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Panel on Home Affairs

**Background brief prepared by Legislative Council Secretariat
for the meeting on 9 March 2007**

Review of Built Heritage Conservation Policy

Purpose

This paper gives an account of past discussions of the Panel on Home Affairs on the current Review of Built Heritage Conservation Policy (the Review).

The Review

2. In February 2004, the Home Affairs Bureau (HAB) published a consultation document and launched a three-month public consultation exercise on the Review. According to the Administration, the objective of the Review was to formulate a holistic approach and effective implementation measures to enhance built heritage conservation work. Since the Review involved complicated issues such as cultural value, public interest, private property rights, and planning and land matters etc, it was essential to first seek social consensus before formulating the implementation measures. The Review proceeded in two stages, with the first stage focusing on broad policy issues and the second stage on proposed implementation measures. The consultation document set out a number of key policy issues, and invited the public to give views on three broad questions, namely, (a) "what should we conserve?" (b) "how do we conserve?" and (c) "how much and who should pay?".

3. The Administration informed the Panel on Home Affairs in November 2004 that over 500 responses had been received at the conclusion of the first-stage of public consultation exercise on 18 May 2004. HAB would formulate proposals on implementation measures for further public consultation in 2005. A summary of the views received is in **Appendix I**.

Discussions held by the Panel on Home Affairs on the Review

Meetings held

4. The Panel on Home Affairs discussed HAB's public consultation document on the Review at its meeting on 22 March 2004. At its meeting on 9 November 2004, the Panel received a report on the major findings of the first-stage public consultation on the Review. Issues relating to the Review were also discussed when the Panel received a briefing by the Secretary for Home Affairs (SHA) on the Chief Executive's (CE's) Policy Address 2006-2007 at its special meeting on 16 October 2006. The views and concerns expressed by members on the Review at these meetings are summarised in paragraphs 5 to 12.

Lack of concrete details in the consultation document

5. Some members expressed support for the direction of the Review. They were of the view that the Administration should ensure wide public participation in any consultation exercise on heritage conservation, and due regard should be given to the views of Heung Yee Kuk on heritage development projects. In addition, the option of business concession should be explored to achieve better use of resources.

6. Some other members expressed disappointment at the Administration's failure to provide concrete details or options in the consultation document, such as built heritage items identified for protection, the estimated conservation costs, and possible options or incentives to induce owners' co-operation in built heritage conservation. They considered that, as the overwhelming majority of Hong Kong people were clearly in support of built heritage conservation, the consultation exercise would not achieve any meaningful purpose if the public was only invited to give views on broad policy issues. Members suggested that the Administration should release for the public's consideration concrete details on costs and compensation, as well as options relating to the transfer of development rights.

7. The Administration explained that it could not assume that the community already had a consensus on built heritage conservation. Before formulating a holistic approach to guide the direction of conservation work, the Administration needed to know the views of the community on fundamental principles, such as whether heritage items which did not meet the strict criteria of historical significance/architectural merit but formed part of the community's collective memory should be conserved. Proposals on implementation measures would be drawn up for the public to consider during the second stage of the consultation exercise.

8. The Administration also pointed out that the current policy of built heritage conservation had many inadequacies. For instance, the Antiquities and Monuments Ordinance (the Ordinance) made it impossible to conserve a whole street or neighbourhood in order to retain its unique character and setting. Under the Ordinance, each and every building, structure, place or site declared as a monument had to meet the historical significance criterion. The emphasis of conservation was on "point" (i.e. a building), rather than "line" (i.e. a street) or "surface" (i.e. an area).

Progress of the Review

9. Some members expressed dissatisfaction with the slow progress of the Review and the passive role of the Administration in built heritage conservation work. Hon CHAN Yuen-han was of the view that, before the completion of the Review and the formulation of a new built heritage conservation policy, the Administration should put in place interim measures as soon as possible to conserve built heritage and prevent demolition of historical buildings.

10. The Administration explained that it would study the views collected during the first stage of the consultation exercise and formulate possible implementation measures in consultation with relevant bureaux. The Administration would then consult the public on the proposals on implementation measures. Before any new policy was formulated, built heritage conservation work would continue to be carried out in accordance with the existing Ordinance.

11. In response to Prof Hon Patrick LAU's question as to why the Administration had not introduced a policy on transfer of development rights which had gained general support, the Administration explained that the Review involved complicated issues, such as cultural and heritage value, public interest, private property rights, and planning issues, etc. Moreover, the implementation measures would involve matters on land use and town planning, ownership and development rights of private properties as well as deployment of public resources. The formulation of a policy on transfer of development rights involved inter-departmental collaboration. The Administration needed time to assess the feasibility of various implementation measures and seek legal advice where necessary. The need for the setting up of a heritage trust fund was also considered.

12. Hon CHOY So-yuk suggested that the Administration should compile an inventory of Hong Kong's built heritage, with a view to facilitating the taking of proactive measures by the Administration to conserve built heritage.

The Central Police Station Compound Project

13. Members may wish to note that, when the Panel received views from the public on the Review at its meeting on 9 November 2004, many deputations expressed views about the Central Police Station Compound Project. Members shared the concerns of the deputations and passed a motion urging the Administration to put on hold the tendering procedure for the tourism project at the Central Police Station and Victoria Prison.

Latest development

14. In the wake of wide public concern on the reprovisioning of the Star Ferry Pier in 2006, SHA announced on 8 January 2007 the Government's plan to enhance the existing consultation mechanism on built heritage conservation, by establishing more consultation channels to enhance public participation and including a review of the operations of the Antiquities Advisory Board (AAB). The Government announced on the same day that CE had appointed 28 members to serve on AAB. The number of AAB members of the current term has been increased from 21 to 28, and 15 members are newly appointed.

15. On 8 January 2007, the Administration released a list of 496 graded historic buildings in Hong Kong.

Relevant motion and questions relating to heritage conservation moved/raised at Council meetings

16. A list of motions/questions relating to heritage conservation moved/raised at Council meetings since the first Legislative Council (LegCo) is in **Appendix II**. The Official Records of Proceedings of relevant Council meetings are available on the LegCo website at <http://www.legco.gov.hk>.

Relevant papers

17. A list of relevant papers and minutes of meetings is in **Appendix III**.

**Extract from the Administration's paper entitled
"Review of Built Heritage Conservation Policy"
for the Panel meeting on 9 November 2004**

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Summary of Views

6. At the conclusion of the public consultation exercise on 18 May 2004, more than 500 views were received. In addition, through the telephone opinion poll, over 3,000 people were interviewed. In brief, the public is very supportive of built heritage conservation and considers that more efforts should be devoted by the community at large to this area of work. Below is a summary of the views received:

(A) What should we conserve?

- (a) Some respondents considered that “built heritage” should be extended to cover intangible heritage such as traditional customs and rituals. Some however suggested that we should not be too ambitious and should first concentrate efforts in dealing with built heritage.
- (b) The vast majority of views opined that built heritage conservation should not be restricted to historical significance and architectural merits, but should include collective memory associated with built structures, areas or places that reflect the traditional ways of lives and cultural or social activities experienced and lived by the common people. The criteria for selection should be expanded to include culture, aesthetic and social factors etc. Apart from culture and heritage values which are of prime importance, economic and environmental improvement considerations should also be given due weight.
- (c) The respondents generally supported the idea of expanding the scope of conservation work from “point” (i.e. individual built heritage) to “line” (i.e. a street) and “surface” (i.e. an area) that possess unique cultural character or reflect traditional way of life of the community.

(B) How do we conserve?

- (a) The majority of views supported the adoption of diverse methods ranging from in situ preservation with strict control on alteration to partial or façade preservation to suit different situations.
- (b) Regarding the conservation of “line” and “surface”, many respondents opined that we need not prohibit redevelopment as

long as the conditions required to retain the special characteristics of a designated area to be protected are satisfied. Town planning and development controls are important tools to enhance successful conservation.

- (c) The majority of views considered that conserved built heritage should form a functional part of the community and sustainability is the key to success. Apart from sustaining cultural vitality, adaptive re-use should also seek to enhance social ties and economic gain. Many suggested a flexible approach to adaptive re-use and where it is not feasible to maintain the original use, cultural tourism or commercial uses should also be considered. In putting conserved built heritage to use, public-private partnership should be encouraged. The conserved heritage should, as far as possible, be open to public access.
- (d) Many views supported the setting up of a single heritage authority with the necessary power for heritage conservation as well as related controls on town planning, building and land development. The single authority may remain with the Home Affairs Bureau, or vested in another bureau if deemed more appropriate or be an independent entity with appropriate statutory power.
- (e) Respondents generally opined that public participation and support are important. They requested more efforts be devoted to heritage education and publicity.

(C) How much and who should pay?

- (a) Most respondents opined that since heritage conservation is for the good of the community and future generations, the whole community should contribute and bear the cost collectively. They generally supported the principles that we should conserve but not take over ownership, give due regard to private property rights and maintain suitable balance between conservation need and economic cost.
- (b) A great number of views are in support of the introduction of economic incentives. Transfer of development rights is the method mostly advocated. Other methods mentioned include land exchange and tax incentives.
- (c) Many respondents suggested to set up a heritage trust fund so as to tap resources from community as well as to cultivate the public's sense of belonging and commitment in heritage conservation work.

Appendix II

List of questions and motions raised/moved at Council meetings

Meeting date	Motion/Question
23.2.00	Written question on "Conversion of historical buildings for cultural use " raised by Hon Howard YOUNG
9.1.02	Written question on how the Urban Renewal Authority could achieve the aims of heritage conservation in implementing redevelopment projects raised by Hon Fred LI
18.12.02	Motion on "Culture and Heritage Commission Consultation Paper 2002" moved by Hon MA Fung-kwok. The motion was carried.
12.2.03	Motion on "Policy on heritage preservation" moved by Hon LAU Ping-cheung. The motion was carried.
19.3.03	Written question on "Preservation of privately owned buildings with conservation value" raised by Hon WONG Sing-chi
24.3.04	Motion on "Conservation of monuments and heritage" moved by Hon CHAN Kwok-keung. The motion was carried.
10.11.04	Motion on "Conserving the Central Police Station Compound and formulating a comprehensive policy on antiquities and monuments" moved by Hon CHOY So-yuk. The motion was negated.
2.3.05	Oral question on "Development plans for historical buildings" raised by Dr Hon KWOK Ka-ki
26.4.06	Oral question on "Built heritage conservation policy" raised by Prof Hon Partick LAU
28.6.06	Motion on "Facilitating urban development" moved by Prof Hon Patrick LAU. The motion was carried.
5.7.06	Motion on "Fully conserving the 'Government Hill' " moved by Hon Fred LI. The motion was negated.

Meeting date	Motion/Question
15.11.06	Written question on "Striving for valuable cultural or natural heritage in Hong Kong to be inscribed on the World Heritage List" raised by Hon LAU Kong-wah
6.12.06	Written question on "Management of monuments and historical buildings" raised by Hon Albert HO
	Written question on "Classifying historical buildings" raised by Hon CHOY So-yuk

Council Business Division 2
Legislative Council Secretariat
7 March 2007

Relevant papers and minutes of meetings on built heritage conservation policy

Date of meeting	Meeting	Minutes/Paper	LC Paper No.
22.3.04	Panel on Home Affairs (HA Panel)	Administration's paper on "Review of Built Heritage Conservation Policy"	CB(2)1734/03-04(03) http://www.legco.gov.hk/y r03-04/english/panels/ha/p apers/ha0322cb2-1734-3e.pdf
		Consultation document on "Review of Built Heritage Conservation Policy" issued by the Home Affairs Bureau	http://www.legco.gov.hk/y r03-04/chinese/panels/ha/p apers/hacb2-rbhcp-ce.pdf
		Minutes of meeting	CB(2)2000/03-04 http://www.legco.gov.hk/y r03-04/english/panels/ha/ minutes/ha040322.pdf
9.11.04	HA Panel	Administration's paper on "Review of Built Heritage Conservation Policy"	CB(2)155/04-05(02) http://www.legco.gov.hk/y r04-05/english/panels/ha/p apers/ha1109cb2-155-2e.p df
		Submission from Hong Kong Institute of Archaeology	http://www.legco.gov.hk/y r04-05/chinese/panels/ha/p apers/ha1109cb2-155-4c.p df (Chinese version only)
		Submission from Central Police Station Heritage Task Force	http://www.legco.gov.hk/y r04-05/english/panels/ha/p apers/ha1109cb2-155-5e.p df
		Submission from Conservancy Association	http://www.legco.gov.hk/y r04-05/english/panels/ha/p apers/ha1109cb2-180-1e.p df

Date of meeting	Meeting	Minutes/Paper	LC Paper No.
		Submission from Central and Western Development Concern Association	http://www.legco.gov.hk/y r04-05/chinese/panels/ha/p apers/ha1109cb2-194-1c-s can.pdf (Chinese version only)
		Submission from Action Group on Protection of the Central Police Station Historical Compound	http://www.legco.gov.hk/y r04-05/chinese/panels/ha/p apers/ha1109cb2-155-6c.p df (Chinese version only)
		Submission from Central & Western District Council	http://www.legco.gov.hk/y r04-05/chinese/panels/ha/p apers/ha1109cb2-155-7c-s can.pdf (Chinese version only)
		Submission from Museum of Site	http://www.legco.gov.hk/y r04-05/chinese/panels/ha/p apers/ha1109cb2-194-2c.p df (Chinese version only)
		Minutes of meeting	CB(2)343/04-05 http://www.legco.gov.hk/y r04-05/english/panels/ha/ minutes/ha041109.pdf
16.10.06	HA Panel	Administration's paper on "Policy Initiatives of Home Affairs Bureau"	CB(2)29/06-07(01) http://www.legco.gov.hk/y r06-07/english/panels/ha/p apers/ha1016cb2-29-01-e. pdf
		Minutes of meeting	CB(2)531/06-07 http://www.legco.gov.hk/y r06-07/english/panels/ha/ minutes/ha061016.pdf