

**Extract from draft minutes of meeting on
Panel on Home Affairs on 9 March 2007**

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III. Built heritage conservation

Briefing by the Administration

7. Deputy Secretary for Home Affairs (3) (DSHA(3)) highlighted the salient points of the Administration's paper, including the response to the current round of public discussion on built heritage conservation as set out in paragraph 10 of the Administration's paper [LC Paper No. CB(2)1215/06-07(01)]. Assistant Director (Heritage and Museums) (AD(H&M)) gave a Powerpoint presentation on the current built heritage policy and measures as set out in the Administration's paper.

8. Members noted that the LegCo Secretariat had prepared a background brief on "Built heritage conservation" [LC Paper No. CB(2)1215/06-07(01)].

(The Chairman took over to chair the meeting at this juncture.)

Discussion

Conservation of monuments and historic buildings

9. Miss TAM Heung-man asked about the measures taken by the Administration to prevent non-government graded historic buildings from dilapidation due to the lack of incentives of owners concerned to repair and maintain these buildings. She further asked about the actions taken to preserve Mei Ho House in Shek Kip Mei which had been classified as a Grade I historic building but was reportedly to have been left to dilapidation.

10. AD(H&M) responded that it had been the government's established policy on built heritage conservation that the Administration would conserve but not take over ownership with due regard being given to private property rights. He explained that the Administration had all along assisted private owners in need to repair and maintain historic buildings in their ownership. A mechanism was in place for private owners of declared monuments to apply to the Antiquities and Monuments Office (AMO) for restoration and maintenance for their properties provided that these buildings were open for public access.

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However, should the owner refuse any assistance or financial support from the government and insist on leaving the historic building in his ownership to dilapidation or demolishing it, depending on the heritage value of the historic building concerned, the Administration might declare the building to be a statutory monument without the consent of the owner concerned. In that case, the owner concerned could claim compensation for financial loss under the Antiquities and Monuments Ordinance (the Ordinance).

11. AD(H&M) said that there were some 200 non-government graded historic buildings in Hong Kong and the cost of conservation of them could be high. The Administration was of the view that more incentives should be offered to encourage owners in the long-term to take the initiative to restore and maintain such buildings in their ownership.

12. DSHA(3) pointed out that one of the key policy issues concerning built heritage conservation was to strike a balance between conservation needs and economic cost, and the policy review would come up with concrete proposals to address this issue.

13. AD(H&M) informed members that the Leisure and Cultural Services Department was exploring in collaboration with the Housing Department feasible options of preserving Mei Ho House, which had some structural constraints limiting its development. He added that an open ideas competition on future development of Mei Ho House might be launched.

Application for Hong Kong's built heritage to be inscribed on the World Heritage List

14. Miss TAM Heung-man asked whether the Administration would follow the example of Macau and apply to have some valuable heritage in Hong Kong to be inscribed on the World Heritage List of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), and to launch wide publicity on such heritage items to attract tourists and visitors.

15. AD(H&M) explained that world heritage sites were selected on the basis of very stringent criteria which must have outstanding heritage value. He said that it had to be further assessed as to whether Hong Kong's cultural heritage could meet the selection criteria. Meanwhile, the Administration would make sustained efforts in heritage conservation and collaborate with the Hong Kong Tourism Board to promote local built heritage to tourists and visitors.

16. Professor Patrick LAU declared that he was a member of the current Antiquities Advisory Board (AAB). He considered that some built heritage in Hong Kong, e.g. walled villages in the New Territories, was unique and had very high cultural value, and was well worth consideration for inscription on the World Heritage List. AD(H&M) said that the Administration would, in the course of heritage conservation, closely monitor and carefully assess the

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cultural value of heritage sites to see whether any of them warranted nomination as a World Heritage Site.

Survey on built heritage

17. Dr KWOK Ka-ki said that, in his Policy Address in 1999, the Chief Executive had already pledged that the Administration would review the heritage policy for better protection of historic buildings. He asked about the Administration's work in this respect since the conduct of the public consultation in 2004. He also asked about the Administration's plan to preserve the 1 440 selected buildings constructed before 1950. Referring to the Report of the delegation of the PLW Panel on its duty visit in September 2002 [LC Paper No. CB(2)1215/06-07(03)], Dr KWOK noted that Singapore in 2002 had already carried out restoration of some two-thirds of over 5 600 pre-war buildings gazetted for conservation.

18. DSHA(3) said that after conducting the public consultation exercise in 2004, the Administration had reviewed and developed a new set of criteria for assessing the heritage value of historic buildings. From March 2005, an expert panel under AAB had been conducting a heritage assessment of 1 440 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 would be considered by AAB with a view to selecting buildings for declaration or grading. This would also provide a basis for AAB to consider whether and how the current assessment and grading mechanism would need to be reformed.

19. In response to Mr LEE Wing-tat's comments, AD(H&M) said that the Planning Department, the Buildings Department and other relevant bureaux/departments had already been notified of the 1 440 historic buildings which might be considered by AAB for declaration or grading. A mechanism was in place under which AMO would be notified when there was any development plan involving any of the 1 440 buildings so that AMO would, if necessary, persuade the private owner concerned not to demolish the historic building concerned.

Slow progress of the policy review and comments on the way forward

20. Dr Fernando CHEUNG said that the key issues regarding built heritage conservation covered by the current round of public consultation had already been raised during the public consultation exercise conducted in 2004, and similar views received in this round of public discussion had also been expressed by the public in the previous consultation exercise. He further pointed out that the suggestions of improvements received in this round of public discussion had already been set out in the documents [LC Paper No. CB(2)1264/06-07(01)] forwarded by Designing Hong Kong Harbour District for this meeting, including the paper published by Civic Exchange in 2002, the

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report and position paper of the Conservancy Association, and changes to the Town Planning Ordinance proposed by the then Planning, Environment and Lands Branch in 1991 as set out in the relevant executive summary. He considered it a waste of time for the Administration to invite the public to give views all over again on the same issues which had already been covered in the public consultation exercise in 2004. He requested the Administration to provide a summary of the major concerns and suggestions made in the aforementioned four documents as well as those received during the public consultation exercise in 2004, and to explain how the Administration was going to follow up those concerns and suggestions.

21. DSHA(3) pointed out that in the public consultation in 2004, the views received had mainly come from experts, academics and concern groups. The Administration, however, noted that in the incident of the reprovisioning of the Star Ferry Pier, members of the general public who were not experts of heritage conservation were also keen to understand more about the current policy, including the grading criteria for historic buildings which had not been covered during the public consultation exercise in 2004. The Administration had therefore organised a series of public forums in January and February 2007 to provide the community with an opportunity to understand the current policy and measures. She said that from late March onwards, the Secretary for Home Affairs (SHA) would attend the meetings of the 18 District Councils (DCs) to discuss the subject with DC members. She informed members that the Administration was in the process of formulating the proposed improvement measures for built heritage conservation, taking into account the results of this round of public discussion. Subject to the results, the Administration would be able to announce concrete policy proposals and measures on built heritage conservation in the latter half of 2007.

22. Dr Fernando CHEUNG said that he did not object to consulting DCs or the public. However, the Administration should not keep on conducting public consultation over the same issues. He said that the public had clearly expressed their views on various issues, e.g. inadequacies of the existing heritage conservation legislation, the need for formulation of financial options to support built heritage conservation initiatives, and buildings with collective memories should be considered for conservation.

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23. Ms Emily LAU requested the Administration to provide the summary of the views and suggestions as requested by Dr Fernando CHEUNG for discussion at the special meeting scheduled for 20 April 2007. She further suggested that, to facilitate the discussion, the summary should include any concrete legislative, funding or administrative proposals, as well as any key issues over which consensus or divided views had been expressed by the public. She added that it should be provided well in advance before the special meeting so that members and deputations could discuss the relevant concrete proposals. DSHA(3) agreed to provide such a summary covering views and suggestions received from the public up to April 2007. Ms LAU further suggested that the

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Secretariat should forward as far as possible any relevant information or submissions received by the Panel to the Administration for consolidation.

24. Mr LEE Wing-tat and Professor Patrick LAU expressed disappointment at the Administration's failure to formulate any proposal regarding the offer of economic incentives to encourage private owners to conserve their built heritage, given that the community seemed to have a consensus on the matter. They considered that while the offer of financial incentives which might involve transfer of plot ratio and transfer of the right to development would be controversial, the Administration had to work out implementation proposals in this regard for discussion.

25. DSHA(3) said that the improvement proposals and measures to be announced in the latter half of 2007 would include concrete proposals, e.g. options of proposed financial incentives, proposed legislative amendments (if any), and corresponding support from the town planning mechanism in an effort to conserve built heritage.

26. Mr LEE Wing-tat suggested that when the Administration launched public consultation exercise on the improvement proposals and measures in the latter half of 2007, it was necessary to have the involvement of the Housing, Planning and Lands Bureau (HPLB) as these proposals and measures would be closely related to issues about land use and development. Dr Fernando CHEUNG considered that the issue of built heritage conservation clearly involved policy issues which straddled different policy bureaux, e.g. land use, urban redevelopment, town planning and finance. He suggested that the Administration should set up an inter-departmental working group to take forward the current policy review. He further suggested that representatives of HPLB, the Financial Services and Treasury Bureau, the Urban Renewal Authority (URA) and the Town Planning Board should be invited to attend the special meeting scheduled for 20 April 2007.

Inter-departmental collaboration, public participation and heritage trust fund

27. Dr KWOK Ka-ki raised the following questions -

- (a) how URA had achieved the aim of built heritage conservation in implementing its urban renewal projects and why heritage conservation had not been given high priority in implementing redevelopment projects;
- (b) what would be the proposed amount of the heritage trust fund, if established, and its sources of funding; and
- (c) whether the Administration would seek to enhance public participation in built heritage conservation work having regard to the general criticisms of the poor design of the development

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project of the former Tsim Sha Tsui Marine Police Headquarters which had little public participation.

28. DSHA(3) said that under the existing legislative framework, except for built heritage that had been declared as a monument under the Ordinance, historic buildings that had been classified into Grade I, II and III were not provided with statutory protection. However, these graded historic buildings, if warranted, could be conserved by imposition of land use restrictions in the planning process.

29. DSHA(3) further said that, in order to estimate the required amount for the heritage trust fund, the first task would be for the expert panel under AAB to assess the heritage value of the 1 440 selected buildings on the basis of the new assessment criteria so that AAB could consider the forms of conservation to be adopted for each of these buildings. The Administration would then be able to estimate the amount required for the heritage trust fund.

30. Professor Patrick LAU expressed concern that in taking forward heritage conservation work, it was necessary to co-ordinate with various policy bureaux or departments, particularly in respect of town planning and land use. He considered that conservation of monuments and cultural heritage should be a priority consideration in overall town planning and that the Administration had to take this into consideration in formulating a holistic approach for built heritage conservation.

Incidents of lack of coordination between policy bureaux and lack of due regard given to heritage conservation in other policy areas

31. Miss CHAN Yuen-han asked what the Administration would do with buildings which fell outside the list of the graded historic buildings but were regarded by the public to have high conservation value, such as the Nga Tsin Wai village.

32. DSHA(3) responded that the Administration adopted an open attitude in preserving these buildings and the public was welcome to give any suggestions to the Administration or AAB. As regards the Nga Tsin Wai village, AD(H&M) said that AAB had discussed the matter many times as to whether the village should be declared as a monument based on the established criteria. However, owing to the fact that large-scale alteration works had been carried out in recent years, the Nga Tsin Wai village did not meet the requirements for statutory protection under the existing legislation. Miss CHAN criticised the Home Affairs Bureau (HAB) for turning a blind eye to the work done by URA which caused damage or even destruction to buildings and sites with high conservation value. She considered that HAB should immediately request URA to put on hold any project which might result in the destruction of the Nga Tsin Wai village.

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33. Mr Albert CHAN considered that since URA was a government-owned body, he could not see why the Administration at the highest policy level could not instruct URA to stop proceeding with the redevelopment projects in Nga Tsin Wai village and Sai Yee Street, as both were considered by the public to have high conservation value. He said that if the Government could not even do so, he would doubt very much whether the Administration was really committed to protection of historic buildings and sites or whether it would do anything to protect the 1 440 selected buildings. He also urged the Administration to provide information on any progress made in handling the Dragon Garden which was classified as a Grade II historic building.

34. DSHA(3) responded that the redevelopment of Nga Tsin Wai village and Sai Yee Street were the URA projects which involved considerations other than heritage conservation, such as the need to improve living environment of residents. She noted that URA was collecting views from the public on all feasible options for the projects. AD(H&M) said that the Administration was closely following up the Dragon Garden project with the owner concerned. He explained that there were many technical problems to be resolved in converting a private garden to be a public leisure facility.

35. The Chairman said that since the Administration had failed to take on board LegCo Members' views in preserving buildings or sites with high conservation value or local characteristics, such as the Nga Tsin Wai village project, the Sai Yee Street project, the Dragon Garden and the Lee Tung Street project, etc, she sought members' views on how LegCo should pursue the matter. Mr Albert CHAN and Miss CHAN Yuen-han proposed to set up a subcommittee to follow up the matter with the Administration. Mr LEE Wing-tat, however, considered that HPLB was the leading policy bureau in handling these redevelopment projects (with the exception of the Dragon Garden) and, in line with the rules, the PLW Panel would be the corresponding LegCo Panel to take up the matter. At his suggestion, members agreed that the PLW Panel should be consulted on how to pursue the matter. The Chairman said that she would consult the Chairman of the PLW Panel in this regard.

(As the Chairman had to leave the meeting for other urgent commitments, the Deputy Chairman took over to chair the meeting.)

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