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Paper for the House Committee meeting on 5 October 2007

**Report of the Panel on Home Affairs
on its duty visit to study Macao's experience in built heritage conservation**

Purpose

A delegation of the Panel on Home Affairs (the Panel) of the Legislative Council (LegCo) visited Macao on 27 July 2007 to study the city's experience in built heritage conservation. This report presents the details of the visit and the observations of the delegation.

Background

2. The Panel has been monitoring closely the policy review of built heritage conservation conducted by the Administration. When the Panel discussed the progress of the policy review on 9 March and 20 April 2007, members were dissatisfied with the slow progress made and the lack of concrete proposals to preserve built heritage. Members in general expressed concern that buildings or sites with unique heritage value, particularly those which had been included as redevelopment projects, would be damaged or even destroyed in the rapid progress of redevelopment. Members were of the view that central to built heritage conservation work was the need to give priority consideration to the conservation of monuments and cultural heritage in town planning and urban renewal.

3. At the meeting on 11 May 2007, members agreed that the Panel should conduct a one-day duty visit to Macao for the purpose of :

- (a) obtaining first-hand information on the legislation, strategies and conservation measures designed specifically for preserving built heritage;
- (b) studying Macao's experience in adapting historic buildings or sites to modern use as well as the integration of historic buildings or sites with new ones; and

- (c) exchanging views with staff members of the Cultural Affairs Bureau of the Macao Special Administrative Region (the Cultural Affairs Bureau) and relevant parties involved in the conservation work of built heritage.

4. On 6 July 2007, the Panel obtained the House Committee's permission to undertake the one-day visit to Macao.

Membership of the delegation

5. The delegation led by Hon CHOY So-yuk, Chairman of the Panel comprised a total of eight Members. Staff members of the LegCo Secretariat also accompanied the delegation on the visit. A list of participants of the duty visit is in **Appendix I**.

The visit

6. During the visit, the delegation received a briefing by Mr CHAN Chak-seng, the Deputy Director of the Cultural Affairs Bureau, on heritage conservation in Macao and the city's world heritage. The delegation exchanged views with Mr CHAN and Mr CHEONG Cheok-kio, head of Macao's Cultural Heritage Department on built heritage conservation work. The delegation, accompanied by Mr CHEONG and officials of the Macao's Cultural Affairs Bureau, also toured round the Historic Centre of Macao which was inscribed on the World Heritage List in 2005. The visit was covered by some 20 representatives from over eight media organizations. Further details of the visit programme are in **Appendix II**.

Built heritage conservation in Macao

Legal and administrative framework

7. The Cultural Affairs Bureau, established by the Decree Law No. 43/82M in 1982, is the principal government body responsible for formulation and implementation of the cultural policies in Macao. In particular, it is entrusted with maintaining, preserving and restoring Macao's historic, architectural and cultural heritage, and developing regulations and guidelines to ensure the public enjoyment of the heritage.

8. The Decree Law No. 56/84/M passed in June 1984 sets out the functions and powers of the Cultural Heritage Department which is an executive arm of the Cultural Affairs Bureau. The Department is responsible for classifying, restoring and renovating Macao's cultural heritage, including both buildings and artefacts.

9. The Decree Law No. 56/84/M provides a comprehensive definition and categorization of Macao's historic assets, which include monuments, ensembles and sites. The Decree also prescribes the development controls governing works on the historic assets, as well as the tax incentives available for encouraging private participation in heritage conservation.

10. The Decree Law No 83/92/M passed in December 1992 designates "buildings of architectonic interest" as another category of historic assets subject to the statutory protection by the Macao Government. The Urban Building Regulation stipulates the requirement for seeking the advice from the Cultural Affairs Bureau before carrying out any consolidation, alteration, maintenance and repair works on heritage buildings.

Heritage protection system

11. There are five categories of historic assets for protection under the Decree Law No. 56/84/M and the Decree Law No 83/92/M. These are as follows :

- (a) monuments are buildings or structures of special archaeological, historical, ethnological, artistic or scientific significance;
- (b) "buildings of architectonic interest" refer to those buildings which are unique in architectural style and reflect the development of a period in the history of Macao;
- (c) ensembles are groups of buildings in a coherent area with distinctive architectural, urbanized, aesthetic, historical or socio-cultural values, representing an important unity and compatibility with the scenic environment;
- (d) sites refer to combined works of man and nature which have a special value for their beauty or interest in the fields of archaeology, history, anthropology or ethnology; and
- (e) protected areas are the natural or built-up setting of classified monuments, complexes and sites which are spatially or aesthetically integrated, which form an essential part of the heritage.

12. Any demolition, construction, alteration, extension/addition, consolidation or repair of these historic assets is subject to different levels of prohibition or restriction. For example, no demolition of classified "buildings of architectonic interest" is allowed. In addition, extension/addition,

consolidation, alteration, reconstruction or restoration of classified "buildings of architectonic interest" is permitted only if the related works do not damage the original characteristics of the buildings, particularly their height and facades. The owners of classified "buildings of architectonic interest" are required to undertake regular conservation, repair and restoration works. Should they fail to do so, the Cultural Affairs Bureau may undertake its own conservation works on the exterior of the buildings, or any other works considered necessary for the stability of the buildings. The Cultural Heritage Department is empowered to issue reports limiting building works in the protected areas and draw up plans to restore historic buildings that are in a state of decay.

Funding mechanism

13. Government funding has been an important source of funding for cultural conservation in Macao, amounting to about 50 million patacas (HK\$48.5 million) per year. The Cultural Affairs Bureau manages the Culture Fund to finance the promotion and development of cultural activities in Macao. In particular, the Culture Fund can be used to finance the repairs and other urgent works on classified cultural heritage.

14. Separately, the Macao Foundation is a statutory body established to promote, develop and conduct research on cultural, social, economic, educational, scientific, academic and philanthropic activities in Macao. The gaming operators in Macao are required to pay 1.6% of their gross revenue to the Macao Foundation for social, cultural and economic development in Macao. The Oriente Foundation, a dominant charity organization, also provides financial support to heritage conservation in Macao. For example, it has provided funding to restore outstanding buildings such as the Casa Garden and the Dom Pedro V Theatre.

Observations

General

15. The delegation has found that Hong Kong has much to learn from Macao's experience in built heritage conservation. The delegation considers that there is a right balance between conservation and development in the town planning and urban renewal of Macao. The detailed briefing and exchange of views between the delegation and the officials of the Cultural Affairs Bureau can provide useful reference when Members consider improvement measures on built heritage conservation to be put forward by the Administration in the latter half of 2007 after the relevant policy review. A comparison table of the main features of the legal and administrative framework, categorization, approach and measures adopted, and funding mechanism for built heritage conservation in Macao and Hong Kong is in **Appendix III**.

16. The observations of the delegation are given in the following paragraphs.

Approach for built heritage conservation

17. The delegation is impressed by the holistic approach and active role adopted by the Macao Government in built heritage conservation. The delegation has noted that the Macao Government's policy conserves not only individual buildings, but also an entire district around a central square or along a street, and these spots of historical interest are linked up with pedestrian walkways if feasible. As a result, a complete historical ambience is preserved. The Macao Government has also been developing initiatives which incorporate the promotion of its historic assets into the tourism marketing strategy. For example, the Cultural Affairs Bureau launched a marketing programme in 2000 to promote three "Cultural Heritage Tours of Macao" to guide locals and tourists to explore different aspects of Macao's historic heritage.

18. The delegation also finds the categorization of historic assets in Macao comprehensive and the criteria broad. The delegation has noted that the age of a building is not the only factor of consideration for conservation. Buildings which are unique in architectural style and can reflect the development of a period in the history of Macao will also be protected.

Economic incentives for heritage conservation

19. The delegation has noted that, in addition to provision of various tax incentives to encourage private participation in heritage conservation, the Macao Government has adopted land exchange as a measure to acquire privately-owned historic buildings for conservation. An example of land exchange is the conservation of the Mandarin's House, a residential complex built in 1881 by a prominent Chinese intellectual. In 2001, Macao acquired the Mandarin's House through land-for-land exchange with its developer. The delegation has also noted that the Macao Government has the priority to purchase historic buildings at market price. The Macao Government will also subsidize the repair and maintenance of the exteriors of privately-owned historic buildings.

Adaptive re-use of historic buildings

20. The delegation is highly impressed by the success of Macao in reusing some historic buildings for cultural or commercial purposes. A notable example is the adaptive re-use of Tak Seng On, a pawnshop built in 1917, as the Cultural Club where stylish artistic gifts, various kinds of tea and foodstuff are sold or served. During the tour round the Historic Centre of Macao, the delegation visited the Moorish Barracks which was built by an Italian architect in 1871 to accommodate Indian policemen. The Building now houses the

Macao Maritime Administration. During the Annual Macao Arts Festivals, buildings and sites in the Historic Centre of Macao have been used as venues for staging live performances and arts exhibitions. Such arrangement not only utilizes more fully these buildings and sites, but also enhances the attractiveness of the events staged there.

Advice sought

21. Members are invited to note the details of the visit and the observations of the delegation.

Council Business Division 2
Legislative Council Secretariat
3 October 2007

Appendix I

List of participants of the duty visit to Macao on 27 July 2007

Membership of the delegation

1. Hon CHOY So-yuk, JP (Leader of the delegation)
2. Hon James TO Kun-sun
3. Hon Emily LAU Wai-hing, JP
4. Hon Timothy FOK Tsun-ting, GBS, JP
5. Hon WONG Ting-kwong, BBS
6. Prof Hon Patrick LAU Sau-shing, SBS, JP
7. Hon CHAN Yuen-han, SBS, JP } non-Panel Members
8. Hon WONG Kwok-hing, MH }

Staff members accompanying the delegation

1. Miss Flora TAI, Clerk to the Panel on Home Affairs
2. Mr Jimmy YUEN, Senior Public Information Officer 1
3. Mr Michael YU, Research Officer 7
4. Ms Brenda YEUNG, Public Information Officer 2

**Legislative Council
Panel on Home Affairs**

Visit programme to Macao on 27 July 2007

Time	Details
9:45 am	Arrival at Macao Ferry Terminal, Macao
10:30 am	Briefing and sharing session on "Heritage Conservation in Macao and the city's World Heritage" at the Cultural Affairs Bureau Auditorium
12:00 noon	Tour of A-Ma Temple
12:30 pm	Lunch reception at Litoral Restaurant
1:45 pm to 4:00 pm	Tour round World Heritage sites - the Historic Centre of Macao: <ul style="list-style-type: none">• Moorish Barracks• Mandarin's House (under maintenance)• St. Lawrence's Church (under maintenance)• Ancient classics library in the "Leal Senado" Building• Lou Kau Mansion
5:00 pm	Departure for Hong Kong

Appendix III

INFORMATION NOTE

Heritage conservation in Macao and Hong Kong

1. Major responsible government authorities

	Macao	Hong Kong
Policy bureau	<ul style="list-style-type: none"> The Cultural Affairs Bureau is the principal government body responsible for the formulation and implementation of cultural policies in Macao. In particular, it is entrusted with maintaining, preserving and restoring Macao's historic, architectural and cultural heritage, and developing regulations and guidelines to ensure the public enjoyment of the heritage. The Bureau also promotes research in fields connected with the enhancement of the understanding of Macao's culture and heritage. 	<ul style="list-style-type: none"> The Development Bureau was established on 1 July 2007 to bring infrastructural development, planning, land use, buildings, urban renewal and development-related heritage conservation under one roof. The Development Bureau aims at, among other things, achieving a closer interface at the policy level between development and heritage conservation. Such an arrangement also serves to ensure early attention to heritage conservation when implementing development projects.
Executive department	<ul style="list-style-type: none"> The Cultural Heritage Department, an executive arm of the Cultural Affairs Bureau, is responsible for classifying, restoring and renovating Macao's cultural heritage. Its responsibilities include <ol style="list-style-type: none"> evaluating plans and proposals relating to the listing, study, classification and protection of Macao's cultural heritage; and assisting in the development of heritage conservation guidelines. The Department is also empowered to issue reports limiting building works in the protected areas and draw up plans to restore historic buildings that are in a state of decay. 	<ul style="list-style-type: none"> The Antiquities and Monuments Office was established in 1976 to implement the Antiquities and Monuments Ordinance (AMO) that came into effect in the same year. As an executive arm for heritage conservation, the Office operates within the Leisure and Cultural Services Department to research, identify, conserve and maintain heritage items and carry out various publicity and education programmes. It also provides secretariat and administrative support to the Antiquities Advisory Board, a statutory body established to advise the government on matters relating to antiquities and monuments.

2. Legal framework

	Macao	Hong Kong
Major conservation legislation	<ul style="list-style-type: none"> Enacted in 1984, the Decree Law No. 56/84/M sets out the functions and powers of the Cultural Heritage Department. It provides a comprehensive definition and categorization of Macao's historic assets which include monuments, ensembles and sites. The Decree also prescribes the development controls governing works on the historic assets, as well as the tax incentives available for encouraging private participation in heritage conservation. Enacted in 1992, the Decree Law No 83/92/M designates "buildings of architectonic interest" as another category of historic assets subject to statutory protection by the Macao government. The Decree contains four annexes listing classified historic assets (i.e. monuments, ensembles, sites and "buildings of architectonic interest") in Macao. 	<ul style="list-style-type: none"> Enacted in 1976, AMO is the major conservation legislation governing the protection of cultural heritage of Hong Kong. AMO empowers the Antiquities Authority (namely the Secretary for Development) to declare any place, building, site or structure as a monument for statutory protection after consultation with the Antiquities Advisory Board and upon the approval of the Chief Executive of the Hong Kong Special Administrative Region, as well as the publication of the notice in government gazette. AMO also governs the application of licences for searching for or excavating antiquities, the provision of government grants for preservation, maintenance or restoration of monuments, and the granting of compensations to owners of declared monuments.
Other relevant legislation	<ul style="list-style-type: none"> Article 125 of the Basic Law of the Macao Special Administrative Region and the Urban Building Regulation. 	<ul style="list-style-type: none"> The Environmental Impact Assessment Ordinance, the Town Planning Ordinance and the Urban Renewal Authority Ordinance.

3. Heritage protection system

	Macao	Hong Kong
Scope of protection	<ul style="list-style-type: none"> • Macao's conserved heritage is categorized into four major groups, namely monuments, "buildings of architectonic interest", ensembles and sites. In addition, protection areas have been created around the architectural heritage. • Monuments are buildings or structures of special archaeological, historical, ethnological, artistic or scientific significance. • "Buildings of architectonic interest" refer to those buildings which are unique in architectural style and reflect the development of a period in the history of Macao. • Ensembles are groups of buildings in a coherent area with distinctive architectural, urbanized, aesthetic, historical or socio-cultural values, representing an important unity and compatibility with the scenic environment. • Sites refer to combined works of man and nature which have a special value for their beauty or interest in the fields of archaeology, history, anthropology or ethnology. 	<ul style="list-style-type: none"> • Hong Kong's conserved heritage is classified into three major groups – declared monuments, proposed monuments and graded buildings – to reflect their relative importance. • The Antiquities Authority may declare any place, building, site or structure as a monument if the heritage item concerned possesses historical, archaeological or palaeontological significance and the declaration is for the public interest. There are currently 82 declared monuments in Hong Kong, of which 64 are buildings and 18 are rock carvings, forts and archaeological sites. • The Antiquities Authority is empowered to declare a building as a proposed monument subject to temporary statutory protection from demolition for a period of 12 months. • A three-tier grading system has been put in place to classify historic buildings into Grades I, II and III with varying degrees of merit for conservation. For example, Grade I refers to buildings of outstanding merit, requiring every effort to be made to preserve them, if possible. At present, there are 495 graded buildings in Hong Kong.

3. Heritage protection system (cont'd)

	Macao	Hong Kong
Protection of historic assets	<ul style="list-style-type: none"> • The Decree Law No. 56/84/M and the Decree Law No. 83/92/M set out the development controls governing demolition, alternation, addition, consolidation, repair or other construction activities carried out to the classified historic assets in Macao. • For example, classified monuments cannot be demolished wholly or in part, or undergo any alteration, addition/extension, consolidation, repair or other construction activities without the prior approval from the Chief Executive of the Macao Special Administrative Region and the designated authority. 	<ul style="list-style-type: none"> • Under AMO, no one is allowed to demolish, alter or interfere with declared monuments unless he/she obtains a permit from the Antiquities Authority. • The Environmental Impact Assessment Ordinance is another piece of legislation offering protection for cultural heritage of Hong Kong. The Ordinance requires developers to conduct an environmental impact assessment for development projects that may pose detrimental influence to any heritage and undertake mitigation measures if necessary. • However, the graded buildings are not under protection since the grading system carries no statutory status. Nevertheless, the list of graded buildings is distributed to all relevant government departments, which are asked to alert the Antiquities and Monuments Office if they receive any proposals to demolish the graded buildings.

4. Approach adopted for heritage conservation

	Macao	Hong Kong
Scope of protection	<ul style="list-style-type: none"> • Macao's heritage conservation policies aim at conserving not only individual buildings, but also an entire district around a central square or along a street, and these spots of historical interest are linked up with pedestrian walkways if feasible. 	<ul style="list-style-type: none"> • Heritage conservation in Hong Kong is confined to individual buildings. In other words, the emphasis is on "point" (a particular building), rather than "line" (a street) or "surface" (an area).
Adaptive re-use	<ul style="list-style-type: none"> • Macao has reused some historic buildings for cultural or commercial purposes. A notable example is the conversion of a pawnshop (Tak Seng On) built in 1917 into the Cultural Club where stylish artistic gifts, various kinds of tea and foodstuff are sold or served. 	<ul style="list-style-type: none"> • Hong Kong has reused some historic buildings for cultural or commercial purposes. For example, the Bethanie (Hong Kong's first sanatorium) has been converted into the campus of the Hong Kong Academy for Performing Arts. Additionally, Kom Tong Hall has been converted into Dr Sun Yat-sen Museum, and the Western Market has become a place housing a number of theme restaurants and boutique shops.
Public participation in conservation work	<ul style="list-style-type: none"> • The Macao government encourages public participation in conservation work through: <ol style="list-style-type: none"> (a) heritage promotion via websites, exhibitions, educational programmes, seminars and workshops; and (b) a heritage ambassador scheme to recruit and train teenage students as heritage ambassadors. • The Macao government has also established the Cultural Consultative Committee to advise it on the implementation of cultural heritage policies. The membership of the Committee includes government officials, representatives from the cultural, arts and academic sectors, businessmen and professionals. 	<ul style="list-style-type: none"> • The Hong Kong Government encourages public participation in conservation work through: <ol style="list-style-type: none"> (a) heritage promotion via websites, exhibitions, educational programmes, seminars and workshops; and (b) the Friends of Heritage Scheme and the Hong Kong Heritage Award to promote heritage conservation and education in the local community. • The Hong Kong Government has also established the Antiquities Advisory Board to advise the Antiquities Authority on the declaration of monuments and matters related to antiquities and heritage. The Board members, appointed by the Chief Executive, consist of experts and professionals in various disciplines.

4. Approach adopted for heritage conservation (cont'd)

	Macao	Hong Kong
Public-private participation in heritage conservation	<ul style="list-style-type: none"> The Tak Seng On project is an example of public-private participation in the preservation and re-use of a historic building. The Macao government has financed the repairs and restoration of the pawnshop in return for the consent of its owner not to demolish the building for redevelopment. After the renovation, the Cultural Affairs Bureau uses part of the ground floor and tower-keep of the pawnshop rent-free for five years to stage the "Heritage Exhibition of a Traditional Pawnshop Business". For the rest of the restored building, the property owner has leased the space for commercial use. 	<ul style="list-style-type: none"> The Lui Seng Chun project is an example of public-private participation in the preservation and re-use of a historic building. Lui Seng Chun, a Grade I four-storey building built in 1931, was unconditionally donated to the Hong Kong Government by Lui's family in 2003. The Government has carried out structural survey and basic repair for Lui Seng Chun, and aims to restore and convert the building into a local hub for cultural and commercial development.
Others	<ul style="list-style-type: none"> The Macao government has been developing initiatives which incorporate the promotion of its historic assets into the tourism marketing strategy. For example, the Cultural Affairs Bureau launched a marketing programme in 2000 to promote three "Cultural Heritage Tours of Macao" to guide locals and tourists to explore different aspects of Macao's historic heritage. 	<ul style="list-style-type: none"> The Hong Kong Government has put the related responsibilities of conservation and planning under the same bureau to facilitate a closer interface at the policy level between development and heritage conservation

5. Funding mechanism

	Macao	Hong Kong
Sources of funding	<ul style="list-style-type: none"> • Heritage conservation is financed by: <ul style="list-style-type: none"> (a) government funding; (b) the Cultural Fund managed by the Cultural Affairs Bureau; (c) the Macao Foundation, a statutory body financed by contributions from the gaming operators¹; and (d) the Oriente Foundation, a charity organization which provides financial support to heritage conservation in Macao. 	<ul style="list-style-type: none"> • Heritage conservation is financed by: <ul style="list-style-type: none"> (a) government funding, which consists of the annual provision for general maintenance and rescue works and special funding for conducting large projects; (b) the Hong Kong Jockey Club Charities Trust, which provides donations to various aspects of the society ranging from social welfare to cultural heritage conservation; and (c) the Lord Wilson Heritage Trust, a heritage trust established in 1992 to provide financial support to heritage-related projects.

¹ The gaming operators in Macao are required to pay 1.6% of their gross revenue to the Macao Foundation for social, cultural and economic development in Macao.

6. Incentives available for heritage conservation

	Macao	Hong Kong
Financial incentives	<ul style="list-style-type: none"> • Various tax incentives have been put in place to encourage private participation in heritage conservation. For example, classified historic buildings are exempted from the gift and inheritance tax. • The Macao government also subsidizes the repair and maintenance of the exteriors of privately-owned historic buildings. 	<ul style="list-style-type: none"> • The Hong Kong Government does not provide any tax incentives for heritage conservation projects. • Nevertheless, owners of privately-owned declared monuments may apply for fund from the Antiquities and Monuments Office to conduct restoration and maintenance works.
Planning incentives	<ul style="list-style-type: none"> • Land exchange has been adopted as a measure to encourage conservation of private historic buildings. 	<ul style="list-style-type: none"> • Planning incentives, such as transfer of development rights, reduction of land premium and additional plot ratio, have been provided by the Government to encourage conservation of historic buildings. However, there is no standing arrangement for awarding the planning incentives, and each case has to be considered on individual circumstances.

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