

Heritage Policy

Paul Zimmerman, Convenor, Designing Hong Kong Harbour District
April 20, 2007

Conflict of interest within Government is the problem.

The elements for a quality Heritage Policy have been well identified and documented, including by Government, since 1991 (see below).

To conserve and preserve heritage sites, the Home Affairs Bureau requires institutional and financial tools which are the remit of departments with jurisdiction over planning, lands, buildings and Government finances. As long as they refuse to commit, the debate over Heritage Policy is a waste of time.

To resolve this conflict of interest within Government, the debate and review of the Heritage Policy must be lead by the Legislative Council or an independent council which reports directly to the Chief Executive and/or the new Development Secretary.

In 1991 Government published the Comprehensive Review of the Town Planning Ordinance.

Problems identified:

"There is a need to protect our built heritage and to ensure that development is in harmony with a nearby monument" ... "In areas of special civic interest, there is a need for comprehensive civic design framework..."

Solution proposed (2007: not implemented):

"Areas which were of special architectural or historical interest would be designated as 'Special design Area' on a statutory plan, within which planning permission would be required..." "The public would be able to make representations on the designation of the SDA and the design objectives..."

In 1992 the Special Committee on Compensation and Betterment recommended (summary 9.13) (2007: not implemented)

"We have suggested a slightly more generous approach to compensation for buildings declared as monuments under the Antiquities and Monuments Ordinance, so that owners will be more ready to accept the designation of their property and it easier to preserve Hong Kong's past. Here too owners should be able to take advantage of the Resumption Notice Request procedure if there is no longer reasonably beneficial use of their land. Government should also consider a cost-sharing approach for the more expensive maintenance of monuments in keeping with their character."

Civic Exchange and Conservancy Association made detailed and practical recommendations in 2003 and 2004

1. Creation of a dedicated, conservation authority with responsibility for nature and heritage conservation

- Consideration of the most effective form of conservation authority, including the creation of ministerial positions, advisory committees or statutorily backed authorities;
- Consideration of the merits of amalgamating heritage conservation and natural conservation under one policy head;
- A review of each government department's working practices and their impact on heritage conservation;
- Establishment of regular inter-bureau and inter-departmental meetings aimed at coordinating matters of heritage conservation; and
- Creation of funding sources that are not linked to the political will of the government, such as a Conservation Trust Fund.

2. Establishment of a heritage conservation policy

- Definitions of Hong Kong's heritage conservation principles and values, through the endorsement of ICOMOS;
- Protection of all facets of cultural heritage, not only structures and monuments;
- The creation of a Master Conservation Plan establishing guiding criteria and prioritization as well as the development of strategies to alleviate threats to conservation and benchmarks to measure progress;
- The creation of appropriate legislative backing to support the policy; and
- Re-definition of "public purpose" to include conservation objectives.

3. Creation of mechanisms to promote private sector participation in heritage conservation

- Transfer of plot ratios (i.e. Transfer of Development Rights);
- Granting of further plot ratio in exchange for the creation of public amenities or the conservation of heritage sites;
- Land Swaps;
- Tradable development rights;
- Reduction of land premium payable to the government in return for the preservation of heritage sites;
- Contracts for the preservation and maintenance of heritage sites in return for development rights on adjacent sites;
- Extension of land resumption to cover heritage sites;
- Conservation easements in return for cash compensation.

4. Creation of initiatives to provide for and encourage general public involvement in heritage conservation

- The incorporation of a consensus building processes that engages the public in the formulation of policies and decision making;
- Enhanced education on heritage conservation values and objectives;
- Promotion of community effort and support, including community awareness projects;
- Review and recognition of the individual needs and values of different district localities, including an understanding of the existing community efforts in heritage conservation;
- The involvement of voluntary or charitable organizations and other non-governmental bodies connected with preservation. These may have a significant role in raising public consciousness and in educating the public on conservation issues.

5. Legal and administrative measures

- Extension of heritage protection to incorporate all building types, areas and districts, intangible assets and the surrounding environment (see Antiquities and Monuments Ordinance, section 1.42);
- Revision of current grading system to ensure a consistent understanding of the grading system and to include more than just monumental quality heritage assets (see Antiquities and Monuments Ordinance, section 1.42);
- Increased resources to reduce the sites under consideration for protection;
- Inclusion of zoning categories for the protection of heritage assets;
- Inclusion of cultural heritage as a “public purpose”;
- Mechanism for identification of cultural heritage sites in town planning;
- Extension of the EIAO to include housing projects;
- Provision for active maintenance of vacant buildings and sites;
- Inclusion of heritage considerations in New Territories Small House Policy;
- Development of a Tourism Management System and guidelines.

Financing a Heritage Policy via the Capital Works Reserve Fund

- **The Policy Recommendation report by the Culture and Heritage Commission concludes in 2003** that “*This funding level (HK\$40 million a year) in no way reflects the government’s emphasis on heritage conservation and should be adjusted.*”
- The Capital Works Reserve Fund is funded by land premiums which reflect the betterment of our land including through heritage conservation. Land premiums should first be used to improve land (our public domain) and not be limited to infrastructure. As such, compensation for resumption and diminution of private property and upkeep of heritage sites should be funded via the CWRP.