

For discussion on
9 March 2007

Legislative Council Panel on Home Affairs

Built Heritage Conservation Policy

Purpose

This paper sets out the latest progress of the built heritage conservation policy review.

Background

Existing Policy

2. Our current heritage conservation policy is to support and promote the conservation of heritage in Hong Kong with regard to the following fundamental principles:

- (a) To conserve but not to take over the ownership;
- (b) Conservation should be based on heritage value, not simply the age of a building;
- (c) A balance between conservation needs and economic cost should be maintained; and
- (d) Private property rights should be given due regard.

Current framework of built heritage conservation

3. The enabling legislation in Hong Kong is the Antiquities and Monuments Ordinance (Chapter 53), which commenced operation in 1976. Under the Ordinance, the Secretary for Home Affairs (SHA) is the Antiquities Authority who may, after consultation with the Antiquities Advisory Board (AAB) and with the approval of the Chief Executive, by

notice in the Gazette, declare a place, building, site or structure which he considers to be of public interest by reasons of its historical, archaeological or palaeontological significance to be a monument for protection. The Ordinance is rather rigid in that it only provides for one form of conservation (i.e. declaration of monuments) for built heritage, and that stringent requirements are applied to alternation works after declaration. As at 31 January 2007, there are 81 declared monuments, of which 63 are buildings and 18 are rock carvings, forts and archaeological sites.

4. The AAB, consisting of members from different sectors of the community, is a statutory body tasked to advise the Antiquities Authority on any matters relating to antiquities and monuments. It is Government's important partner in the promotion of heritage conservation work in Hong Kong. The Antiquities and Monuments Office (AMO) under the Leisure and Cultural Services Department provides secretarial and professional support to the AAB. It is also the Government's expert advisor on heritage conservation.

5. Apart from providing statutory protection to historic buildings by way of declaration, AMO, on the advice of AAB, has throughout the past years adopted a grading system¹ in which some 500 historic buildings have been classified into Grade I, II and III in accordance with their heritage significance. The grading system, which has no statutory authority, serves as general heritage assessment guidelines for the AAB and the Government.

2004 Public Consultation

Public Response

6. In February 2004, we launched a three-month public consultation

¹ The existing grading system is an administrative measure to identify and classify historic buildings into Grades I, II and III with varying degrees of merits for conservation – Grade I refers to buildings of outstanding merit, which every effort should be made to preserve if possible;

Grade II refers to buildings of special merit, efforts should be made to selectively preserve; and Grade III refers to buildings of some merit, but not yet qualified for consideration as possible monuments. These are to be recorded and used as a pool for future selection.

on the review of built heritage conservation policy. Specifically, the public was invited to express views on three broad questions, namely, “what should we conserve”; “how do we conserve”; and “how much and who should pay”. A total of 150 written submissions with some 500 views were received, and quite a number of them came from professional organisations and concern groups. A clear consensus on the above three fundamental questions had yet to emerge. We reported the results of the public consultation to the Legislative Council Panel on Home Affairs in November 2004.

Survey on Built Heritage

7. Taking into account the views received from the consultation, we reviewed and developed a new set of criteria for assessing the heritage value of historic buildings from December 2004². From March 2005, an expert panel under the AAB has been conducting a heritage assessment of some 1,400 historic buildings selected from around 8,800 buildings with more than 50 years of age in Hong Kong recorded from a territory-wide survey. The assessment results of the panel will be considered by the AAB with a view to selecting buildings for declaration or grading. This will also provide a basis for the AAB to consider whether and how the current assessment and grading mechanism would need to be reformed.

8. We have also examined other improvement measures since the consultation in 2004. Yet, the formulation of more concrete proposals have yet to be finalised due to the complexity of the subject, and the general lack of consensus both within the Government and in the community at large, especially on the price we are prepared to pay for built heritage conservation.

Recent Developments

Public Forums

9. In response to the recent growing public concerns over built

² The new assessment criteria to determine the heritage value cover a wide range of areas, including historical interest, architectural merit, rarity, group value, social value, collective memory and authenticity.

heritage conservation, we organised a series of public forums in January and February to provide the community with an opportunity to understand our current policy and measures on built heritage conservation, as well as to express views on what and how to conserve our built heritage before we finalise our policy review. Specifically, three types of forums were held:

- (a) Three regional forums (one on Hong Kong Island, one in Kowloon and one in the New Territories) for members of the District Councils (DCs) and other district personalities;
- (b) Three open forums for all members of the public; and
- (c) A focus group discussion for major stakeholder groups and concerned academics and professionals.

A presentation on our current built heritage policy and measures was made at each of the above forums. It is at **Annex**.

10. The response to this round of public discussion on built heritage conservation has been encouraging and over 600 participants attended the forums. We have also made use of other channels (e.g. radio and television programmes, website forum and e-mail) to disseminate information and collect public views. A summary of views initially received through various channels is as follows:

- (a) The public generally agrees that there is a need for substantial improvements to the current policy and practices on built heritage conservation with regard to –
 - The current assessment and grading criteria;
 - Formulation of measures to conserve built heritage and on adaptive re-use;
 - Formulation of different financing options to support built heritage conservation initiatives, e.g. setting up of a heritage trust fund;
 - Widening and deepening public participation in heritage conservation matters; and
 - Co-ordination among government bureaux and departments.
- (b) Quite a substantial number of views point to the inadequacies of the

Antiquities and Monuments Ordinance, which provides only one form for conservation (i.e. declaration of monuments) and is confined to conservation of historic buildings. There have been calls for adopting a “holistic approach” to heritage conservation. This holistic approach does not only involve revamping the heritage assessment and grading mechanism, but also the widening of the statutory protection from stand-alone individual buildings to groups of buildings, conservation areas and zones.

- (c) While most are supportive of the need to strike a balance between heritage conservation and economic development, views are rather diverse and mixed as to where the balancing point should be. There are also suggestions that economic and social costs-and-benefits analysis on different conservation options should be conducted to facilitate the assessment.
- (d) There are specific concerns expressed over the conservation approach of specific historic buildings and sites, such as the former Police Married Quarters at Hollywood Road, the Central Police Station Compound, the Queen’s Pier, as well as re-development projects of the Urban Renewal Authority which involve graded historic buildings and heritage sites, including the Wan Chai Market, the Blue House, Lee Tung Street, Tai Yuen Street and Cross Street.
- (e) Though many are mindful of the need for a potentially huge commitment of resources to ensure more effective heritage conservation work, there have been relatively less discussions on where the sources of finances should be. Suggestions in this regard include Government funding, private donations to the heritage trust fund, hypothecation of part of the Betting Duty revenue, and introduction of a heritage tax.

11. We are planning to conduct a telephone opinion survey on the general public covering the key issues regarding the built heritage conservation, in order to gauge the views of a scientifically representative sample of the general Hong Kong population. In the meantime, we are consolidating the public views and comments received from the public forums and other channels. .

Antiquities Advisory Board

12. We appreciate that there have been requests for enhanced public participation in heritage conservation matters. In response, we have reviewed the membership composition and operational mode of the AAB. We have increased the number and diversified the background of members from 21 to 28, such that the new term of AAB comprises a balanced mix of members from different fields and professions in the community. The reformed AAB would adopt a more open, transparent and accountable mode of operation whereby dedicated committees with co-opted members would be set up to engage the community, concern groups and stakeholders on matters relating to antiquities, monuments and built heritage conservation. The AAB would also take account of views from the DCs on heritage buildings and sites in the relevant districts as far as possible, before they tender advice to the Government.

Way Forward

13. From late March onwards, SHA will personally attend the meetings of the 18 DCs to discuss the subject with DC members, with particular attention to historic buildings and sites in each of the relevant districts.

14. We will continue to keep an open mind to listen to the views of the community and take into account the results of this round of public engagement before drawing up a package of concrete improvement proposals on built heritage conservation. Subject to the results, we expect to be able to announce the proposals and measures on built heritage conservation in the latter half of 2007.

Home Affairs Bureau
March 2007

Conservation of Built Heritage in Hong Kong



Current Policy on Built Heritage Conservation

The Four Fundamental Principles

- To conserve but not to take over ownership
- Conservation should be based on heritage value, not simply the age of a building
- A balance between heritage conservation needs and economic cost should be maintained
- Private property rights should be given due regard



Legislations Related to Heritage Conservation

- Antiquities and Monuments Ordinance (Cap. 53, 1976)
- Environmental Impact Assessment Ordinance (Cap. 499, 1998)
- Town Planning Ordinance (Cap. 131, 1939)
- Urban Renewal Ordinance (Cap. 563, 2001)

Legal Mechanism on Heritage Conservation

- Enabling legislation : Antiquities and Monuments Ordinance (Cap. 53)
- The Antiquities Authority (Secretary for Home Affairs) may, after consultation with the Antiquities Advisory Board and with the approval of the Chief Executive, declare a monument by notice in the Gazette.
- The major assessment criteria for declaring monuments : the item possesses historical, archeological or paleontological significance and its declaration is for public interest.
- Without the permission of the Antiquities Authority, no one is allowed to demolish or interfere with declared monuments.

Antiquities Advisory Board

- A statutory board which advises the Antiquities Authority on issues related to heritage conservation.
- The Board consists of members appointed by the Chief Executive from different sectors, including professionals and scholars.



Antiquities and Monuments Office

- An office under the Leisure and Cultural Services Department
- Tasked to carry out survey and research, conservation and restoration, education and publicity, as well as to provide secretarial support to the Antiquities Advisory Board.



Grading of Built Heritage

- An internal reference for the Antiquities Advisory Board in selecting historical buildings for declaration
 - ① Grade I: outstanding merit of which every effort should be made to preserve, if possible
 - ② Grade II: special merit, effort should be made to preserve it, if possible
 - ③ Grade III: some merit, needs to be recorded
- Major criteria in considering the grading include:
 - (1) age of the building
 - (2) architectural characteristics
 - (3) association with important local events and figures

Declared Monuments

- Declared Monuments: currently 81 items (63 built heritage, 18 rock carvings, forts and archeological sites)



Liu Man Shek Tong



Fan Sin Temple



Former French Mission Building (now houses Final Court of Appeal)



Main Building of the University of Hong Kong

Graded Historical Buildings

Number		Ownership	
Grade I	117	Government	232
Grade II	185	Private	218
Grade III	194	Chinese Temple Committee	21
<u>Total</u>	<u>496</u>	<u>Others</u>	<u>25</u>
		Total	496

- For the list of graded historical buildings, please visit the website of Antiquities and Monuments Office:
<http://www.amo.gov.hk>



Grade I
Historical Building:
Catholic Cathedral of
Immaculate Conception



Grade II Historical Building: Old Dairy Farm Building
(now houses the Fringe Club)



Grade III Historical Buildings: Sham Shui Po Police Station

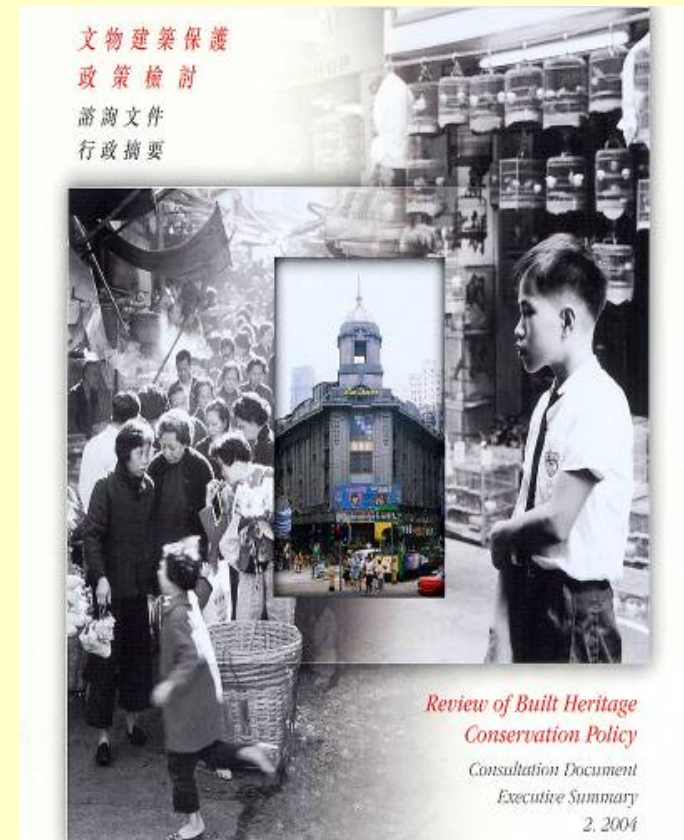
Administrative Monitoring Mechanism for Built Heritage

- A monitoring mechanism has been set up by the Antiquities and Monuments Office (AMO), Planning Department and Buildings Department.
- Development proposals which will affect buildings constructed before 1960 are required to be submitted to the AMO for advice.



Review of Built Heritage Conservation Policy

- A public consultation on the review of the built heritage conservation policy was conducted by Home Affairs Bureau in 2004.
- Major aspects of the consultation included: (1) what should we conserve? (2) how do we conserve? and (3) how much, and who should pay?
- 150 submissions with over 500 views were received.



Responses from the Public in 2004

- Built heritage with historical and architectural merits should be conserved. Buildings with collective memories should also be considered for conservation.
- Different levels of conservation should be adopted under different circumstances, which include preservation in-situ, partial preservation, or preservation of exteriors etc.
- Re-use of built heritage should bring benefits to the community. Through flexible adaptive re-use, heritage buildings can be revitalized in the contemporary context.
- Preservation should be extended from "point" (to preserve a particular building) to both "linear" (street) and "horizontal" perspectives (entire district).

- The leading authority should be given appropriate powers (e.g. powers in respect of town planning, buildings and land use) to achieve better heritage conservation results.
- The public was supportive of the government's principles, i.e. to conserve but not to take over ownership; to respect private property rights; and to maintain a balance between heritage conservation and economic cost.
- A heritage trust fund should be established to pool resources from the community and foster a sense of recognition and duty in respect of heritage conservation by the public.
- Economic incentives are supported to encourage private owners to conserve built heritage.

Survey on Built Heritage

- An expert panel was commissioned by the Antiquities Advisory Board in 2005 to conduct a detailed assessment on 1,440 selected buildings constructed before 1950.
- The new assessment criteria to determine the heritage value of the recorded items adopted by the expert panel cover a wide range of areas, including
 - (1) historical interest; (2) architectural merit
 - (3) rarity; (4) group value; (5) collective memory and social value; (6) authenticity and (7) integrity
- The assessment is expected to be completed by the end of 2007. The report from the expert panel will be considered by the Antiquities Advisory Board with a view for selecting buildings for declaration or grading.

Conservation and Adaptive Re-use of Built Heritage

- *The Venice Charter (1964), the Burra Charter (1999) and the Principles for the Conservation of Heritage Sites in China* are used as guidelines for conserving built heritage.
- The conservation standards in Hong Kong have been recognised internationally. The following eight local historical building conservation projects have been awarded UNESCO Asia-Pacific Heritage Awards for Cultural Heritage Conservation:

Ohel Leah Synagogue (Mid-levels)

Hung Shing Temple (Kau Sai Chau)

King Law Ka Shuk (Tai Po)

Catholic Cathedral of Immaculate Conception (Central)

St. Joseph's Chapel (Yim Tin Tsai, Sai Kung)

Tung Wah Coffin Home (Pok Fu Lam)

St. Andrew's Church (Tsim Sha Tsui)

Liu Ying Lung Study Hall (Sheung Shui)



Tung Wah Coffin Home

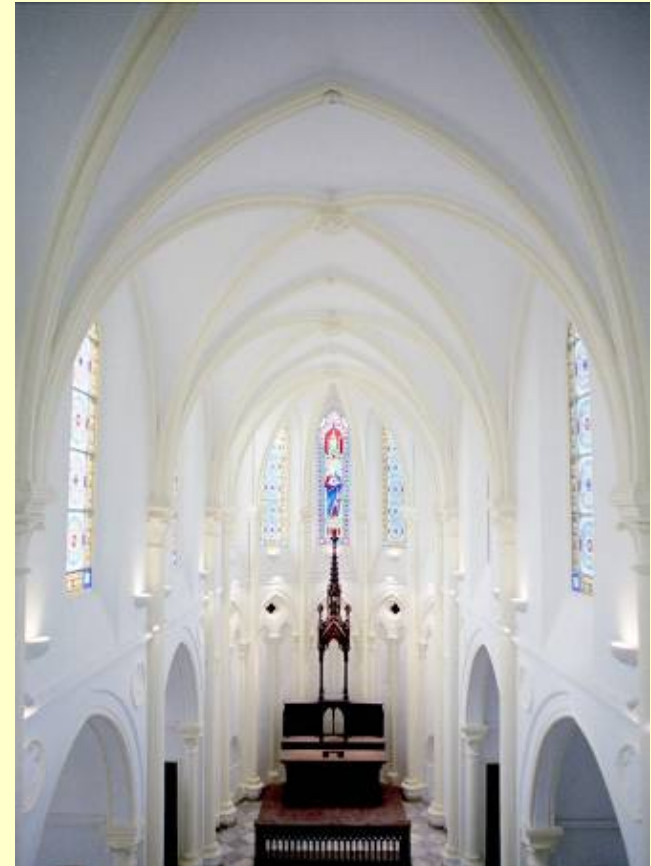


King Law Ka Shuk
(ancestral hall)

- Adaptive re-use of built heritage involves substantial restoration cost. We also need to achieve a balance between heritage conservation and modern building safety standards.



Cases of Conservation and Adaptive Re-use of Built Heritage



The Bethanie: Converted to the campus of Hong Kong Academy for Performing Arts



Kom Tong Hall: Converted to Dr. Sun Yat-sen Museum

Future Plan

- The Government is considering the following improvement measures on built heritage conservation:
 - (1) To formulate a holistic mechanism to assess built heritage and draw up various conservation methods;
 - (2) To establish a heritage trust fund to enable adaptive re-use of built heritage to be carried out in a sustainable manner;
 - (3) To provide suitable economic incentives to encourage private owners to conserve their built heritage; and
 - (4) To enhance heritage education and publicity.
- It will take time to implement new measures which will involve amendments to the current assessment criteria on built heritage and to the Antiquities and Monuments Ordinance, as well as the formulation of a new mechanism in conserving private built heritage.

Public Concerns on Heritage Conservation

- The public has recently shown greater concern on heritage conservation as compared to a few years ago.
- We wish to explain to the public in greater details on our current policy and work on built heritage conservation
- We wish to collect suggestions and views from the public on which historical buildings to be conserved and how to be conserved.
- We wish to establish more consultation channels to increase public participation in the work of heritage conservation, and to allow the government and members of the Antiquities Advisory Board to gauge views from the different sectors of the society in greater depth.