

立法會 *Legislative Council*

LC Paper No. CB(2)637/07-08(02)

Ref : CB2/PL/HA

Panel on Home Affairs

Background brief prepared by Legislative Council Secretariat for the meeting on 20 December 2007

Heritage conservation policy

Purpose

This paper gives an account of the past discussions of the Panel on Home Affairs (the Panel) on the Review of Built Heritage Conservation Policy (the Review) between 2004 and 2007, including the Panel's recent discussion on heritage conservation as summarised in paragraphs 18 to 26 below.

Review of Built Heritage Conservation Policy

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. The Review involved consideration of issues such as cultural value, public interest, private property rights, and planning and land matters, etc. 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 in November 2004 that over 500 responses had been received at the conclusion of the first-stage of the public consultation exercise, and HAB would formulate proposals on implementation measures for further public consultation.

4. When the Panel discussed the progress of the Review at its meetings on 9 March and 20 April 2007, the Administration informed the Panel that proposals on implementation measures would be announced in the latter half of 2007 for public consultation. A summary of views and suggestions received from the public on the Review from 2004 to early 2007 is set out in the Administration's paper [LC Paper No. CB(2)1599/06-07(01) issued on 17 April 2007].

Discussions held by the Panel on Home Affairs on the Review

5. The Panel discussed the HAB's public consultation document on the Review at its meeting on 22 March 2004, and received a report on the major findings of the first-stage public consultation at its meeting on 9 November 2004. Issues relating to the Review were also discussed when the Panel received a briefing by the Secretary for Home Affairs on the Chief Executive's 2006 Policy Address on 16 October 2006. The Panel discussed the progress of the Review at its meeting on 9 March 2007, and met with deputations and the Administration on 20 April 2007. The major concerns expressed by members at these meetings are summarised below.

Lack of concrete details in the consultation document

6. Some members expressed disappointment at the Administration's failure to provide concrete details in the consultation document, such as built heritage items identified for protection, the estimated conservation costs, and incentives to induce owners' co-operation in built heritage conservation. They considered that 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 concrete details on costs and compensation, as well as options of economic incentives, e.g. transfer of development rights, for consideration by the public.

7. The Administration explained that, before formulating a holistic approach to guide the direction of conservation work, it was necessary 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.

8. The Administration also pointed out that the current policy of built heritage conservation had many inadequacies. For instance, the Antiquities and Monuments Ordinance (A&M Ordinance) made it impossible to conserve a whole street or neighbourhood in order to retain its unique character and setting. Under the A&M 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).

Slow progress of the Review

9. Some members expressed dissatisfaction with the slow progress of the Review. They were of the view that, before the formulation of a new policy, the Administration should put in place interim measures as soon as possible to prevent the demolition of historic buildings.

10. The Administration explained that it would study the views collected and formulate possible implementation measures. The Administration would then consult the public on the proposed implementation measures. Before any new policy was formulated, built heritage conservation work would continue to be carried out in accordance with the existing A&M Ordinance.

11. In response to Prof Hon Patrick LAU's concern about why the Administration had not introduced a policy on the transfer of development rights which had gained general support, the Administration explained that the formulation of such a policy involved detailed internal discussion among policy bureaux. The Administration needed time to assess the feasibility of various measures and seek legal advice where necessary. The need for the setting up of a heritage trust fund was also considered.

12. The Administration further informed the Panel that it had developed a new set of criteria for assessing the heritage value of historic buildings, taking into account the views received from the consultation in 2004. Since March 2005, an expert panel under the Antiquities Advisory Board (AAB) had been conducting an assessment of 1 440 historic buildings selected from around 8 800 buildings of over 50 years. The assessment results would be considered with a view to selecting buildings for declaration or grading.

Need for introducing interim measures to prevent demolition of historic buildings or sites with unique heritage value

13. During discussions of the Panel on 9 March and 20 April 2007, some members expressed grave concern that historic buildings or sites with unique heritage value which had not been declared monuments, particularly those included as redevelopment projects of the Urban Renewal Authority (URA), would have been demolished by the time the new policy was formulated. These members suggested that the Administration should require relevant bureaux and URA to put on hold projects, such as those in respect of Nga Tsin Wai Village, Lee Tung Street, Sai Yee Street, and the 1 440 selected historic buildings. The Administration explained that it was unable to give such an undertaking as some of these historic buildings/sites were part of the redevelopment projects or other works projects which were already under implementation.

14. At the meeting on 11 May 2007, the Panel resolved to set up the Subcommittee on Heritage Conservation to review the planning for redevelopment and/or preservation projects relating to buildings or sites with unique heritage value. The Subcommittee has so far discussed projects in respect of the Queen's Pier, Nga Tsin Wai Village, Wan Chai Market, the open-air bazaar in Tai Yuen Street and Cross Street, the building at 45 Stubbs Road (King Yin Lei), as well as the proposal of the Hong Kong Jockey Club (HKJC) for developing the Central Police Station Compound.

Heritage conservation policy and measures recently announced by the Administration and members' views on the new policy and measures

Heritage conservation policy and measures

15. With the setting up of the Development Bureau (DEVB) and the re-organisation of the Policy Bureaux of the Government Secretariat on 1 July 2007, the policy responsibility on heritage conservation work has since then been transferred from HAB to DEVB.

16. DEVB issued the Legislative Council (LegCo) Brief on Heritage Conservation Policy [File Ref : DEVB(CR)(W) 1-55/68/01] on 10 October 2007 setting out the policy statement to guide heritage conservation work and a package of measures endorsed by the Chief Executive in Council.

17. According to the policy briefing given by the Secretary for Development (SDEV) on the Chief Executive's 2007 Policy Address at the Panel meeting on 15 October 2007, DEVB will implement the following measures starting from 2007-2008 -

- (a) to ensure that impact on heritage will be taken into account at the project inception stage by subjecting all public works projects (except maintenance) to Heritage Impact Assessment;
- (b) to revitalise historic buildings in public ownership by launching a Revitalising Historic Buildings through Partnership Scheme. Together with HKJC's proposal for the Central Police Station Compound, a total of eight historic buildings will undergo adaptive re-use in one go;
- (c) to engage stakeholders in devising suitable and acceptable economic incentives to facilitate the preservation of historic buildings under private ownership;
- (d) to promote proper maintenance of historic buildings in private ownership by extending the present financial support scheme applicable to declared monuments to graded buildings subject to certain conditions;

- (e) to expand heritage conservation work beyond individual buildings by embarking on an area-based approach in the older parts of Wan Chai, preserving the Tai Yuen Street and Cross Street open air bazaars, re-examining the optimal use of the ex-Hollywood Road Married Police Quarters site (the former Central School site) and tasking URA to do more in preserving pre-war buildings;
- (f) to provide a focal point to take forward heritage conservation work by setting up an Office of the Commissioner for Heritage under DEVB; and
- (g) to enhance resources in heritage conservation work by strengthening the Antiquities and Monuments Office (AMO) in the Leisure and Cultural Services Department (LCSD) and setting up dedicated teams in the Architectural Services Department and Buildings Department (BD) to support the adaptive re-use of historic buildings.

Relevant concerns raised by members at the special meeting of the Panel on 15 October 2007

18. Hon CHAN Yuen-han considered that the LegCo Brief on Heritage Conservation Policy failed to provide concrete measures on heritage conservation or any criteria for consideration of the appropriate conservation approach to be adopted for a historic building or a place with heritage value. She questioned why the Administration had only proposed partial preservation of Nga Tsin Wai Village and not the entire Village.

19. The Administration pointed out that the LegCo Brief under reference set out a policy statement which would be adopted to guide the Government's heritage conservation work as well as a package of implementation measures. The Administration considered that the conservation plan for Nga Tsin Wai Village was able to strike a right balance between heritage conservation and the need to respect private property rights and budgetary considerations. The Administration pointed out that it also had to take into account the views of the Wong Tai Sin District Council in proposing the way forward for preserving Nga Tsin Wai Village.

20. Some members raised queries about the implementation details of the new heritage conservation policy, particularly the provision of economic incentives to compensate owners of privately-owned historic buildings for their loss of development rights, and whether the option of giving an owner other plots of land to develop in exchange for loss of development rights would be considered.

21. The Administration informed members that it had accepted in principle the need for appropriate incentive schemes to facilitate the conservation of privately-owned historic buildings. In dealing with privately-owned historic buildings, the Administration would first consider the easier option, i.e. in-situ transfer of development rights. The next easier option was surrender of the lot with historic building to be preserved and regrant of a new lot comprising the surrendered lot and the adjoining Government land.

22. The Administration also pointed out that only if these easier options were not feasible would the Administration consider other relatively complicated options, e.g. the transfer of unused development rights of the site with historic building to another development belonging to the same owner, and the more complicated option of land exchange. The Administration emphasised that, given the complexity of the matters, it was necessary to engage relevant stakeholders and concern groups in the formulation of appropriate measures. In this connection, a series of public forums would be held by DEVB for conservation concern groups and representatives of professional bodies to give their views and suggestions.

23. Hon WONG Kwok-hing asked whether the A&M Ordinance and the Urban Renewal Strategy would be reviewed in order to improve the legal and policy framework for the protection and revitalisation of heritage.

24. The Administration pointed out that provisions in the Buildings Ordinance had rendered it difficult for historic buildings to meet the requirements imposed on a building to be open for public access and had caused obstacles to the revitalisation of heritage. The Director of Buildings would study overseas experience in the revitalisation of historic buildings and explore possible means, e.g. issuance of new building codes, to facilitate the revitalisation work. In addition, two professional staff members of BD would be redeployed to support the revitalisation work.

25. The Administration, however, considered that there was no urgent need to revamp the A&M Ordinance, but was open-minded on the suggestion of reviewing the Urban Renewal Strategy. The Administration had accorded higher priority to completing the heritage assessment for over 1 400 historic buildings selected from around 8 800 buildings of over 50 years.

26. Hon WONG Kwok-hing enquired about the division of work between AMO and the proposed Commissioner for Heritage's Office. The Administration explained that, following the re-organisation of the policy bureaux of the Government Secretariat on 1 July 2007, AMO continued to come under LCSD but would report to DEVB. AMO, which provided secretarial and executive support to AAB, was the executive arm of the Antiquities Authority, i.e. SDEV. The proposed establishment of a Commissioner for Heritage's Office in DEVB was aimed at providing a focal point for local and overseas networking and for liaising with relevant bureaux at policy level.

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

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

Relevant papers

28. A list of relevant papers and minutes of meetings is in **Appendix II**.

Council Business Division 2
Legislative Council Secretariat
19 December 2007

Appendix I

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 negatived.
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 negatived.

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
13.12.06	Written question on "Display of train compartment" raised by Hon Bernard CHAN
17.1.07	Motion on "Policy on conservation of monuments" moved by Hon Audrey EU. The motion was carried.
18.4.07	Oral question on "Yau Ma Tei Theatre" raised by Hon Timothy FOK
2.5.07	Motion on "Conserving the Queen's Pier" moved by Hon Alan LEONG. The motion was negated.
16.5.07	Written question on "Lee Tat Bridge in Shui Tsan Tin Tsuen, Pat Heung" raised by Prof Hon Patrick LAU
	Written question on "Grading assessment of antiquities and monuments" raised by Hon LAU Wong-fat
30.5.07	Oral question on "Cultural heritage tourism" raised by Hon CHEUNG Hok-ming
24.10.07	Written question on "Preservation of buildings of historic value" raised by Dr Hon YEUNG Sum
7.11.07	Written question on "Revitalising Historic Buildings Through Partnership Scheme" raised by Hon Bernard CHAN

Appendix II

Relevant papers and minutes of meetings on review of built heritage conservation policy

Date of meeting	Meeting	Minutes/Paper	LC Paper No.
22.3.04	Panel on Home Affairs	Consultation document on "Review of Built Heritage Conservation Policy"	http://www.legco.gov.hk/yr03-04/chinese/panels/ha/papers/hacb2-rbhcp-ce.pdf
		Administration's paper on "Review of Built Heritage Conservation Policy"	CB(2)1734/03-04(03) http://www.legco.gov.hk/yr03-04/english/panels/ha/papers/ha0322cb2-1734-3e.pdf
		Summary of discussion at meetings between LegCo Members and Wong Tai Sin District Council	CB(2)1734/03-04(04) http://www.legco.gov.hk/yr03-04/english/panels/ha/papers/ha0322cb2-1734-4e.pdf
		Minutes of meeting	CB(2)2000/03-04 http://www.legco.gov.hk/yr03-04/english/panels/ha/minutes/ha040322.pdf
9.11.04	Panel on Home Affairs	Administration's paper on "Review of Built Heritage Conservation Policy"	CB(2)155/04-05(02) http://www.legco.gov.hk/yr04-05/english/panels/ha/papers/ha1109cb2-155-2e.pdf
		Consultation document on "Review of Built Heritage Conservation Policy"	http://www.legco.gov.hk/yr03-04/chinese/panels/ha/papers/hacb2-rbhcp-ce.pdf
		Written submission from Hong Kong Institute of Archaeology (Chinese version only)	CB(2)155/04-05(04) http://www.legco.gov.hk/yr04-05/chinese/panels/ha/papers/ha1109cb2-155-4c.pdf

Date of meeting	Meeting	Minutes/Paper	LC Paper No.
		Written submission from Central Police Station Heritage Task Force	CB(2)155/04-05(05) http://www.legco.gov.hk/yr04-05/english/panels/ha/papers/ha1109cb2-155-5e.pdf
		Written submission from the Conservancy Association	CB(2)180/04-05(01) http://www.legco.gov.hk/yr04-05/english/panels/ha/papers/ha1109cb2-180-1e.pdf
		Written submission from Central and Western Development Concern Association (Chinese version only)	CB(2)194/04-05(01) http://www.legco.gov.hk/yr04-05/chinese/panels/ha/papers/ha1109cb2-194-1c-scan.pdf
		Written submission from Action Group for the Protection of Central Police Station Historical Compound (Chinese version only)	CB(2)155/04-05(06) http://www.legco.gov.hk/yr04-05/chinese/panels/ha/papers/ha1109cb2-155-6c.pdf
		Written submission from Central & Western District Council (Chinese version only)	CB(2)155/04-05(07) http://www.legco.gov.hk/yr04-05/chinese/panels/ha/papers/ha1109cb2-155-7c-scan.pdf
		Written submission from Museum of Site (Chinese version only)	CB(2)194/04-05(02) http://www.legco.gov.hk/yr04-05/chinese/panels/ha/papers/ha1109cb2-194-2c.pdf
		Minutes of meeting	CB(2)343/04-05 http://www.legco.gov.hk/yr04-05/english/panels/ha/minutes/ha041109.pdf
16.10.06	Panel on Home Affairs	Administration's paper on "Policy Initiatives of Home	CB(2)29/06-07(01) http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/h

Date of meeting	Meeting	Minutes/Paper	LC Paper No.
		Affairs Bureau"	a1016cb2-29-01-e.pdf
		Minutes of meeting	CB(2)531/06-07 http://www.legco.gov.hk/yr06-07/english/panels/ha/minutes/ha061016.pdf
9.3.07	Panel on Home Affairs	Administration's paper on "Built Heritage Conservation Policy"	CB(2)1215/06-07(01) http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0309cb2-1215-1-e.pdf
		Background brief on "Review of Built Heritage Conservation Policy"	CB(2)1215/06-07(02) http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0309cb2-1215-2-e.pdf
		Extract from the Report of the delegation of the former Panel on Planning, Lands and Works on its duty visit in September 2002	CB(2)1215/06-07(03) http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0309cb2-1215-3-e.pdf
		Letter dated 5 March 2007 from the Convenor of Designing Hong Kong Harbour District and enclosures (English version only)	CB(2)1264/06-07(01) http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0309cb2-1264-1-e.pdf
		Minutes of meeting	CB(2)1725/06-07 http://www.legco.gov.hk/yr06-07/english/panels/ha/minutes/ha070309.pdf
20.4.07	Panel on Home Affairs	Administration's paper on "Views and Suggestions Received from the Public on	CB(2)1599/06-07(01) http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0420cb2-1599-1-e.pdf

Date of meeting	Meeting	Minutes/Paper	LC Paper No.
		the Review of Built Heritage Conservation Policy"	
		Administration's paper on "Built Heritage Conservation Policy"	CB(2)1215/06-07(01) http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0309cb2-1215-1-e.pdf
		Background brief on "Review of Built Heritage Conservation Policy"	CB(2)1215/06-07(02) http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0309cb2-1215-2-e.pdf
		Written submission from Central & Western District Concern Group (Chinese version only)	CB(2)1625/06-07(01) http://www.legco.gov.hk/yr06-07/chinese/panels/ha/papers/ha0420cb2-1625-1-c.pdf
		Written submission from Heritage Watch	CB(2)1599/06-07(03) http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0420cb2-1599-3-e.pdf
		Written submission from Heritage Watch	CB(2)1625/06-07(02) http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0420cb2-1625-2-e.pdf
		Written submission from Heritage Hong Kong	CB(2)1646/06-07(01) http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0420cb2-1646-1-e.pdf
		Written submission from Designing HK Ltd	CB(2)1625/06-07(04) http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0420cb2-1625-4-e.pdf
		Written submission from Miss NG Wing-chi (Chinese version only)	CB(2)1663/06-07(01) http://www.legco.gov.hk/yr06-07/chinese/panels/ha/papers/ha0420cb2-1663-1-c.pdf

Date of meeting	Meeting	Minutes/Paper	LC Paper No.
		Written submission from The Conservancy Association	CB(2)1599/06-07(05) http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0420cb2-1599-5-e.pdf
		Written submissions from Mr TAM Kwok-hung, Member of Sham Shui Po District Council (Chinese version only)	CB(2)1599/06-07(06) http://www.legco.gov.hk/yr06-07/chinese/panels/ha/papers/ha0420cb2-1599-6-c.pdf CB(2)1663/06-07(02) http://www.legco.gov.hk/yr06-07/chinese/panels/ha/papers/ha0420cb2-1663-2-c.pdf
		Written submission from Central and Western District Council (Chinese version only)	CB(2)1599/06-07(07) http://www.legco.gov.hk/yr06-07/chinese/panels/ha/papers/ha0420cb2-1599-7-c.pdf
		Written submission from Civic Party	CB(2)1625/06-07(05) http://www.legco.gov.hk/yr06-07/english/panels/ha/papers/ha0420cb2-1625-5-e.pdf
		Written submission from Museum of Site (Chinese version only)	CB(2)1599/06-07(08) http://www.legco.gov.hk/yr06-07/chinese/panels/ha/papers/ha0420cb2-1599-8-c.pdf
		Written submission from The Shatin Union for People's Livelihood (Chinese version only)	CB(2)1663/06-07(03) http://www.legco.gov.hk/yr06-07/chinese/panels/ha/papers/ha0420cb2-1663-3-c.pdf
		Written submission from Mr YUEN Bun-keung, Member of Central and Western District Council (Chinese version only)	CB(2)1663/06-07(04) http://www.legco.gov.hk/yr06-07/chinese/panels/ha/papers/ha0420cb2-1663-4-c.pdf

Date of meeting	Meeting	Minutes/Paper	LC Paper No.
		Written submission from Ms CHENG Lai-king, Member of Central and Western District Council (Chinese version only)	CB(2)1663/06-07(05) http://www.legco.gov.hk/yr06-07/chinese/panels/ha/papers/ha0420cb2-1663-5-c.pdf
		Minutes of meeting	CB(2)2585/06-07 http://www.legco.gov.hk/yr06-07/english/panels/ha/minutes/ha070420.pdf
15.10.07	Panel on Home Affairs	Administration's paper on " 'Driving Development, Preserving Heritage' Initiatives of Development Bureau in the 2007-08 Policy Address and Policy Agenda"	CB(2)59/07-08(02) http://www.legco.gov.hk/yr07-08/english/panels/ha/papers/ha1015cb2-59-2-e.pdf
	DEVB(CR)(W) 1-55/68/01	Legislative Council Brief on "Heritage Conservation Policy"	http://www.legco.gov.hk/yr07-08/english/panels/ha/papers/ha-devbcrw1556801-e.pdf

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