

**Extract from the minutes of meeting of the
Panel on Home Affairs held on 9 November 2004**

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V. Review of built heritage conservation policy

[LC Papers Nos. CB(2)155/04-05(02)-(07), CB(2)180/04-05(01), CB(2)194/04-05(01)-(02) and Consultation paper entitled "Review of Built Heritage Conservation Policy"]

42. The Chairman welcomed the representatives of nine deputations and of the Administration to attend the meeting.

Meeting with deputations

Hong Kong Institute of Archaeology
[LC Paper No. CB(2)155/04-05(04)]

43. Ms LIU Mao presented the views of Hong Kong Institute of Archaeology as detailed in its submission. Ms LIU expressed dissatisfaction with the heritage conservation work in Hong Kong. She pointed out that there was a serious lack of proper measures for built heritage protection, as reflected by the fact that there were no recurrent expenditures spent on any research study commissioned by the Government on built heritage conservation. She urged the Government to put on hold the planning of any heritage tourism project until the Government had formulated its policy on the conservation of built heritage.

Central Police Station Heritage Task Force
[LC Paper No. CB(2)155/04-05(05)]

44. Mr Albert LAI presented the views of Central Police Station Heritage Task Force (the Task Force) as detailed in its submission. The Task Force was concerned about the conservation of the Central Police Station, the former Central Magistracy and Victoria Prison. The Task Force was of the view that the future development of these buildings should be subject to the guiding principles of "Heritage First" Principle and the China Principles, as detailed in paragraph 2 of its submission. Mr LAI said that the Task Force advocated the adoption of a "Citizen-Envisioned Participatory Assessment Model" (CEPAM) for selection of tenderers for the Central Police Station Compound Project. The Task Force also proposed that the assessment of tenders should be conducted by an assessment panel comprising representatives from the Government, professional bodies and the public.

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Hong Kong Institute of Architects / "LIVE. Architecture" Programme of the Chinese University of Hong Kong

45. Professor Bernard LIM expressed concern about the Central Police Station Compound Project. He suggested that the responsible bureaux/department should draw up a detailed conservation plan for the Project, and proponents should be required to put up proposals on how they would fulfil the conservation plan for consideration by the tender board. He suggested that it should be made a tender condition that project proponents should try their best to preserve as many parts of the 17 historic buildings and historic walls at the site as possible, and extra marks should be given to innovative design compatible with the historical buildings. He added that the external walls of the Central Police Station Compound had high historic value and should all be preserved.

46. Professor Bernard LIM further said that Hong Kong Institute of Architects considered it important that the general public, the local community and professionals should be allowed to participate both in the pre-tender stage and the tendering process. Moreover, in the course of implementing the Project, a monitoring committee comprising representatives of the Antiquities Advisory Board (AAB), professional bodies and the community should be formed to oversee the implementation of the project and future uses of the buildings.

Conservancy Association

[LC Paper No. CB(2)180/04-05(01)]

47. Dr HUNG Wing-tat presented the views of the Conservancy Association as detailed in its submission. He stressed that the Central Police Station Compound Project should be conservation led and the monetary return of the project should not be over-emphasised. The issue should therefore be followed up by the Panel on Home Affairs instead of the Panel on Economic Services. Dr HUNG pointed out that in the development of the former Tsim Sha Tsui (TST) Marine Police Headquarters, the weighting given to heritage preservation at 25% was too low. He said that a high-class hotel had been built at that site, but the atmosphere and environment of the former marine headquarters had been adversely affected. He expressed support for the suggestion that a monitoring committee comprising members of the public and stakeholders should be formed to oversee the implementation of the Project and future uses of the buildings.

Central and Western Development Concern Association

[LC Paper No. CB(2)194/04-05(01)]

48. Mr Stephen CHAN Chit-kwai presented the views of the Central and Western Development Concern Association (the Association) as detailed in its submission. The Association expressed grave concern that the current

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weightings given to premium and qualitative aspects of proposals were set at 40% and 60% respectively. It was worried that the monetary return of the project would be over-emphasised. The Association also demanded for wide public participation in the Project. The Association considered that the tendering exercise for the Project was tantamount to land sale and called on LegCo to closely monitor the arrangements made for disposal of the site.

*Action Group for the Protection of Central Police Station Historical Compound
[LC Paper No. CB(2)155/04-05(06)]*

49. Mr KAM Nai-wai presented the views of the Action Group for the Protection of Central Police Station Historical Compound (the Action Group) as detailed in its submission. Mr KAM said that the Government's policy on heritage conservation was confusing and outdated, and it gave people the impression that it was kept on changing and only economic benefits emphasised. The Action Group also questioned why the weighting given to premium for the Central Police Station Compound Project was at such a high percentage, i.e. 40%, which was even higher than that for the former TST marine headquarters project, i.e. 25%.

50. Mr KAM pointed out that the Action Group requested that the entrance building at the Victoria Prison (the F Hall) should be preserved. In addition, the Central Police Station Compound Project should be put under the purview of HAB and public participation in the Project should be enhanced. The Action Group suggested that non-profit making organizations should be allowed to operate within the Compound in the future to ensure that the public could use at least some of the facilities there at an affordable price level. The Action Group also suggested that the operation of AAB should be revamped to enhance the transparency of its work.

American Institute of Architects Hong Kong Chapter

51. Dr Ronald LU said that the American Institute of Architects Hong Kong Chapter (the Institute) was of the view that Hong Kong should strive to preserve its indigenous heritage attractions, but many of which seemed to be disappearing. He hoped that the Government could demonstrate to the world that it cared about Hong Kong's heritage and would ensure that the objectives of heritage preservation and economic sustainability would be achieved in taking the Central Police Station Compound Project forward.

*Central and Western District Council
[LC Paper No. CB(2)155/04-05(07)]*

52. Mr YUEN Bun-keung invited members to note that Central and Western District Council (C&WDC) had passed five motions concerning the Central Police Station Compound Project at its meeting on 7 October 2004, details of

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which and other views held by C&WDC on the Project were set out in its submission. Mr YEUNG Wai-foon called on the Government not to proceed with the tendering exercise for the Project in the present stage until it had finished reviewing the current weighting giving to premium and enhancing public participation in the tendering process.

Museum of Site

[LC Paper No. CB(2)194/04-05(02)]

53. Mr Andy TAM presented the views of Museum of Site as detailed in its submission. He also called on the Government to put on hold the tendering exercise for the Central Police Station Compound Project to allow more time for public consultation.

Meeting with the Administration

Review of Built Heritage Conservation

54. Deputy Secretary for Home Affairs (3) (DSHA(3)) said that the paper provided for this meeting was to brief members on the major findings of the first stage public consultation on the Review of Built Heritage Conservation Policy (the review) conducted by HAB from February to May 2004 and the way forward. She said that the review proceeded in two stages, with the first stage focusing on broad policy issues and the second stage on proposed implementation measures. She said that the community had taken tremendous interest in the public consultation exercise and many views and suggestions had been received.

55. DSHA(3) further said that HAB was conducting an in-depth analysis on views received and was formulating proposals on implementation measures for further public consultation in 2005. She pointed out that some of the concerns raised by the depositions, such as on setting up of a heritage trust fund and the issue of transfer of development rights, had also been raised by people during the public consultation exercise. The Administration would further look at the views and suggestions received on these aspects

56. Mr LAM Wai-keung expressed support for the direction of the review as set out in the Administration's paper. He said that he was asked by Mr LAU Wong-fat to make the following points –

- (a) there should be wide public participation in any consultation on heritage conservation and due regard should be given to the views of Heung Yee Kuk in the course of any consultation on heritage development projects; and

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- (b) the option of business concession should be explored to achieve better use of resources.

Central Police Station Compound Project

57. In response to the views expressed by the deputations, Assistant Commissioner for Tourism (2) (AC for T) of the Economic Development and Labour Bureau (EDLB) said that the Administration was reviewing the tender arrangements for the Central Police Station Compound Project in the light of the comments received. She said that the Administration would continue to listen to views from all parties interested in the Project with an open mind, and would endeavour to take these views into account in taking the Project forward.

58. Mr WONG Kwok-hing asked whether the Administration would accede to the requests raised by the deputations that the tendering exercise for the Project should be put on hold and that the tender assessment panel should include representatives of the public and of AAB. Miss CHAN Yuen-han further suggested that the tendering exercise should be put on hold for six months, during which the Administration should conduct further public consultation on the Project. Moreover, the Administration should undertake that none of the historic buildings/walls within the Compound would be demolished before conclusion of the public consultation exercise.

59. DSHA(3) responded that the Central Police Station Historic Site had been declared as a monument under the Antiquities and Monuments Ordinance (Cap. 53) (the Ordinance) in 1995. The historic buildings in the site would definitely be preserved no matter what development works, whether commercial or cultural, was to be carried out there. The Chairman asked whether tender would be issued within six months. AC for T said that there was no concrete timetable for the tendering exercise from the time being as the Administration was still reviewing the tender arrangements.

60. AC for T pointed out that in preparing for this Project, the Administration had fully consulted AAB and with its assistance, the Antiquities and Monuments Office (AMO) had drawn up a set of very stringent preservation requirements and guidelines to ensure that the historic setting and the integrity of the site would be well preserved. She added that a representative of AAB would also serve as a non-scoring member to advise on heritage aspect of the tender proposals received in the future.

61. Miss CHOY So-yuk said that she would move a motion debate urging the Government to conserve the Central Police Station Compound and formulate a comprehensive policy on antiquities and monuments at the Council meeting the following day. She asked whether it was possible for the Project to be put under the portfolio of HAB instead of being treated as a tourism project, since HAB should be responsible for the conservation of the site. She further

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said that she had earlier requested the Administration to arrange all LegCo Members to visit the Central Police Station Compound and she regretted that the Administration had not made such arrangements so far.

62. DSHA(3) explained that while EDLB had taken the lead to play a coordination role for the Project, HAB and AMO had been actively participating in the Project. She reiterated that since the Central Police Station Historic Site had been declared a monument under the Ordinance, conservation work would definitely be carried out at the site.

63. Ms Emily LAU asked why the Administration did not put on hold the Project until after it had completed the review and formulated the policy on conservation of built heritage. DSHA(3) responded that the mainstream view received in the three-month public consultation was that the Government should have innovative and sustainable adaptive re-use of conserved built heritage, and this principle was also the underlying principle of this Project. The Administration was of the view that the Project did not have any implications on the review and that it should not be implemented only after completion of the review.

64. Mr Albert HO also took the view that the Administration should put on hold the Project which involved heritage items of significant architectural and historical value until after it had completed the review. He pointed out that the Project was related to very important policy objectives, principles and strategies under consideration in the review. DSHA(3) said that the Administration was committed to completing a review on the built heritage conservation policy as soon as possible.

65. Mr Albert CHAN considered it most important to retain the original characteristics of a heritage item in its development. He considered that the Government did not show respect to the architectural or historical value of some heritage items. The use of the Central Police Station at Stanley as a supermarket was an example.

66. Dr Fernando CHEUNG said he agreed to the views expressed by the deputations, particularly the “Heritage First” Principle and the need to enhance the level of public participation in drawing up the relevant marking scheme and in the assessment of tenders. He suggested that tenderers should be required to explain in their proposals how they could ensure that vulnerable groups, including the poor, the elderly and people with a disability, would be able to enjoy the use of the heritage compound in the future. Mr Albert HO considered that the Administration should enhance the role played by DCs on built heritage conservation issues as DC members were familiar with the circumstances of local communities and were able to mobilise public participation at local level. He suggested that there should be representation of

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DC elected members on any official committees at which future plans of any built heritage conservation projects were decided on.

67. DSHA(3) responded that the Administration would take into full consideration all the suggestions of members when specifying the tender requirements for the Project. She explained that the Administration had always tried to ensure that all public places were made accessible by people with a disability. She added that in taking this Project forward, C&WDC had been thoroughly consulted and their views were also fully considered.

68. Ms Emily LAU said that while the Panel on Economic Services seemed to be supportive of the Central Police Station Compound Project, the Panel might have a different view. The Panel therefore might have to consider whether it should convene a joint meeting with the Panel on Economic Services to have a focused discussion on the Project. She considered it not appropriate to discuss the subject without a full representation of EDLB at the meeting. The Chairman pointed out that when the Panel on Economic Services last discussed the subject on 25 October 2004, representatives of the relevant bureaux including EDLB and HAB had attended the meeting. Moreover, members of this Panel had also been invited to that meeting.

Two motions moved respectively by Mr Albert CHAN and Miss CHOY So-yuk on the Central Police Station Compound Project

69. Mr Albert CHAN moved the following motion which was seconded by Mr Albert HO –

“That the Government should put on hold the tendering procedure for the tourism project at the Central Police Station and Victoria Prison.”

70. The Chairman remarked that members should consider whether it was appropriate for the Panel to deal with the motion which was moved without notice. He also drew members’ attention to the fact that most members of the Panel had left the meeting already and that members of the Panel on Economic Services had not participated in the discussion.

71. Mr Albert HO considered that it was in order for the Panel to deal with the motion since the motion proposed was directly related to this agenda item and that this Panel could have its own views on the issue of the Central Police Station Compound Project. He further considered that it was in order for the Panel to deal with the motion as a quorum was present.

72. Miss CHOY So-yuk said that the Central Police Station Compound Project was a complex issue. She considered that the wording of Mr Albert CHAN’s motion was too brief as it lacked details on actions to be taken by the Government after it had put on hold the tendering procedure. She added that

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she would also move a motion debate on the subject the following day and all LegCo Members could express their views during the motion debate.

73. Mr WONG Yung-kan expressed dissatisfaction with the moving of the motion without notice and at a time when most members had left the meeting already. He also expressed reservations about the motion moved by Mr Albert CHAN as he considered that the Administration, instead of putting on hold the tender procedure, should make improvements to the tender arrangements in the light of the views and comments received.

74. Dr Fernando CHEUNG said that he supported Mr Albert CHAN's motion because he felt that the Administration had no intention to change anything although the public had recently raised grave concerns about the Project. Mr WONG Kwok-hing said that he was not a member of this Panel but was in support of the motion moved by Mr Albert CHAN.

75. As a majority of members present agreed that the motion should be proceeded with, the Chairman ordered that the Panel would deal with the motion moved by Mr Albert CHAN. Miss CHOY So-yuk said that in that case, she would move a separate motion. The wording of the motion moved by Miss CHOY was in the **Appendix**.

76. The Chairman put Mr Albert CHAN's motion to vote. Five members voted in favour of the motion. Mr WONG Yung-kan reiterated his reservations about the motion. No members voted against the motion. The Chairman declared that the motion was carried.

77. Mr Albert HO proposed a motion that the Panel should put on hold dealing with Miss CHOY So-yuk's motion since the wording of the motion was exactly the same as that of the motion to be moved at the Council meeting the following day. Ms Emily LAU seconded the motion. The Chairman put Mr Albert HO's motion to vote. Five members voted in favour of the motion, and two members voted against it. The Chairman declared that the Panel would put on hold dealing with Miss CHOY's motion.

78. The Chairman thanked the representatives of the deputations and the Administration for attending the meeting.

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Appendix

"That, as the Central Police Station, Victoria Prison and the former Central Magistracy Compound is of great historic and cultural value, this Council urges the Government to adopt the following measures to review afresh the direction for its development:

- (a) to preserve the historic character and features of the Compound, since monuments form part of the collective memory of the people of Hong Kong;
- (b) to actively work out a sustainable mode of operation of the Compound, subject to the principle of allowing public access and enjoyment of the Compound;
- (c) to consult the public widely on the use of the Compound before conducting an open tender exercise for the heritage tourism project at the Compound, and to establish a monitoring body with public participation to monitor the tendering work and the development of the project; and
- (d) to put proper conservation of the Compound as an overriding factor for assessing the tender proposals for the project;

furthermore, the Government should also expeditiously formulate, in an open and highly transparent manner, a comprehensive policy on the preservation of antiquities and monuments to ensure that buildings which have been declared as monuments are duly maintained and conserved, and the original environment and atmosphere of their surroundings are preserved; at the same time, the Government should, through publicity and education, actively enhance the public's knowledge and awareness of antiquities and monuments and their preservation, and should study the feasibility of developing heritage tourism with a view to promoting a local community economy that has cultural characteristics, and to creating job opportunities."