as explained in the following 3 points.

- (1) It enables the Trust to preserve the living environment more strictly than the average level.
- (2) It enables the Trust to flexibly preserve the unified atmosphere of the neighbourhood and the unique character of indi-

vidual houses at the same time.
 (3) It offers a stable platform for the preservation of living environment¹⁹. This agreement among residents enables the stricter control in the HGS.

On the second point (flexible control): generally speaking, a good living environment is achieved by maintaining a delicate balance between the unique character of individual houses and the harmonized atmosphere of the whole neighbourhood. However, planning permissions tend to lack flexibility because public authorities are strongly required to be fair and to treat every case uniformly under transparent rules. On the other hand, it is possible for the Trust to reach such a delicate balance by a flexible and comprehensive judgement as long as it makes a clear stance for living environment preservation under self-governing rules. In order to ensure the appropriateness of the comprehensive judgement, it is important that there is a process of consultation with the Trust Architectural Adviser, and that there are representatives from professional associations within the Council that makes the final decision.

On the third point (stable platform): it is important that there are clauses about an annual management charge within the SM itself. (From Art.6. to Art.9) Thanks to these clauses, the SM can be self-financing²⁰, and thus immune from changes in economic situation in general as well as other spending items of the Trust. Art.10 of the Scheme also helps the Trust to get a hold of changes of residents, and to preserve living environment despite such changes²¹

4. Conclusions

The system of the SM, which came into existence through the

advocacy of the HGS's residents' bodies, enables the Trust to control more strictly and flexibly than the regulations based on the planning power, and offers a stable platform for such control. In order to preserve and maintain a good living environment of an estate, it is necessary to manage the developed residential area as a whole. The SM plays a very important role herein. Well known residential estates in the UK, such as the HGS, Letchworth and Welwyn Garden City, have their SM. The role and importance of the SM should receive more recognition in Japan as well.

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- 1) Unwin, Raymond (1909), *Town Planning in Practice: An Introduction to the Art of Designing Cities and suburbs*, The Fisher Unwin Ltd
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- 13) Koshizawa, Akira (2001), 'Den-en Toshi no Shiso to Kankyo no Jizoku', in "Shin Toshi" December 2001

Notes

- ¹ Raymond Unwin (1909) *Town Planning in Practice*. In Japan as well, there are many studies including Katagi (1987), Koshizawa (1992).
- ² Despite its importance, there are virtually no studies concerning the contents, actual administration and roles of HGS's SM. As for English studies, Miller & Gray (1992), for example, does not deal intensively with the contents and roles of the SM although it describes the history of its establishment. The case is similar with other books, such as Green (1977) and Lester (1977).
- ³ The authors visited Mr. Christopher Kellerman, manager of the New HGS Trust Ltd. at his office 862 Finchley Road on May 8, 2002. After the interview, Mr. Kellerman kindly showed us around the HGS.
- ⁴ Green (1977), pp18-19. Decisions of the Trust's business are made by the Council. It consists of 8 persons of whom 4 are elected from the members and 4 are appointed by 4 different professional societies, namely, the Law Society, the Victorian Society, the Royal Institute of British Architects and the Royal Town Planning Institute. See the Arts.27-57 of Memorandum and Articles of Association of the New Hampstead Garden Suburb Trust Limited.
- ⁵ HGS Commemorative Newsletter, summer 1999
- ⁶ The Leasehold Reform Act 1967, Sec.19 (1).
- ⁷ The explanation by Mr. Kellerman at the time of our interview.
- ⁸ Guidance Note for Residents Wishing to Install a Satellite Dish. 27 February, 2001
- ⁹ For example, it states "dishes will not be approved on front elevation, chimneys, high gables or roofs where they are visually prominent," and

"the maximum size of dish will normally be 43 cm diameter (the size of a digital mini-dish)."

¹⁰ For example, "Guidance Note for Applicants Concerning the Conversion and Alteration of Existing Garages. 30 October, 1997" and "The New Hampstead Garden Suburb Trust Limited Design Guidance Leaflet, Pointing (or Jointing) of Brickwork. (not dated)."

¹¹ Hampstead Garden Suburb Design Guidance, p15

¹² "The final decision on all applications rests with the Trust Council. Any advice given by the Trust Architect is without prejudice to this." (Hampstead Garden Suburb Design Guidance, p15)

¹³ HGS Commemorative Newsletter, summer 1999

¹⁴ They are HGS, Bournville, Calthorpe, Dulwich, Grosvenor, Letchworth, New Earswick, Port Sunlight and Welwyn Garden City. According to a provision of the Leasehold Reform Act 1967, the Minister grants a certificate of the SM "on an application made within the two years beginning with the commencement of this Part of this Act." (Sec.19(1)) Therefore, there is no possibility of a new SM.

¹⁵ Mr. Kellerman mentioned this fact at the time of our interview.

¹⁶ At first, the local planning authority can designate "conservation areas" by a provision of the Planning (Listed Buildings and Conservation Areas) Act 1990. Once an area is designated, the authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the area. In addition to that, "conservation area consent" is also required for the demolition of any unlisted building in the area, and the scope of the "permitted development" gets narrower. If a building is listed, "listed building consent" is required for the demolition of it or any other works which affect its special character. If an Article 4 direction is established based on the Town and Country Planning (General Permitted Development) Order 1995, "permitted development" could be reduced further.

¹⁷ Miller & Gray (1992), p146

¹⁸ According to Mr. Kellerman, the Trust and Barnet Borough always keep contact, and after compiling the Design Guidance, the relationship became closer.

¹⁹ Section 19 (2) in the Leasehold Reform Act 1967 requires the applicant of the SM to inform persons interested of the application for a certificate and its purpose. It also states that the Minister shall not give a certificate unless the condition above is fulfilled.

²⁰ HGS Commemorative Newsletter, summer 1999

²¹ Mr. Michael Hayden, Head of Planning Policy with Welwyn Hatfield District Council, pointed out that the living environment is changing gradually in the Welwyn Garden City due to their inability to keep up with the changes of residents. (Interview on 29 April 2002)

[2002年10月17日原稿受理 2003年2月25日採用決定]