

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2743/06-07  
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by the Administration)

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**Panel on Home Affairs**

**Subcommittee on Heritage Conservation**

**Minutes of meeting**  
**held on Wednesday, 18 July 2007, at 8:30 am**  
**in Conference Room A of the Legislative Council Building**

- Members present** : Hon CHOY So-yuk, JP (Chairman)  
Hon James TO Kun-sun  
Hon Emily LAU Wai-hing, JP  
Hon Daniel LAM Wai-keung, SBS, JP  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon TAM Heung-man
- Member attending** : Hon CHAN Yuen-han, SBS, JP
- Members absent** : Hon LAU Wong-fat, GBM, GBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon LI Kwok-ying, MH, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon CHEUNG Hok-ming, SBS, JP
- Public Officers attending** : Development Bureau  
Mrs Carrie LAM, JP  
Secretary for Development

Ms Olivia NIP, JP  
Deputy Secretary for Development (Planning &  
Lands)<sup>2</sup>

Leisure and Cultural Services Department

Dr Louis NG  
Assistant Director (Heritage & Museums)

Urban Renewal Authority

Mr Billy LAM, SBS, JP  
Managing Director, Urban Renewal Authority

Mr Michael MA  
Director (Planning & Design), Urban Renewal  
Authority

**Clerk in attendance** : Ms Joanne MAK  
Senior Council Secretary (2)<sup>2</sup>

**Staff in attendance** : Miss Vivien POON  
Council Secretary (2)<sup>3</sup>

Ms Anna CHEUNG  
Legislative Assistant (2)<sup>2</sup>

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Action

**I. Confirmation of minutes**  
[LC Paper No. CB(2)2505/06-07]

The minutes of the meeting held on 18 June 2007 were confirmed.

**II. Conservation of Nga Tsin Wai Village**  
[LC Paper Nos. CB(2)2417/06-07(01) and (03)]

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Briefing by Secretary for Development (SDEV) on her recent visit to Nga Tsin Wai Village

Action

3. SDEV said that during her visit to Nga Tsin Wai Village on 16 July 2007, the villagers had clearly expressed their views that the redevelopment project should proceed as soon as possible so that they could get compensation and resettlement to relieve them from their poor and deteriorating living conditions.

Nga Tsin Wai Village Project (the project)

4. Members noted the following unique aspects of the project as highlighted by SDEV -

- (a) the great majority of the property interests in the village were now owned by a single land owner. Even if the Urban Renewal Authority (URA) was willing to explore acquisition of the property interests owned by this major land owner, the latter might not be interested in any offer made by URA and, if that was the case, normal procedures of redevelopment could not be applied; and
- (b) given the unique heritage value of Nga Tsin Wai Village, special care had to be paid to the conservation needs in handling this conservation paramount redevelopment project.

5. SDEV said that at present, the mainstream view was that Nga Tsin Wai Village was not worth preserving in its entirety, as most of the houses had undergone alterations and were no longer in their original form. In 2005, Wong Tai Sin District Council (DC) had requested URA to expedite redevelopment of the village in order to improve the living conditions of the villagers, subject to preservation of three items, namely the Tin Hau Temple, the gate house and the stone tablet on top of the gate house, all of which were identified by the villagers and DC members. SDEV added that the Antiquities Advisory Board had raised no objection to this arrangement.

6. The Managing Director of URA (MD/URA) supplemented that URA intended to proceed with the redevelopment while preserving the three identified items, and a conservation paramount design would be produced to achieve this end. In order to take forward the project, URA had engaged an internationally renowned conservation expert and a local conservation architect to prepare a conservation plan and the detailed design. The consultants had recommended that the concept of "Conservation by Design" be adopted as a mediated solution to balance the conserved elements with new development.

Action

7. MD/URA informed members that a conservation plan aimed at preserving the three identified items and more of the village environment as part of a conservation park was being finalised. He highlighted that in working out the conservation plan, due regard had to be given to the motion passed by the Legislative Council on 17 January 2007 urging the Government to strengthen the conservation elements. MD/URA agreed to provide the conservation plan for members' information when it was available.

URA

8. The Chairman suggested that consideration should also be given to conserving the existing village houses along the central axis of the village as these houses were comparatively more intact, as well as building new village houses modeled on the original ones to re-create the environment and ambience of a walled village. MD/URA agreed to consider this suggestion.

URA

Investigation of existence of any historical relics underground in Nga Tsin Wai Village

9. The Administration agreed to provide the Antiquities and Monuments Office's (AMO's) assessment report on the heritage value of Nga Tsin Wai Village for members' reference. Members suggested that the consent of the major land owner should be sought for AMO to conduct an investigation in the village as soon as possible to determine whether it was possible to have historical relics buried there and whether excavation should be carried out. The Administration agreed to follow up with the major landowner.

Admin

Admin

Compensation-first approach

10. SDEV said that it would deviate from the established policy if URA provided compensation for the villagers first before agreeing on the redevelopment details of the project with the major land owner. She, however, agreed to explore this special approach for the project in order to expedite compensation and re-housing arrangements for the villagers, who were living in very poor living conditions, and given that the anticipated amount of compensation involved for the project was relatively small. She hoped that members would support her proposal and agree that this compensation-first approach, if adopted for the project, would not set a precedent for other redevelopment projects including those announced by the former Land Development Corporation (LDC) and inherited by URA.

Admin and  
ALA5

11. Mr James TO and Ms Emily LAU considered that the Department of Justice and the legal adviser to the Subcommittee should provide their legal advice about the risk of this unprecedented approach, as they were concerned that residents affected by other former LDC projects but were not to be given the same treatment might seek judicial review. Mr TO also expressed concern as to whether tenants of village houses owned by the major land owner would be eligible for compensation provided by URA.

Action

12. The Chairman and Miss CHAN Yuen-han expressed support for adopting the compensation-first approach for this project. The Chairman added that if URA was able to draw up the conservation plan very soon and complete the necessary planning procedures expeditiously, it might not be necessary for the Administration to make special arrangements for the project and run the risk of judicial review.

URA

13. Mr James TO initially took the view that, subject to legal advice, the approach under discussion was desirable because if the resettlement of the affected residents could be resolved first, the Administration would have more bargaining power in dealing with the property developer concerned over the conservation of the village. Professor Patrick LAU suggested that to facilitate members' deliberation, URA should consider providing an estimated amount of compensation involved for this project. Ms Emily LAU suggested that URA might as well provide an estimate of the financial implications that would be incurred to URA if this compensation-first approach was also adopted for other redevelopment projects inherited from LDC and which had yet to be implemented.

Admin

14. The Administration was also requested to provide any precedents of exchange of land for heritage conservation purpose, and the Administration's initial views on the use of economic incentives, e.g. transfer of plot ratio, as a new measure to support conservation policies.

### **III. Any other business**

#### Date of next meeting

15. Members noted that the next meeting would be held on 26 July 2007 to receive views from deputations on the preservation of the open-air bazaar in Tai Yuen Street and Cross Street.

16. At the suggestion of the Chairman, members agreed that a meeting would be scheduled for late September or early October 2007 to discuss any outstanding issues relating to the conservation of Nga Tsin Wai Village and the preservation of the open-air bazaar in Tai Yuen Street and Cross Street.

17. There being no other business, the meeting ended at 10:13 am.

**Proceedings of the meeting of the  
Subcommittee on Heritage Conservation  
on Wednesday, 18 July 2007, at 8:30 am  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000335	Chairman	Confirmation of minutes of meeting (LC Paper No. CB(2)2505/06-07)	
000336 - 001254	Admin Chairman	Briefing by the Secretary for Development (SDEV) on her visit to Nga Tsin Wai Village on 16 July 2007. Her explanation of the exceptional arrangements required to be made under the compensation-first approach, and her request for members to indicate whether they agreed that the compensation-first approach, if adopted for the Nga Tsin Wai Project, would not set a precedent for other redevelopment projects of the Urban Renewal Authority (URA).	
001255-001557	Managing Director of URA (MD/URA) Chairman	MD/URA's explanation of URA's intension to proceed with the redevelopment while preserving the three identified items and more of the village environment as well as providing additional open space. A conservation plan to achieve this end was being finalised.	<b>URA to provide the conservation plan for members' information</b> (para.7 of the minutes)
001558 - 002704	Mr James TO Admin Chairman	Requests of Mr James TO for the Administration to -  (a) provide the Antiquities and Monuments Office's (AMO's) assessment report on the heritage value of Nga Tsin Wai Village; and  (b) seek the major land owner's consent for excavation work to be carried out to find out whether any historical relics existed underground in the village.  Mr TO's suggestion for the village to be preserved in-situ by shifting the development works from the ground level (i.e. the level of the village) to levels above it.	<b>Admin to provide AMO's report and seek consent for excavation</b> (para.9 of the minutes)

Time marker	Speaker	Subject	Action required
		<p>The Administration's response that it would first seek the consent of the major land owner for AMO to conduct an investigation to determine whether excavation should be launched and the extent of such work.</p> <p>Mr TO's view that it would be in the interest of the major land owner to consent to the investigation to ensure that its construction works at the site in the future would not be hindered by the discovery of any historical relics there. The Administration's response that it would need to further discuss this issue with URA.</p>	
002705 - 003823	Miss CHAN Yuen-han Chairman Admin MD/URA	<p>Miss CHAN Yuen-han's expression of concurrence with Mr James TO's views and suggestion. She urged URA to expedite compensation and re-housing arrangements for the affected residents as the poor living environment of the village houses was no longer suitable for inhabitation. She supported the compensation-first approach, i.e. publication of the Nga Tsin Wai Village Project first before it had completed relevant planning procedures necessary for the implementation of the project.</p> <p>Miss CHAN's view that given the long history of Nga Tsin Wai Village, the conservation of its unique heritage value should be left to be discussed by the community after the residents had got compensation and resettlement. Her view that excavation should be carried out at the site as records had shown that historical relics existed underground at the possible location of Watch Tower Ruins and nearby. Academics and AAB had expressed support for excavation works to be carried out at the site.</p> <p>Miss CHAN's view that the Administration had the responsibility to arrange resettlement of the affected residents as they had long awaited implementation of the Nga Tsin Wai Village Project (K1), which was the first amongst those announced by the former Land Development Corporation (LDC).</p>	

Time marker	Speaker	Subject	Action required
		<p>MD/URA's explanation that due regard should be given to the two motions on conservation of monuments and on retaining commercial districts and bazaars with local characteristics passed by LegCo at the Council meeting on 17 January 2007 in working out conservation plans for the remaining redevelopment projects. Thus, more time was required in drawing up the conservation plan for Nga Tsin Wai Village Project. As SDEV had now agreed there might be a need to expedite the study on the acquisition of property interests of the village, URA would actively consider this suggestion.</p>	
003824 - 004444	<p>Prof Patrick LAU Chairman Admin</p>	<p>Professor Patrick LAU's expression of concurrence with Mr James TO's suggestion of conducting an investigation in Nga Tsin Wai Village first. His view that the Administration should provide members with an estimated amount of compensation required for the affected residents.</p> <p>Professor LAU's view that URA should attempt to collaborate with the major land owner in working out a mutually agreeable proposal for this Project, making reference to overseas successful experience of developing similar conservation-cum-development projects.</p> <p>SDEV's response that there was room for exercising flexibility in this case, given the extremely poor living conditions suffered by the residents and the relatively small anticipated amount of compensation involved. Her undertaking that the Development Bureau would follow up the suggestion of conducting an investigation with URA.</p>	<p><b>URA to provide estimated compensation amount</b> (para.13 of the minutes)</p>
004445 - 010452	<p>Ms Emily LAU Admin Chairman MD/URA</p>	<p>Ms Emily LAU's view that the Administration had the responsibility to improve the extremely poor living conditions of the villagers. Her support for Mr James TO's suggestion of carrying out an investigation to determine whether excavation in the village was necessary.</p>	

Time marker	Speaker	Subject	Action required
		<p>Ms LAU's request for more information on what different views had been expressed by stakeholders regarding the conservation of Nga Tsin Wai Village, e.g. whether there were views that the scope of preservation should not be restricted to the three identified items but should also cover the Watch Tower Ruins or the entire village.</p> <p>SDEV pointed out that AAB had repeatedly discussed the conservation of the village but it did not support conservation of it in its entirety. She noted that when DC concerned concluded that redevelopment of the village should be expedited subject to the preservation of the three identified items, the villagers also supported this view. URA was currently considering a conservation plan, which aimed at enabling preservation of not only the three identified items but also more of the village environment as well as providing additional open space.</p> <p>Ms LAU's enquiry of how long it would take if URA handled the matter in accordance with the established procedures under the relevant ordinance. SDEV's response that the Administration pledged to accord top priority to handling the matter. She added that the Administration actually stood ready to provide compassionate re-housing to the villagers but they preferred the more generous compensation packages offered under redevelopment schemes.</p> <p>The Chairman's view that the design of the relevant conservation plan should not only allow for the conservation on a piecemeal approach of individual items, but should also bring back the original look and flavour of the village.</p> <p>The Chairman's expression of support for the compensation-first approach in order to expedite compensation and resettlement arrangements for the affected residents to relieve them from their poor and deteriorating living conditions. Moreover, the compensation amount involved would be relatively small in this case and the residents had long awaited implementation of the project, which was the first amongst those announced by LDC.</p>	<p><b>URA to consider Chairman's suggestion</b> (para.8 of the minutes)</p>

Time marker	Speaker	Subject	Action required
		<p>The Chairman's suggestion that, if URA was able to draw up the conservation plan very soon and complete the necessary planning procedures expeditiously, the Project could then proceed in accordance with established procedures.</p>	
010453 - 011110	Mr James TO Admin	<p>Mr James TO's view that the Administration and the Subcommittee should first seek legal advice as to whether it could be challenged in court if the compensation-first approach was only adopted for handling the Nga Tsin Wai Village Project, as residents of other redevelopment projects announced by the former LDC might argue that they had also waited for a very long time for redevelopment and were suffering from the same poor living conditions as those suffered by the residents of Nga Tsin Wai Village. The Administration's undertaking to seek legal advice.</p> <p>Mr TO's further view that the Administration would have more bargaining power in dealing with the major land owner over the conservation of the village if the affected residents could get resettlement first.</p>	<p><b>Admin and legal adviser to the Subcommittee to provide legal advice</b> (para.11 of the minutes)</p>
011111 - 012255	Miss CHAN Yuen-han Chairman MD/URA	<p>Miss CHAN Yuen-han's suggestion that the major land owner might be willing to consider conservation options put forward by the Administration if economic incentives, such as the transfer of plot ratio, were offered. Her emphasis that any proposals on the transfer of plot ratio had to be discussed by the public first.</p> <p>Miss CHAN's support of Mr James TO's view that the acquisition of relevant property interests by the Administration could increase its bargaining power in its negotiations with the major land owner over the conservation plan of the village. Her reiteration that the compensation and resettlement issues pertaining to the project should be resolved first, and the society should be engaged in working out the conservation plan of the village which had unique heritage value.</p> <p>MD/URA's clarification that tenants of village houses owned by the major land owner should not be eligible for compensation from URA as they were legally not URA tenants.</p>	

Time marker	Speaker	Subject	Action required
012256 - 012814	Ms Emily LAU Chairman MD/URA	Ms Emily LAU's expression of support for Mr James TO's suggestion of seeking legal advice, and her suggestion that the Administration should provide information on the financial implications incurred by adopting the same compensation-first approach for the remaining projects inherited from LDC, e.g. Kwun Tong (Project K7). MD/URA's explanation that the situation of other projects was different from Project K1, e.g. for the Sai Yee Redevelopment Project (K28), household owners and shop tenants had different demands.	<b>URA to provide estimate of financial implications incurred</b> (para.13 of the minutes)
012815 - 013117	Mr James TO Chairman	Mr James TO's view that the Administration had to first consult the Panel on Planning, Lands and Works on any policy proposals on the transfer of plot ratio.	
013118 - 014104	Miss CHAN Yuen-han Admin Chairman Mr James TO	Miss CHAN Yuen-han's request for the Administration to expeditiously explore the policy of allowing transfer of plot ratio for heritage conservation purpose.  The Administration's undertaking that it would revert to the Subcommittee the earliest in late September 2007 on the legal advice obtained and the conservation plan.  Mr James TO's request for information on any precedents of exchange of land for heritage conservation purpose and the Administration's initial view on the option of transfer of plot ratio for heritage conservation purpose.	<b>Admin to provide requisite information</b> (para.14 of the minutes)
014105 - 014412	Chairman Ms Emily LAU	Suggestion of the Chairman that a meeting be held in late September or early October 2007 to further discuss outstanding issues relating to the conservation of Nga Tsin Wai Village and the preservation of the open-air bazaar in Tai Yuen Street and Cross Street.	