

*Built heritage conservation policy
in selected places*

18 July 2008

Prepared by

Michael YU

**Research and Library Services Division
Legislative Council Secretariat**

5th Floor, Citibank Tower, 3 Garden Road, Central, Hong Kong

Telephone : (852) 2869 9695

Facsimile : (852) 2509 9268

Website : <http://www.legco.gov.hk>

E-mail : library@legco.gov.hk

Contents

| | <i>Page</i> |
|--|-------------|
| Executive Summary | |
| Chapter 1 – Introduction | 1 |
| Background | 1 |
| Selection of the places studied | 1 |
| Scope of research | 1 |
| Methodology | 2 |
| Chapter 2 – Australia | 3 |
| Background | 3 |
| Institutional arrangements for heritage conservation | 4 |
| <i>Commonwealth government</i> | 4 |
| <i>State and territory governments</i> | 5 |
| <i>Local governments</i> | 6 |
| Legal framework | 6 |
| <i>Environment Protection and Biodiversity Conservation Act 1999</i> | 6 |
| <i>Australian Heritage Council Act 2003</i> | 8 |
| Heritage protection system in Australia | 8 |
| <i>Commonwealth Heritage List</i> | 8 |
| <i>National Heritage List</i> | 9 |
| <i>State and territory heritage registers</i> | 11 |
| <i>Local government lists</i> | 12 |
| <i>Register of the National Estate</i> | 13 |
| Approach adopted for heritage conservation | 14 |
| <i>Scope of protection</i> | 14 |
| <i>Adaptive re-use of historic buildings</i> | 15 |
| <i>Active participation of heritage trusts</i> | 15 |
| <i>Public-private partnership in heritage conservation</i> | 16 |
| <i>Provision of tax incentives for heritage protection</i> | 16 |
| Incentives available for heritage conservation | 17 |
| <i>Economic incentives</i> | 17 |
| <i>Planning incentives</i> | 18 |
| Funding mechanism available for heritage conservation | 19 |
| <i>Funding from the Commonwealth government</i> | 19 |
| <i>Funding from state and territory governments</i> | 21 |
| <i>Funding from local governments</i> | 22 |
| <i>Revolving funds</i> | 22 |

| | |
|---|-----------|
| Public participation in heritage conservation | 23 |
| <i>Nominations of places to the heritage lists and registers</i> | 23 |
| <i>Assessment of a "controlled action"</i> | 24 |
| <i>Appointment to Heritage Councils</i> | 24 |
| <i>Appointments to Heritage Advisory Committees</i> | 24 |
| <i>Implementation of educational programmes</i> | 25 |
| <i>Launch of publicity activities</i> | 25 |
| Chapter 3 – Macao | 26 |
| Background | 26 |
| Institutional arrangements for heritage conservation | 27 |
| <i>The Cultural Affairs Bureau</i> | 27 |
| <i>The Cultural Heritage Department</i> | 27 |
| Legal framework | 29 |
| <i>Basic Law</i> | 29 |
| <i>Decree Law No. 56/84/M</i> | 29 |
| <i>Decree Law No. 83/92/M</i> | 29 |
| <i>Urban Building Regulation</i> | 29 |
| Heritage protection system in Macao | 30 |
| <i>Monuments</i> | 30 |
| <i>Buildings of architectonic interest</i> | 30 |
| <i>Ensembles</i> | 31 |
| <i>Sites</i> | 32 |
| <i>Protected areas</i> | 32 |
| Approach adopted for heritage conservation | 33 |
| <i>Scope of protection</i> | 33 |
| <i>Adaptive re-use of historic buildings</i> | 34 |
| <i>Public-private partnership in heritage conservation</i> | 34 |
| <i>Integration of heritage conservation with tourism policies</i> | 34 |
| <i>Provision of tax incentives for heritage conservation</i> | 35 |
| Incentives available for heritage conservation | 35 |
| <i>Economic incentives</i> | 35 |
| <i>Planning incentives</i> | 36 |
| Funding mechanism available for heritage conservation | 36 |
| Public participation in heritage conservation | 37 |
| Chapter 4 – Hong Kong | 39 |
| Background | 39 |
| Institutional arrangements for heritage conservation | 40 |
| <i>The Development Bureau</i> | 40 |
| <i>The Antiquities and Monuments Office</i> | 41 |
| <i>The Antiquities Advisory Board</i> | 41 |
| <i>The Urban Renewal Authority</i> | 42 |

| | |
|---|-----------|
| Legal framework | 42 |
| <i>The Antiquities and Monuments Ordinance</i> | 42 |
| <i>The Environmental Impact Assessment Ordinance</i> | 43 |
| Heritage protection system in Hong Kong | 44 |
| <i>Monuments</i> | 44 |
| <i>Graded buildings</i> | 46 |
| Approach adopted for heritage conservation | 47 |
| <i>Scope of protection</i> | 47 |
| <i>Public-private partnership in heritage conservation</i> | 48 |
| <i>Adaptive re-use of historic buildings</i> | 48 |
| <i>Balance between development and conservation</i> | 49 |
| Incentives available for heritage conservation | 49 |
| <i>Economic incentives</i> | 49 |
| <i>Planning incentives</i> | 50 |
| Funding mechanism available for heritage conservation | 51 |
| <i>Hong Kong Jockey Club Charities Trust</i> | 52 |
| <i>Lord Wilson Heritage Trust</i> | 52 |
| Public participation in heritage conservation | 53 |
| <i>Educational and publicity programmes</i> | 53 |
| <i>Antiquities Advisory Board</i> | 54 |
| <i>Voluntary organizations</i> | 54 |
| Chapter 5 – Analysis | 56 |
| Introduction | 56 |
| <i>Institutional arrangements for heritage conservation</i> | 56 |
| <i>Legal framework for heritage conservation</i> | 57 |
| <i>Classification of historic assets</i> | 57 |
| <i>Scope of protection</i> | 58 |
| <i>Protection of listed historic assets</i> | 58 |
| <i>Tax incentives</i> | 59 |
| <i>Planning incentives</i> | 59 |
| <i>Funding mechanism</i> | 59 |
| <i>Establishment of heritage trusts</i> | 60 |
| <i>Public participation in heritage conservation</i> | 61 |
| Appendix | 62 |
| References | 67 |

Research reports are compiled for Members and Committees of the Legislative Council. They are not legal or other professional advice and shall not be relied on as such. Research reports are subject to copyright owned by the Legislative Council Commission (the Commission). The Commission permits accurate reproduction of the research reports for non-commercial use in a manner not adversely affecting the Legislative Council, provided that acknowledgement is made stating the Research and Library Services Division of the Legislative Council Secretariat as the source and one copy of the reproduction is sent to the Legislative Council Library.

Executive Summary

Australia

1. Australia has adopted a three-tier system for the identification, protection and conservation of historic heritage places. The Commonwealth government takes responsibility for nationally significant places, state and territory governments for state-significant places, and local governments for locally significant places.
2. Australia has established and maintained various lists or registers of historic heritage places. For example, there are Commonwealth and National Heritage Lists compiled by the Commonwealth government. State and territory governments also maintain their own historic registers, while most local governments keep schedules of local heritage items.
3. At the central level, the Department of the Environment, Water, Heritage and the Arts has established the Heritage Division as its executive arm for heritage conservation in Australia. Meanwhile, most state and territory governments have set up their respective Heritage Offices as a state agency responsible for implementing the heritage conservation policy. Local planning authorities also play a vital role in heritage conservation through exercising their planning and development control responsibilities.
4. The Environment Protection and Biodiversity Conservation Act 1999 sets out, among other things, the criteria for listing of the Commonwealth and National Heritage places as well as the management and protection arrangements for the listed places.
5. The Commonwealth and National Heritage Lists include not only individual buildings and historic structures, but also areas and regions that have heritage value. In addition, some states and territories also recognize the preservation of historic precincts. Meanwhile, many local governments have identified heritage precincts in their lists of locally significant places.
6. Australia has put in place various economic and planning incentives to entice the public to share the government's burden of heritage preservation. In addition, the existing state and territory legislation empowers most local planning authorities to relax planning and building requirements to encourage heritage conservation.
7. Australia's heritage conservation system is characterized by the availability of a wide range of funding sources, including government appropriations, loan and grants schemes, and revolving funds.
8. The Australian government actively engages the voluntary and community sectors in heritage conservation. In particular, heritage trusts have been established throughout Australia and the general public can nominate places to be included in the Commonwealth and National Heritage Lists, as well as the state and territory heritage registers.

Macao

9. The institutional arrangements for heritage protection are relatively simple in Macao. The policy bureau – the Cultural Affairs Bureau – has established the Cultural Heritage Department as its executive arm for maintaining, preserving and restoring Macao's historic, cultural and architectural heritage.
10. Decree Laws No. 56/84/M and No. 83/92/M are the principal heritage conservation legislation in Macao. They set out the definition and categorization of Macao's historic assets subject to the statutory protection by the Macao government. Decree Law No. 56/84/M also stipulates the functions and powers of the Cultural Heritage Department.
11. Macao's classified historic assets are categorized into monuments, "buildings of architectonic interest", ensembles and sites. The designations of monuments and "buildings of architectonic interest" serve to protect individual buildings, whereas ensembles and sites represent area-based conservation. In addition, protected areas have been created around architectural heritage.
12. Decree Laws No. 56/84/M and No. 83/92/M set out the development controls governing demolition, alteration, addition, consolidation, repair or other construction activities carried out to classified historic assets in Macao.
13. Macao provides a number of tax incentives to encourage private participation in heritage conservation. In addition, land exchange has been adopted as a planning incentive to encourage conservation of private historic buildings.
14. In Macao, heritage conservation is primarily financed by: (a) government appropriations, (b) the Cultural Fund, (c) the Macao Foundation financed by contributions from gaming operators, and (d) the Oriente Foundation.

Hong Kong

15. The Development Bureau has been established with the objective of bringing infrastructural development, planning and land use, buildings, urban renewal and development-related heritage conservation under one roof. The Bureau is supported by the Commissioner for Heritage's Office and the Antiquities and Monuments Office on the implementation of the heritage conservation policy in Hong Kong.
16. The Antiquities and Monuments (A&M) Ordinance is the principal conservation legislation governing the protection of cultural heritage of Hong Kong. It empowers the Antiquities Authority to declare any place, building, site or structure of historical, archaeological or palaeontological significance as a monument.

17. Hong Kong's historic assets are classified into two major groups – declared and proposed monuments and graded buildings – to reflect their relative importance. Under the A&M Ordinance, no one is allowed to demolish, alter or interfere with declared and proposed monuments without a permit from the Antiquities Authority. However, graded buildings are not under protection since the grading system carries no statutory status.
18. Hong Kong until most recently focused mainly on conservation of individual buildings. In his 2007-2008 Policy Address, the Chief Executive of the Hong Kong Special Administrative Region Government declared that the Development Bureau and the Urban Renewal Authority would adopt a district-based approach when considering the preservation and revitalization of the old Wan Chai area.
19. There is no tax incentive provided for heritage conservation projects in Hong Kong. In contrast, planning incentives have been provided by the Government to encourage conservation of historic buildings. Nevertheless, there is no standing arrangement for awarding the planning incentives, and each case has to be considered on individual circumstances.
20. In Hong Kong, heritage conservation is primarily financed by (a) government appropriations and ad hoc funding, (b) the Hong Kong Jockey Club Charities Trust, and (c) the Lord Wilson Heritage Trust.

Built heritage conservation policy in selected places

Chapter 1 – Introduction

1.1 Background

1.1.1 The purpose of this research report is to study the built heritage conservation policy adopted in selected places, thereby providing the Panel on Home Affairs with overseas experiences relevant to the Hong Kong situation.

1.2 Selection of the places studied

1.2.1 At its meeting held on 9 March 2007, the Panel endorsed the research outline proposed by the Research and Library Services Division (RLSD), which suggested the study of the following places:

- (a) the United Kingdom;
- (b) Singapore; and
- (c) Macao.

The Panel subsequently decided to change the places to be studied at its meeting held on 13 July 2007. Against this, the research has substituted Australia for the United Kingdom and Singapore while continuing to cover Macao in the study.

1.3 Scope of research

1.3.1 The scope of the research covers:

- (a) socio-economic background to the implementation of the heritage conservation policy;
- (b) institutional arrangements and legal framework established for conservation works;
- (c) heritage conservation system in terms of the classification and assessment criteria of historic assets, and the protection of conserved heritage;
- (d) approach adopted for heritage conservation;

- (e) economic and planning incentives provided to encourage heritage conservation;
- (f) funding mechanism; and
- (g) public participation in heritage conservation.

1.4 Methodology

1.4.1 This research adopts a desk research method, which involves Internet research, literature review, documentation analysis and correspondence with relevant authorities and organizations.

Chapter 2 – Australia

2.1 Background

2.1.1 In Australia, organized community involvement in the conservation of historic heritage places started with the formation of the National Trust of Australia in New South Wales in 1945. The Trust was established with the objective of raising community awareness of widespread destruction of built and natural heritage in Sydney. The National Trust movement quickly spread across Australia with other states¹ establishing National Trust offices one by one throughout the 1950s and 1960s. These National Trusts were strong advocates of statutory protection for historic heritage places in Australia, as the heritage conservation legislation at that time was almost exclusively concerned with protecting natural heritage such as native flora and fauna². However, it was the political activism in the early 1970s that precipitated the involvement of the Australian government in the identification, conservation and protection of historic heritage places.

2.1.2 During the early 1970s, large-scale redevelopment activities in the major cities triggered community protest actions to protect natural and cultural heritage against the development pressure. In particular, the Builders Labourers Federation, a trade union of construction workers, embarked on an industrial action – the "Green Bans" – to protect the environment by refusing to work on development projects which it viewed as harmful to built and natural heritage of Sydney.

2.1.3 Against the above background, the Australian government set up a Committee of Inquiry in April 1973 under the chairmanship of Justice Robert Hope to examine and report on the nature and state of the National Estate³. The Hope Report recommended, among other things, the setting up of a permanent, independent authority for heritage conservation. The resulting passage of the Australian Heritage Commission Act in 1975 set the stage for the establishment of the Australian Heritage Commission as a federal government agency to identify and list important natural, indigenous and historic places on the Register of the National Estate. The Australian Heritage Commission Act also obliged all federal ministers and agencies to ensure that nothing would be done to adversely affect the places listed on the register.

¹ Australia is a federation consisting of six states, two major mainland territories and other minor territories. The six states are New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia, whereas the two major mainland territories are the Northern Territory and the Australian Capital Territory.

² See Ashton & Cornwall (2006).

³ National Estate refers to those parts of the natural and cultural environment that have special value for current and future generations. See Aplin (2002).

2.1.4 Since the passage of the Australian Heritage Commission Act, states and territories have enacted their own heritage conservation legislation, and many local governments have established their respective mechanisms for the identification, conservation and protection of historic heritage places. Over time, listing of places was frequently duplicated across various tiers of government, with the result that several different protection and planning laws could apply to the same site.

2.1.5 In 1997, the Council of Australian Governments⁴ (COAG) agreed on the need to rationalize the way in which the various tiers of government identified, protected and managed places of heritage significance. A three-tier system was proposed to specify the roles of the Commonwealth, state and territory, and local governments in heritage conservation. The COAG agreement was subsequently adopted and incorporated in the new heritage conservation legislation passed in the ensuing years.

2.2 Institutional arrangements for heritage conservation

2.2.1 The current institutional arrangements for heritage conservation are based on the three-tier framework established under the COAG agreement. The Commonwealth government focuses on heritage of national significance, while state and territory governments handle heritage of state significance. As to local governments, they cater for heritage of local significance. Each level of government has its own responsibility of developing statutory protection and financial support measures corresponding to the significance of historic heritage it conserves.

Commonwealth government

Department of the Environment, Water, Heritage and the Arts

2.2.2 At the central level, the Department of the Environment, Water, Heritage and the Arts (formerly known as the Department of the Environment and Water Resources⁵) formulates and implements national policies, programmes and legislation to conserve Australia's natural environment and cultural heritage.

⁴ The Council of Australian Governments is the highest-level inter-governmental forum in Australia, comprising the Prime Minister, State Premiers, Territory Chief Ministers and the President of the Australian Local Government Association.

⁵ On 23 January 2007, the Australian Prime Minister announced a reshuffle of his cabinet which featured, among other things, renaming of the Department of the Environment and Heritage as the Department of the Environment and Water Resources. The Department of the Environment and Water Resources subsequently changed its name on 3 December 2007 to the Department of the Environment, Water, Heritage and the Arts, taking up additional responsibility for culture and arts from the former Department of Communications, Information Technology and the Arts. The new Department is headed by the Secretary of the Department of the Environment, Water, Heritage and the Arts, who is assisted by the Minister for the Environment, Heritage and the Arts, and the Minister for Climate Change and Water.

2.2.3 The Department of the Environment, Water, Heritage and the Arts has established the Heritage Division as its executive arm for implementing the heritage conservation policy in Australia. The Division is responsible for the identification, assessment, management and protection of historic heritage places, as well as administering the government's grants programmes for the restoration and conservation of such places.

Australian Heritage Council

2.2.4 The Australian Heritage Council was established on 1 January 2004 to replace the Australian Heritage Commission as the principal adviser to the Australian government on heritage matters. The Minister for the Environment, Heritage and the Arts is responsible for appointing the chairman, six members and up to two associate members of the Council. The key responsibilities of the Council, as specified under Section 5 of the Australian Heritage Council Act 2003, include:

- (a) assessing whether a place meets the criteria for its inclusion in the Commonwealth or National Heritage List (see paragraphs 2.4.3 and 2.4.5);
- (b) advising the Minister for the Environment, Heritage and the Arts on conserving and protecting places included, or being considered for inclusion, in the Commonwealth or National Heritage List;
- (c) advising the Minister for the Environment, Heritage and the Arts on heritage-related matters;
- (d) promoting the identification, assessment, conservation and monitoring of heritage; and
- (e) keeping the Register of the National Estate.

State and territory governments

2.2.5 The institutions and mechanisms established for identifying and conserving state-significant heritage are broadly similar among states and territories in Australia. These include:

- (a) register of historic heritage places of state significance, including the criteria and procedures for identifying places for inclusion in the register;
- (b) controls over the development of listed places through the linking of heritage and general planning control laws and regulations;

- (c) establishment of a Heritage Council;
- (d) funding programmes to assist the conservation of historic heritage places; and
- (e) incentives provided to private owners for carrying out general and/or specific works to their historic properties.

Heritage Councils and Offices

2.2.6 State and territory statutes provide for the setting up of a Heritage Council to manage the register of historic heritage places, advise the relevant minister on heritage-related issues, and oversee the review of the heritage aspects of applications for changes to listed properties. Most state and territory governments have set up a secretariat body (typically known as the Heritage Office) to assist the Heritage Council on administering the state or territory register of historic heritage places, managing heritage-related funding schemes and issuing publications on heritage matters.

Local governments

2.2.7 In Australia, local governments have jurisdictions over the majority of planning decisions and are required to consider heritage matters, among other things, when exercising their planning and land use controls. Most local governments also conduct heritage inventories to generate registers of locally significant places. Some have put in place incentive measures, such as grants, loans and rates rebates, to assist private owners with conservation of their historic properties.

2.3 Legal framework

2.3.1 The principal legislation governing heritage conservation in Australia includes the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and the Australian Heritage Council Act 2003.

Environment Protection and Biodiversity Conservation Act 1999

2.3.2 On 16 July 2000, the Australian government promulgated a landmark environmental legislation – the EPBC Act – to consolidate a number of conservation acts enacted earlier for the protection of natural and cultural heritage⁶.

⁶ The acts being replaced were the Endangered Species Protection Act 1992, the Environmental Protection (Impact of Proposals) Act 1974, the National Parks and Wildlife Conservation Act 1975, the Whale Protection Act 1980, and the World Heritage Properties Conservation Act 1983.

2.3.3 The EPBC Act establishes an integrated system for biodiversity conservation and management of protected areas, as well as putting in place a streamlined national environmental assessment and approval process. The EPBC Act also provides for the involvement of the Commonwealth government on matters of national environmental significance, covering the World Heritage Areas, wetlands of international significance, endangered species and ecological communities, migratory species and the Commonwealth marine areas. Actions that are likely to have a significant impact on matters of national environmental significance are subject to a rigorous assessment and approval process, which entails the referral of such actions to the Minister for the Environment, Heritage and the Arts for consideration. Under the EPBC Act, an action is defined as a project, a development, an undertaking, an activity or a series of activities⁷.

2.3.4 On 30 June 2000, the then Minister for the Environment and Heritage announced that the Commonwealth government would reform its heritage conservation system to achieve more effective protection of places of truly national importance. The Commonwealth Parliament subsequently amended the EPBC Act in September 2003. These amendments came into force on 1 January 2004 to usher in a new heritage protection and management system featuring:

- (a) creation of a Commonwealth Heritage List comprising places of heritage significance located on land owned, leased or controlled by the Commonwealth government;
- (b) creation of a National Heritage List comprising places of national significance;
- (c) inclusion of "national heritage places" as a new matter of national environmental significance in the EPBC Act;
- (d) establishment of the criteria for the listing of Commonwealth and National Heritage places as well as the management and protection arrangements for places on the Commonwealth and National Heritage Lists; and
- (e) setting up of an independent expert body, the Australian Heritage Council, to advise the government on the listing and protection of historic heritage places.

⁷ See the Department of Tourism, Arts and the Environment (Undated).

Australian Heritage Council Act 2003

2.3.5 In 2003, the Australian government enacted the Australian Heritage Council Act 2003 to provide for the establishment of the Australian Heritage Council. The Act also sets out the powers, functions and structure of the Council as well as its responsibility of maintaining the Register of the National Estate.

2.4 Heritage protection system in Australia

2.4.1 Australia has reformed its heritage protection system over recent years, made possible by the amendment of its environmental and heritage conservation legislation to allow for the introduction of new elements into the system. The new elements include the establishment of the Commonwealth and National Heritage Lists and the protection arrangements for historic places listed on these two statutory lists. The establishment of statutory lists has changed "listing" from an "information or inventory" tool providing public recognition for places of heritage significance, to a system of registration coupled with regulatory controls.

2.4.2 In addition to the statutory Commonwealth and National Heritage Lists, there are other lists and registers of historic heritage places in Australia. Of particular importance are the state and territory heritage registers, local government lists and the Register of the National Estate⁸. Historic places listed on these heritage registers and lists are primarily protected under appropriate heritage conservation legislation and development controls set out by the state, territory or local government.

Commonwealth Heritage List

2.4.3 The Commonwealth Heritage List came into place in 2004 to cover indigenous, natural and historic places owned, leased or controlled by the Commonwealth government with significant heritage value to the nation. The listed places include telegraph stations, defence sites, migration centres, customs houses, lighthouses, national institutions (such as Parliament and High Court buildings), memorials, islands, marine areas and other places which reflect Australia's development as a nation. As at 30 June 2007, 340 places were included in the Commonwealth Heritage List.

⁸ In Australia, most National Trusts also compile heritage lists for their respective states or territories to identify indigenous, natural and historic places. Nonetheless, the main purpose of their listing is to help provide recognition and promote appreciation and concern for local heritage.

Criteria for inclusion in the Commonwealth Heritage List

2.4.4 To be entered on the Commonwealth Heritage List, a historic place must be of significant heritage value and satisfy at least one of the Commonwealth Heritage criteria specified in the Environment Protection and Biodiversity Conservation Regulations 2000. These criteria are:

- (a) importance in the course, or pattern, of Australia's natural or cultural history;
- (b) possession of uncommon, rare or endangered aspects of Australia's natural or cultural history;
- (c) potential to yield information that will contribute to an understanding of Australia's natural or cultural history;
- (d) importance in demonstrating the key characteristics of a class of natural or cultural places and environments;
- (e) importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- (f) importance in demonstrating creative or technical achievement at a particular period;
- (g) strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- (h) strong or special association with the life or works of a person, or groups of persons, of importance in Australia's natural or cultural history; and
- (i) importance as part of indigenous tradition.

National Heritage List

2.4.5 The National Heritage List is a list of places of outstanding heritage significance to Australia. The place must have indigenous, natural or historic value, or a combination of all three. As at 30 June 2007, 59 places were included in the National Heritage List.

Criteria for inclusion in the National Heritage List

2.4.6 To be entered on the National Heritage List, a historic place must meet at least one of the National Heritage criteria specified in the Environment Protection and Biodiversity Conservation Regulations 2000. These criteria are identical to those governing the inclusion in the Commonwealth Heritage List, except that they refer to the places having *outstanding*, rather than *significant*, heritage value.

Protection of the places on the Commonwealth and National Heritage Lists

2.4.7 Once a place is included in the Commonwealth or National Heritage List, statutory protection measures will come into force to ensure its historic values are protected and conserved for the benefit of future generations. These protection measures include the safeguard against unauthorized actions on a listed place, emergency listing and repair orders.

Safeguard against unauthorized actions

2.4.7.1 Places listed on the Commonwealth and National Heritage Lists are protected under the EPBC Act. The EPBC Act prohibits any person (including a Commonwealth agency) from taking an action that is likely to have a significant impact on the listed places if without the prior approval from the Minister for the Environment, Heritage and the Arts. Any unauthorized actions could carry a maximum penalty of seven years of imprisonment and/or a fine of up to AUS\$550,000 (HK\$3.6 million⁹) for individuals, or AUS\$5.5 million (HK\$36 million) for companies.

Emergency listing

2.4.7.2 The EPBC Act provides for the emergency listing of an unlisted place that may have Commonwealth or National Heritage values, if the Minister for the Environment, Heritage and the Arts believes that such place is under threat. After the emergency listing, the Minister will refer the case to the Australian Heritage Council for further assessment before deciding on whether to list the place permanently.

Repair orders

2.4.7.3 The Australian government is empowered to apply for repair orders whereby the Minister for the Environment, Heritage and the Arts can conduct any works necessary to repair, mitigate or prevent damage to the places listed on the Commonwealth and National Heritage Lists. The costs so incurred would be recovered from the owners of the heritage-listed places concerned.

⁹ Based on the average exchange rate of HK\$6.55 per Australian dollar in 2007.

State and territory heritage registers

2.4.8 In Australia, states and territories maintain their own registers of historic places that have specific importance to them¹⁰.

Criteria for inclusion in the state and territory heritage registers

2.4.9 State and territory heritage acts either contain specific criteria for the entry on the heritage register or empower the relevant Heritage Council to develop and publish such criteria. The criteria are broadly similar to those governing the entry on the Commonwealth and National Heritage Lists, although there are variations across jurisdictions. For instance, in New South Wales and Queensland, the heritage acts include a specific reference that a place cannot be excluded on the ground that places with similar characteristics have already been entered on the register.

Protection of places on the state and territory heritage registers

2.4.10 State and territory governments have put in place statutory measures for the protection of places listed on the heritage registers. These measures include development controls, interim heritage orders, emergency stop orders and maintenance and repair orders.

Development controls

2.4.10.1 The heritage acts enacted by state and territory governments all contain some sorts of control over the use and development of the places, buildings and land listed on the heritage register. In general, the development controls require the owner of a listed historic property to gain approval from the relevant Heritage Council for activities that would result in:

- (a) demolition of the building;
- (b) damage to any part of the place, precinct or land;
- (c) any development to the land on which the listed building or item is located, or which is located within the listed property's precinct;
- (d) alterations to the building or place;
- (e) display of any notice or advertisement (signage) on the place, building or land; or

¹⁰ At the state and territory level, the number of historic places listed increased from 13 160 in 2000 to 14 148 in 2005. See Department of the Environment and Heritage (2006a).

- (f) removal or alteration of any tree or vegetation on the land, place or its precinct.

Interim heritage orders

2.4.10.2 If there is a threat to demolish or damage a place or building of potential state significance, an interim heritage order can be served by the responsible Minister of the relevant state or territory government. Once the order is made, the heritage item concerned faces the same development controls as if it were listed on the state or territory heritage register. In other words, prior approval is required to conduct any activities resulting in demolition, defacement, damage and/or alteration of the heritage item. The interim heritage order lasts for a period of 12 months, during which the Minister must assess the heritage significance of the item concerned and decide whether to enter it on the state or territory heritage register, or remove the interim heritage order after a set period.

Emergency stop orders

2.4.10.3 The responsible Minister of a state or territory government may make an emergency stop order to prevent any works being carried out which is harming, or is about to harm, a heritage item that is neither subject to an interim heritage order nor included in the state or territory heritage register. The emergency stop order lasts for a short period of time, during which the Heritage Council must advise the state or territory government on whether to make an interim heritage order before the emergency stop order expires.

Maintenance and repair orders

2.4.10.4 In response to "demolition by neglect", most state and territory heritage acts empower the responsible Minister, or the Heritage Council, to order property owners to conduct maintenance or repair on their listed properties. For example, in New South Wales, the Heritage Act sets out the minimum standards of maintenance and repair for listed properties, and creates an offence of not maintaining the properties up to those standards.

Local government lists

2.4.11 Unlike the Commonwealth government and state and territory governments, there is no requirement for local governments to identify their own historic heritage. In any event, most of them compile and keep lists of locally significant historic places¹¹.

¹¹ At the local government level, a survey of local councils in 2005 found that their statutory lists collectively covered more than 76 000 individual historic places and 1 770 historic heritage areas. See Department of the Environment and Heritage (2006a).

Criteria for inclusion in the local government lists

2.4.12 The criteria governing the identification of locally significant historic places vary across jurisdictions. In Queensland, the local governments identify and conserve places of social, cultural or heritage significance, such as areas with significant aesthetic, architectural, historic, scientific, social or technical merits. Meanwhile, in New South Wales and Victoria, their local governments consider heritage places with a recognized citation (e.g. being included in the Register of the National Estate or the state or territory heritage register) for inclusion in their lists.

Protection of places on the local government lists

2.4.13 Protection of locally significant historic places is normally implemented through local planning schemes – Local Environmental Plans – prepared by local governments to guide planning decisions and establish the requirements for the use and development of land. Local Environmental Plans usually list out specific local heritage properties to which development controls apply, and/or designate areas for heritage protection with the application of development controls to all relevant properties in the areas. For example, the Local Environmental Plan prepared by the City of Sydney provides that for places on the heritage list, the maximum floor space ratio is the floor space ratio of the existing buildings on the site, except when the proposed development project is conducted on the part of the site not occupied by any existing buildings of heritage significance.

Register of the National Estate

2.4.14 Before the new national heritage system came into place in 2004, the Register of the National Estate had been the only nation-wide heritage list in Australia. This list is still maintained by the Australian Heritage Council as a comprehensive record of Australia's indigenous, natural and heritage places for public education and promotion of heritage conservation. Starting from 19 February 2007 onwards, the Register has been frozen, meaning that no places can be added or removed.

Criteria for inclusion in the Register of the National Estate

2.4.15 A historic place is listed on the Register of the National Estate if it has significant heritage value and meets the criteria similar to those governing the entry on the Commonwealth or National Heritage List.

Protection of places on the Register of the National Estate

2.4.16 Many places in the Register of the National Estate are already included in the Commonwealth or National Heritage List, state or territory heritage register, or local government heritage lists. As a result, those places receive protection under the relevant federal, state or territory legislation, and under council bylaws. For example, places listed on the Register of the National Estate are protected by the EPBC Act if they are also included in the Commonwealth and National Heritage Lists. In addition, in making a decision on whether to grant an approval for a development action, the responsible Minister of a state or territory government must consider any impacts that the action might have on places listed on the Register of the National Estate.

2.5 Approach adopted for heritage conservation

2.5.1 The Australian government has adopted a multi-pronged approach for conservation of historic heritage places. Such an approach is discussed in the following paragraphs, in terms of the scope of protection, adaptive re-use of historic buildings, active participation of heritage trusts, public-private partnership in heritage conservation, and provision of tax incentives for heritage protection.

Scope of protection

2.5.2 In Australia, the Commonwealth and National Heritage Lists include not only buildings, monuments, gardens, landscapes and archaeological sites¹², but also areas and regions that have heritage value¹³. In addition, some states and territories also recognize the preservation of historic precincts. For instance, Western Australia allows a precinct to be listed on the state heritage register, notwithstanding that not necessary all places within that precinct have the historic significance required. In Tasmania, the legislation allows for the identification and declaration of heritage areas. Once declared, no works can be carried out in the area without permission from the Heritage Council. Furthermore, many local governments have identified heritage precincts in their lists of locally significant places and granted protection of such precincts in their town planning schemes or planning policies.

¹² See Department of the Environment and Heritage (2001).

¹³ For example, Hermannsburg, the first town founded in central Australia, was listed as a historic precinct in the National Heritage List in 2006. The Hermannsburg Historic Precinct contains buildings and structures dating from 1877, including a mission constructed in the latter half of the 19th-century. In addition, Mount Stromlo Observatory Precinct in the Australian Central Territory was listed in the Commonwealth Heritage List in 2003. The precinct includes the remnant structure of the telescope dome buildings, housing for scientists, administration buildings and workshops.

Adaptive re-use of historic buildings

2.5.3 According to the Australian government, the best way to preserve heritage structures is to give them a sympathetic kind of re-use¹⁴. Implemented properly, adaptive re-use can restore and maintain the heritage significance of a building and help ensure its survival. In addition, the community has much to gain from adaptively reusing the historic building in the pursuit of sustainable development. One of the main environmental benefits is the retention of the original building's "embodied energy", i.e. the energy conserved by not demolishing it and re-building.

2.5.4 Against the above background, Australia has seen many examples of adaptive re-use of historic buildings. For example, adaptive re-use of the parliament library and private dining rooms at Canberra's Old Parliament House has helped restore a significant 1927 building and create new spaces for art, dining and functions. The parliament library has been reconstructed to house the National Portrait Gallery, using original furniture and fittings sensitive to the building's heritage. For the private dining rooms, they have been reconstructed into a restaurant.

Active participation of heritage trusts

2.5.5 The Commonwealth government and state and territory governments have established various statutory heritage trusts to help conserve historic heritage places in Australia. For example, the Commonwealth Parliament passed an act in March 2001 to establish a heritage trust for conserving land in the Sydney Harbour region that contains features of natural and historic significance. The statutory heritage trust – *Sydney Harbour Federation Trust* – is financed by the annual appropriations from the Commonwealth government, supplemented by the revenue from the rental of Trust properties, licences for the hire of Trust sites and facilities, and tour fee.

2.5.6 Another notable example of statutory heritage trusts is the Historic Houses Trust established under the Historic Houses Act 1980 to manage and conserve key historic buildings and sites in New South Wales. As a statutory authority established within the Department of the Arts, Sport and Recreation, the Historic Houses Trust is funded mainly by the recurrent appropriations received from the state government of New South Wales.

2.5.7 The Commonwealth government and state and territory governments have also introduced various tax concessions to facilitate the development of non-government heritage trusts (see paragraphs 2.6.2-2.6.6), of which the National Trusts feature prominently in the conservation of cultural heritage and the built environment in Australia. Together the National Trusts enlist a membership of more than 80 000 people and a volunteer workforce of about 7 000 people.

¹⁴ See Department of the Environment and Heritage (2004).

2.5.8 The National Trusts, established in states and territories throughout Australia, have considerable experience in the conservation and stewardship of historic properties. Collectively, they own and manage nearly 280 historic properties, of which about 180 are open to the public. The National Trusts also lobby for the conservation of heritage items, particularly those under threat. Furthermore, most of them compile a heritage list of indigenous, natural and historic places for their respective states or territories.

2.5.9 The National Trusts are financed by a number of sources, including membership fees, sponsorship and business support, admission fees from the properties owned or managed, government grants, bequests and revenue from investments. The respective contributions of these funding sources vary among the National Trusts. In general, membership fees, admission fees, revenue from investments and sponsorship are more significant in funding the bigger Trusts. The smaller ones rely more on government support.

2.5.10 Apart from the National Trusts, Australia has also seen the emergence of many smaller heritage trusts to manage individual historic places. For example, in Tasmania, the Woolmers Foundation Inc. has been established to manage Woolmers Estate which consists of seven self-contained heritage cottages built in the 1840s.

Public-private partnership in heritage conservation

2.5.11 State and territory heritage acts introduce heritage agreements to foster public-private partnership in conservation of historic properties. A heritage agreement is a legally binding contract signed between the Heritage Council concerned and the owner of a historic property for the long-term conservation of the property. Heritage agreements are generally signed in perpetuity and are therefore binding on current and future owners.

2.5.12 Under the heritage agreement, the owner is obliged to carry out maintenance works required for the conservation of his or her historic property. In return, he or she is entitled to a number of incentives, such as property tax reductions, grants, planning concession, plot ratio transfer and technical assistance, for his or her guarantee to undertake the conservation works.

Provision of tax incentives for heritage protection

2.5.13 The Australian government has put in place a tax scheme to help maintain and repair privately-owned historic assets. The details of the tax incentives so provided are to be discussed in paragraphs 2.6.2 – 2.6.6.

2.6 Incentives available for heritage conservation

2.6.1 In Australia, economic incentives are delivered through the provision of various tax concessions to entice the public to share the government's burden of heritage preservation. In addition, planning incentives are also provided for encouraging the use or conservation of a heritage place.

Economic incentives

Tax deductibility of donations to the National Trusts

2.6.2 Currently, all National Trusts in Australia are deductible gift recipients, which can receive income tax deductible gifts. Donations to a National Trust of the following gifts are tax deductible:

- (a) monetary amount totalling AUS\$2 (HK\$13.1) or above;
- (b) property valued by the Taxation Office at more than AUS\$5,000 (HK\$32,750);
- (c) property purchased by the donors during the 12 months before the donation;
- (d) places included in (i) the Commonwealth Heritage List, (ii) the National Heritage List, or (iii) the Register of the National Estate; and
- (e) trading stock.

2.6.3 For donations of property valued at AUS\$5,000 (HK\$32,750) or above, tax deductions may be apportioned over up to five years so that tax benefits are not lost when a donor's income in a single year is less than the value of the gift. Furthermore, contributions made by individuals to deductible gift recipients in relation to their fundraising events have also been tax deductible since 1 July 2004.

Tax deductible appeals

2.6.4 In Australia, donations to the conservation appeals programmes managed by the National Trusts are also tax deductible. Under the programme, a National Trust can establish a conservation appeal on the behalf of the owner of a historic place if it is satisfied that the place is of heritage significance. The public can make donations to the conservation appeal, and the National Trust will spend the money received on works necessary for the restoration and maintenance of the historic place.

Property tax abatement schemes

2.6.5 Legislation in most states and territories provides for the implementation of a property tax abatement scheme for listed heritage properties. The scheme is normally implemented through (a) adjustment of the mill rate (i.e. the tax rate per dollar of assessed value of property or land), (b) assessment of land value at current (heritage-restricted) use rather than the highest and best use, (c) assessment at a set percentage of full land value, or (d) complete exemption or deferment of property tax.

Property tax and rates rebate

2.6.6 In Australia, some state and territory governments provide property tax and rates rebate to private owners to assist them with undertaking conservation and maintenance works to their properties that are listed on the state or territory heritage register. For example, in New South Wales, a maximum rebate grant of 47% (i.e. 47 cents for every dollar) is available for conservation and maintenance works to properties listed on the state heritage register¹⁵.

Planning incentives

Relaxation of planning controls

2.6.7 Under the existing state and territory legislation, most local planning authorities are permitted to relax planning and building requirements to encourage use or conservation of a heritage site, provided that the relaxations are not fundamentally incompatible with the underlying planning regulation. For example, in South Australia, local governments are empowered under the Development Act 1993 to relax those planning provisions which act as a disincentive for conservation. The planning concessions may include relaxing parking requirements, allowing a use that would not ordinarily be permitted, or permitting variations to the usual safety and/or disability requirements.

¹⁵ The total rebate grant payable is capped according to the total local rates and property tax paid on the property over two consecutive years. For example, for conservation works on a listed property costing AUS\$10,000 (HK\$65,500), a rebate grant of up to 47% (i.e., AUS\$4,700 or HK\$30,785) may be available, provided that the owner has paid at least this amount in local rates and property tax over two consecutive years.

Transfer of development rights

2.6.8 Local planning authorities have made use of transferable development rights as a planning incentive to encourage heritage conservation. In general, the owner of a historic property may sell unused development rights to a developer of another site. Subject to other planning requirements, this may enable the developer to construct a larger building on the "recipient site" than would normally be allowed. The owner of the historic property may use part or all of the proceeds to pay for repairs and maintenance.

2.6.9 In Australia, the City of Sydney operates the Heritage Floor Space Scheme which allows owners of heritage items to sell a proportion of the unrealized development potential of their sites in return for undertaking approved conservation works¹⁶. The City of Perth has a similar scheme that offers incentives to developments involving heritage items through (a) the transfer of unused plot ratio from one site to another, and (b) granting of additional plot ratio to the developments based on the extent of the heritage place, building or area to be retained.

2.7 Funding mechanism available for heritage conservation

2.7.1 Australia's heritage conservation system is characterized by the availability of a wide range of funding sources at the Commonwealth, state or territory and local levels to protect, maintain and manage historic properties¹⁷. In addition, revolving funds have been established to serve as another avenue for financing the conservation of historic properties in Australia.

Funding from the Commonwealth government

2.7.2 The Commonwealth government provides financial support for heritage conservation through the following channels:

¹⁶ The City of Sydney has adopted the Heritage Floor Space Scheme to encourage the conservation and ongoing maintenance of heritage buildings in Sydney. After conservation works have been completed on a heritage property, the city government may award "Heritage Floor Space" to the property owner concerned. This "Heritage Floor Space" can be sold to the developer of a designated "receiving site", who could use the transferred development rights to develop his or her site with a larger floor area than would otherwise be possible. See Pruetz (2005).

¹⁷ According to the Department of the Environment, Water, Heritage and the Arts, heritage is a responsibility shared by all the Commonwealth government, as well as state, territory and local governments under Australia's federal system. Hence, it is difficult to provide a single figure for the government expenditure on historic heritage.

Direct assistance schemes

National Heritage Investment Initiative

2.7.2.1 The Commonwealth government has earmarked a total of AUS\$10.5 million (HK\$68.8 million) between 2005-2006 and 2008-2009 for operating a grants programme – National Heritage Investment Initiative – to help finance the restoration and conservation of Australia's most important historic heritage places.

2.7.2.2 Under the programme, grants are generally used for major restoration or conservation works, ranging from AUS\$10,000 (HK\$65,500) to AUS\$100,000 (HK\$655,000). Grants are also available for the development or updating of conservation management plans for heritage places. To be eligible for funding, a place must be on either the National Heritage List, or a state or territory heritage register, at the time when an application for funding is submitted.

National Trust Partnership Programme

2.7.2.3 A total of about AUS\$900,000 (HK\$5.9 million) per year is provided by the Commonwealth government for operating the National Trust Partnership Programme between 2006-2007 and 2010-2011. Under the Programme, the National Trusts throughout Australia receive grants to finance their activities to increase awareness, understanding and appreciation of Australia's cultural heritage. The programme also assists the National Trusts in advocating and working for the preservation and enhancement of Australia's cultural heritage.

Ad hoc grants

2.7.3 The Australian government has committed to several ad hoc conservation and restoration programmes in recent years. These include the restoration and protection of churches and cathedrals and several lesser known sites. The amount of grants earmarked for ad hoc projects totals around AUS\$14.2 million (HK\$93.0 million) between 2005-2006 and 2008-2009.

Others channels

2.7.4 The Heritage Division of the Department of the Environment, Water, Heritage and the Arts receives an annual appropriation of about AUS\$21 million (HK\$137.6 million) from the Commonwealth government. Part of the appropriation is used to provide support for the functions of the Australian Heritage Council. The Commonwealth government also provides around AUS\$29 million (HK\$190 million) annually to the Sydney Harbour Federation Trust.

Funding from state and territory governments

2.7.5 Like the Commonwealth government, state and territory governments have also provided grants and/or loans to encourage conservation and restoration of historic properties. In Western Australia, a lottery fund programme has been introduced to help local community groups conserve objects or places of significant heritage value.

Heritage grants schemes

2.7.6 There are heritage grants schemes operated by state and territory governments to support the conservation of private or not-for-profit owners of listed historic heritage places. For example, the Heritage Office of Western Australia operates the Heritage Grants Programme to encourage owners to conserve built places which are, or are eligible for entry, on the state heritage register. Funds are primarily for conservation work and development of conservation plans.

Heritage loan schemes

2.7.7 In some states and territories, loans are provided to property owners for the conservation of their historic properties. Loans are offered at interest rates lower than commercially available rates, and may be secured against the properties, if necessary. The advantage of direct loans over grants is that once repaid, the money can be re-used to finance more loans.

2.7.8 An example of such heritage loan schemes is the Financial Assistance Programme managed by the Heritage Council of Victoria to provide support for the conservation of recognized heritage places in Victoria. The programme provides low- or no-interest loans for privately-owned heritage places included in the state heritage register. Generally, loans are on three- to five-year terms and repaid by quarterly instalments of principal and interest.

Lottery fund programme

2.7.9 In Western Australia, the state government runs a lotteries corporation – Lotterywest – selling lottery tickets and "instant win" scratch cards. A fixed percentage of the net revenue earned by Lotterywest is allocated to the Lotterywest Grant for funding public hospitals, sporting groups and arts organizations. The Lotterywest Grant also provides financial assistance to help community groups conserve the cultural heritage in Western Australia, which approved 136 projects totalling AUS\$3.8 million (HK\$24.9 million) in 2006-2007. The funding is allocated through the "Conservation of Cultural Heritage Grant" to which not-for-profit organizations can apply for financing the preparation of conservation plans and the urgent works carried out on places or objects of significant heritage value.

Funding from local governments

2.7.10 In Australia, many heritage funds operated by local governments provide small grants to owners of historic properties for conservation and maintenance works. Grants so offered normally require some financial contribution from the property owners concerned, whose properties are usually listed. In addition, some local governments operate concessionary loan schemes which provide low-interest loans for eligible owners of historic properties to undertake conservation works.

Revolving funds

2.7.11 A revolving fund is a pool of capital created for heritage conservation to be used for purchasing heritage properties in need of conservation, with those places subsequently being refurbished and put up for sale in the market, or lending to individuals or organizations to restore and protect historic properties. The monies from the sale or repayment of loans are deposited into the fund for the next project. In this way, the fund is revolving and more historic heritage can be saved over time. Initial "seed" funding for the revolving fund is provided by various public and/or private sources, such as government funding, donations, fund raising and/or borrowing.

2.7.12 Revolving funds are a successful way of encouraging conservation of historic heritage properties in the United States and the United Kingdom. In Australia, this type of fund has also been established for the purpose of heritage conservation in cities such as Hobart and Melbourne. According to the Environmental Protection and Heritage Council¹⁸, "[t]he City of Hobart and Tasmanian Government jointly established a \$2 million [HK\$13.1 million] fund to purchase heritage buildings under threat, and the fund remains in operation. Proceeds including interest are returned to the fund"¹⁹. In Melbourne, the Heritage Restoration Fund was set up in 1988 as a not-for-profit joint venture managed by the City of Melbourne and the state government of Victoria. The fund provides low-interest loans to assist property owners in Melbourne and other metropolitan municipalities to conserve and restore their heritage buildings or structures for the benefit of the community in Victoria²⁰

¹⁸ See Environment Protection and Heritage Council (2005).

¹⁹ As of the publication of this report, the Heritage Council of Tasmania has not provided us with any figures on the amount of funding currently provided to the fund for heritage-related projects.

²⁰ According to the Melbourne City Council, the fund was set up with an initial capital of AUS\$1.3 million (HK\$8.5 million) and received a further injection of AUS\$1.8 million (HK\$11.8 million) from the state government in 1999. The amount of funding available for the fund has remained stable at about AUS\$2 million (HK\$13.1 million) during the recent years.

2.7.13 At the state level, New South Wales has established the Historic Houses Trust within the Department of Arts, Sports and Recreation as a statutory authority to operate a revolving fund known as the Endangered Houses Fund. The fund identifies significant "at-risk" properties and saves them from demolition or unsympathetic development. These properties are purchased, conserved and protected before being offered back in the marketplace for the use and enjoyment of future generations²¹.

2.8 Public participation in heritage conservation

2.8.1 In Australia, there are a number of non-government heritage trusts involved in heritage conservation (see paragraphs 2.5.7-2.5.10). It is also the general public who buy lottery tickets and contribute to the lottery fund used for, among other things, financing the conservation of places and objects of significant heritage value in Western Australia (see paragraph 2.7.9). These apart, the following channels are also available for public participation in heritage conservation:

Nominations of places to the heritage lists and registers

2.8.2 In Australia, any member of the public can nominate a place to be included in the Commonwealth and National Heritage Lists²². The nomination is referred to the Australian Heritage Council for assessment of whether the nominated place has any heritage values against the relevant criteria. The Council will make its recommendation to the Minister for the Environment, Heritage and the Arts, who will then make the final decision on listing. There are opportunities for public comment during the course of the listing process. For example, the Minister may publish a notice inviting comments from the public on a proposed listing.

2.8.3 Most states and territories also allow any person or body to nominate an item to be listed on their heritage register. In addition, prior to the final listing decision, there is a period of consultations on the initial decision by the Heritage Council that a place meets the heritage criteria.

²¹ According to the Environment Protection and Heritage Council (2005), "[t]he NSW Historic Houses Trust set up an Endangered Houses Fund in 2001, which now holds funds from private donations of \$1.2 million [HK\$7.9 million]." As of the publication of this report, the NSW Historic Houses Trust has not provided us with any up-to-date figures on the amount of funding currently available for its heritage-related projects.

²² In addition to public nominations, state, territory and local governments, the Minister for the Environment, Heritage and the Arts and the Australian Heritage Council can nominate places for the inclusion in the Commonwealth and National Heritage Lists.

Assessment of a "controlled action"

2.8.4 Any person or organization proposing to take an "action"²³ on a listed property is required to refer the case to the Minister for the Environment, Heritage and the Arts. The Minister will decide whether the proposed action is a "controlled action" and therefore requires assessment and approval. Under the EPBC Act, "controlled actions" refer to those actions likely to have a significant impact on (a) "matters of national environmental significance" (such as places listed on the National Heritage List) or (b) the Commonwealth land (including places listed on the Commonwealth Heritage List).

2.8.5 The Minister must publish the referrals for assessment on the website of the Department of the Environment, Water, Heritage and the Arts and invite public comments as to whether the action is a "controlled action" within 10 business days.

Appointment to Heritage Councils

2.8.6 State and territory statutes provide for the establishment of a Heritage Council to advise the relevant Minister on heritage issues. The council is usually made up of a cross-section of local people with expertise and interest in heritage conservation. For example, the Heritage Council of Victoria is a 10-member statutory body, with its membership representing a broad cross-section of heritage specialists and the community. The members sitting on the council include representatives from professions as diverse as archaeology, history, architectural conservation, architectural history, engineering or building construction, property management and planning law.

Appointments to Heritage Advisory Committees

2.8.7 Many local governments have set up Heritage Advisory Committees to (a) advise them on development applications and planning issues, (b) prepare and implement heritage strategies, and (c) raise awareness of heritage issues within the local areas. The committee members are generally drawn from councillors, community groups, non-governmental organizations, state and territory governments and the general public.

²³ As mentioned in paragraph 2.3.3, an action is defined as a project, a development, an undertaking, an activity or a series of activities.

Implementation of educational programmes

2.8.8 In Australia, educational programmes have been drawn up and carried out by various parties to enhance the public interest in and awareness of heritage conservation. The National Trusts produce web-based and CD-ROM programmes to provide students with the opportunity to explore and experience various heritage places as well as stimulating their interest in heritage issues.

2.8.9 In addition, owners of historic properties benefit from the advisory services provided by state and territory governments on how to conserve their properties. Such advisory services are normally rendered through networks of publicly-funded, regionally-based heritage advisers. These regional heritage advisers are engaged by the Heritage Councils to provide information and advice on heritage assessments, conservation, funding applications and planning and development applications. They also assist local governments in reviewing their heritage registers or lists of locally significant places.

2.8.10 Apart from the regional heritage advisory services, most state and territory governments produce educational materials and organize seminars and workshops for heritage property owners. For example, the Heritage Council of Tasmania provides web-based information for such owners on issues such as sanding floors, colour schemes and what to do about rising damp. The Heritage Office of New South Wales has an online information series, such as *How to Carry Out Work on Heritage Buildings and Sites*, *Photographic Recording of Heritage Items Using Film or Digital Capture*, *Heritage Consultant Directory*, and *Conservation Products and Services Directory*.

Launch of publicity activities

2.8.11 In Australia, heritage festivals are held in each state and territory to showcase the diversity of heritage through programmes such as seminars, workshops, exhibitions and tours of historic places and buildings. State and territory governments have organized and/or sponsored these heritage festivals, with the objectives of promoting local heritage and raising awareness of ongoing needs to conserve heritage for future generations.

2.8.12 In addition, voluntary organizations also organize a number of publicity activities to encourage understanding and appreciation of Australia's cultural heritage. For example, the Historic Houses Trust organizes biennially an architectural open day – Sydney Open – which opens up a number of the city's historic buildings to the public.

Chapter 3 – Macao

3.1 Background

3.1.1 Heritage conservation was first put on the government's agenda in Macao when the government appointed an ad hoc committee to register monuments and buildings of public interest in 1953²⁴. Another committee was subsequently set up in 1960 to study the measures for the protection of architectural and cultural heritage in Macao. At that time, the concept of architectural heritage was limited to the protection of individual buildings and monuments, which were treated independently without examining their urban context.

3.1.2 The Macao government started to pay increasingly more attention to heritage conservation in the 1970s, with the appointment of another ad hoc committee in 1974 to study heritage conservation in Macao. The committee suggested a holistic approach for heritage conservation, and proposed to classify and conserve architectural heritage in an integrated way to include both individual buildings and groups of historic structures.

3.1.3 The legislative framework and institutional arrangements for heritage conservation also began to fall into place in the mid-1970s. The first comprehensive heritage conservation law – Decree Law No. 34/76/M – was passed in 1976 to list all the significant buildings and heritage sites in Macao. Under the Decree, a statutory body – the Committee for the Defence of the Urban Environmental and Cultural Heritage – was established to identify and categorize properties of heritage values into different classifications. The Committee was also entrusted with other duties, such as building up the archives of historic buildings and sites and rendering advice on heritage-related development projects.

3.1.4 In September 1982, the Cultural Institute of Macao was set up in response to growing awareness of the significance of cultural development in Macao. Three departments were established under the Cultural Institute of Macao, and one of them was the Cultural Heritage Department with the responsibility for the implementation of heritage conservation policy in Macao.

3.1.5 In 1984, Decree Law No. 56/84/M was passed to repeal Decree Law No. 34/76/M in an effort to refine the definitions and categorizations of cultural heritage in Macao. In 1992, the Macao government enacted another heritage conservation law – Decree Law No. 83/92/M – to revoke the Committee for the Defence of the Urban Environmental and Cultural Heritage and transfer its duties to the Cultural Heritage Department. The legislative framework governing heritage conservation in Macao has remained virtually unchanged, although the Macao government is embarking on consolidating Decree Laws No. 56/84/M and No. 83/92/M into a single heritage conservation law. The new law aims at, among other things, introducing measures for the better protection of the historic assets and the involvement of the general public in the identification of cultural heritage in Macao.

²⁴ See Marreiros (2002).

3.1.6 In recent years, the Macao government has played a pro-active role in promoting buildings and sites of historical and architectural merits to the local people and tourists. Of particular importance was its success in bidding for the inclusion of Macao's historic buildings and sites (known as the Historic Centre of Macao) in the World Heritage List in 2005. The World Heritage List is established by the United Nations Educational, Scientific and Cultural Organization to identify and secure sites of outstanding universal value for lasting protection.

3.2 Institutional arrangements for heritage conservation

3.2.1 The institutional arrangements for heritage protection are relatively simple in Macao. The Cultural Affairs Bureau and the Cultural Heritage Department are the major government authorities responsible for heritage conservation in Macao.

The Cultural Affairs Bureau

3.2.2 The Cultural Affairs Bureau (formerly known as the Cultural Institute of Macao) was established by Decree Law No. 43/82/M in 1982. It was originally tasked with (a) assisting in drafting and implementing policies on culture and academic research, (b) organizing activities relating to Sino-Portuguese cultural interchange, and (c) promoting the Portuguese language and culture in Macao²⁵.

3.2.3 At present, the bureau is the principal government body responsible for the formulation and implementation of the cultural policies in Macao. In particular, it is entrusted with maintaining, preserving and restoring Macao's historic, architectural and cultural heritage, as well as developing regulations and guidelines to ensure the public enjoyment of such heritage. The bureau also promotes research in fields connected with the enhancement of the understanding of Macao's culture and heritage.

The Cultural Heritage Department

3.2.4 The Cultural Heritage Department serves as the executive arm of the Cultural Affairs Bureau for classifying, restoring and renovating Macao's cultural heritage, including both buildings and artifacts. The functions of the department, as stipulated in Article 2 of Decree Law No. 56/84/M, are to:

- (a) appraise plans and proposals for the listing, study, classification and protection of Macao's cultural and natural heritage; and

²⁵ See Government Information Bureau (2002).

- (b) collaborate in the development of guidelines for the conservation and enhancement of the heritage and, in conjunction with the relevant departments, ensure its restoration, maintenance and suitable use.

3.2.5 In carrying out its functions, the Cultural Heritage Department is empowered under Article 3 of Decree Law No. 56/84/M, among other things, to:

- (a) issue opinions on the classification or the revision of classification of monuments, ensembles and sites of considerable archaeological, ethnological, scientific, historical, architectural, artistic or environmental value;
- (b) issue opinions on the delimitation of classified ensembles and sites and the protected areas of the classified buildings forming part of the cultural heritage;
- (c) issue opinion on any work or alterations to be carried out on classified monuments, ensembles and sites and the respective protected areas;
- (d) give its opinion on the use to be given to classified monuments and buildings forming part of classified ensembles belonging to the public domain of Macao, and also on the repair and decoration of the same;
- (e) provide technical support for the work to be carried out on classified monuments, ensembles and sites and protected areas, and propose the suspension of any unauthorized work or work that has been authorized but which is being carried out incorrectly or defectively;
- (f) issue opinion on any urbanization projects and detailed studies prepared by private entities or effected by the government that interfere with the classified cultural or natural heritage, and participate in the work of related committees or working groups set up by the government;
- (g) collaborate with other public and private entities to ensure that the urbanization plans of Macao take into consideration the protection of the cultural values and are coordinated with the special protection plans prepared or commissioned;
- (h) give opinion on the organization and permanent updating of the systematic listing of the cultural heritage of Macao, and the methodology to be applied, the coordination of inventory, cataloguing and recording activities, and divulging and publication of the information compiled; and

- (i) give its opinion on appropriate measures for the promotion and enhancement of the cultural and educational values of the heritage as sources of motivation and fruition, not forgetting its social and economic importance.

3.3 Legal framework

3.3.1 The principal legislation governing heritage conservation in Macao includes the Basic Law of the Macao Special Administrative Region (Basic Law), Decree Laws No. 56/84/M and No. 83/92/M, and the Urban Building Regulation.

Basic Law

3.3.2 Macao's heritage is protected by Article 125 of Basic Law which stipulates that "[t]he Government of the Macao Special Administrative Region shall protect by law scenic spots, historical sites and other historical relics as well as the lawful rights and interests of the owners of antiques".

Decree Law No. 56/84/M

3.3.3 Decree Law No. 56/84/M was passed in June 1984 to stipulate the functions and powers of the Cultural Heritage Department. It also sets out a comprehensive definition and categorization of Macao's historic assets, namely monuments, ensembles and sites. In addition, the Decree stipulates the development controls governing works on the historic assets, as well as the tax incentives available for encouraging private participation in heritage conservation.

Decree Law No. 83/92/M

3.3.4 Decree Law No. 83/92/M was passed in December 1992 to designate "buildings of architectonic interest" as another category of historic assets subject to statutory protection by the Macao government. In addition, the Decree also contains four Annexes listing out classified historic assets (i.e. monuments, "buildings of architectonic interest", ensembles and sites) in Macao.

Urban Building Regulation

3.3.5 The Urban Building Regulation stipulates the requirement of seeking the advice from the Cultural Affairs Bureau before carrying out any consolidation, alteration, maintenance and repair works to heritage buildings.

3.4 Heritage protection system in Macao

3.4.1 In Macao, historic assets are categorized into four major groups, namely monuments, "buildings of architectonic interest", ensembles and sites. The designations of monuments and "buildings of architectonic interest" serve to protect individual buildings, whereas ensembles and sites represent area-based conservation. In addition, protected areas have also been created around architectural heritage, where there are strict development controls to protect the aesthetics in the vicinity of the protected buildings and monuments.

Monuments

3.4.2 There are a total of 52 classified monuments in Macao, which include the Fortress of Mong-Ha and the Ruins of St. Paul.

Criterion for classifying monuments

3.4.3 Monuments must be buildings or structures of special archaeological, historical, ethnological, artistic or scientific significance²⁶.

Protection of classified monuments

3.4.4 According to Decree Law No. 56/84/M, classified monuments cannot be demolished wholly or in part, or undergo any alteration, addition, extension, consolidation, repair or other construction activities without the prior approval from the Chief Executive of the Macao Special Administrative Region Government and the Cultural Affairs Bureau. Advice from the Cultural Affairs Bureau is also required for adaptive re-use of classified monuments.

3.4.5 In addition, the Macao government may, upon the advice of the Cultural Affairs Bureau and after inspection, require owners of classified monuments to engage in works considered necessary for the protection of their properties.

Buildings of architectonic interest

3.4.6 There are a total of 44 classified "buildings of architectonic interest" in Macao, which include the Pedro V Theatre and the Red Market.

²⁶ See Article 4 of Decree Law No.56/84/M.

Criterion for classifying "buildings of architectonic interest"

3.4.7 "Buildings of architectonic interest" refer to those buildings which are unique in architectural style and reflect the development of a period in the history of Macao²⁷.

Protection of classified "buildings of architectonic interest"

3.4.8 Article 4 of Decree Law No. 83/92/M prohibits the demolition of classified "buildings of architectonic interest". In the case where a "building of architectonic interest" is destroyed, "the respective owner may not develop in the land any other construction, which exceeds the [scale] of the destroyed building".

3.4.9 In addition, Article 5 of Decree Law No. 83/92/M stipulates that extension, addition, consolidation, alteration, reconstruction or restoration of classified "buildings of architectonic interest" is permitted only if the related works do not damage the original characteristics of the buildings, particularly their height and facades.

3.4.10 Furthermore, the owners, in possession or in use, of classified "buildings of architectonic interest" should undertake regular conservation, repair and restoration works. Should they fail to do so, the Cultural Affairs Bureau may undertake its own conservation works on the exterior of the buildings, or any other works considered necessary for the stability of the buildings.

Ensembles

3.4.11 There are a total of 11 ensembles in Macao, which include buildings along the Leal Senado Square and the Felicidade Street.

Criterion for classifying ensembles

3.4.12 Ensembles must be groups of buildings in a coherent area with distinctive architectural, urbanized, aesthetic, historical or socio-cultural values, representing an important unity and compatibility with the scenic environment²⁸.

Protection of classified ensembles

3.4.13 Article 11 of Decree Law No. 56/84/M stipulates that advice from the Cultural Affairs Bureau is required for any works that would lead to the partial or full demolition of the buildings within an ensemble, or causing the alteration of the composition of the ensemble.

²⁷ See Article 1 of Decree Law No. 83/92/M.

²⁸ See Article 4 of Decree Law No. 56/84/M.

Sites

3.4.14 There are a total of 21 classified sites in Macao, comprising mainly forestlands and parks such as the Guia Hill and the Lou Lim Iok Garden.

Criterion for classifying sites

3.4.15 Classified sites must be combined works of man and nature with a special value for their beauty or interest in the fields of archaeology, history, anthropology or ethnology²⁹.

Protection of classified sites

3.4.16 According to Article 14 of Decree Law No. 56/84/M, it is required to obtain advice from the Cultural Affairs Bureau for carrying out the following works to classified sites:

- (a) construction of new structures; and
- (b) reconstruction, alteration, extension, consolidation, repair or demolition, wholly or in part, of buildings within classified sites.

Protected areas

3.4.17 There are a total of 21 protected areas in Macao.

Criterion for classifying protected areas

3.4.18 According to Article 15 of Decree Law No. 56/84/M, a protected area is the natural or built-up setting of classified monuments, ensembles and sites that are spatially or aesthetically integrated, which forms an essential part of the heritage.

Protection of classified protected areas

3.4.19 Decree Law No. 56/84/M stipulates that demolition, construction, alteration, extension, addition, consolidation or repair of existing buildings in protected areas cannot be conducted if without prior consultation with the Cultural Affairs Bureau.

²⁹ See Article 4 of Decree Law No.56/84/M.

3.4.20 Furthermore, the Macao government can issue general rules to govern the carrying out of new architectural constructions or reconstruction works within the boundaries of protected areas. In duly justified cases, the Macao government may even establish "construction-free zones" in the protected areas where new constructions are totally prohibited.

3.5 Approach adopted for heritage conservation

3.5.1 The approach adopted by the Macao government for heritage conservation is discussed in the following paragraphs, with special reference to the scope of protection, adaptive re-use of historic buildings, public-private partnership in heritage conservation, the integration of heritage conservation with tourism policies, and the provision of tax incentives for heritage conservation.

Scope of protection

3.5.2 The Macao government has adopted a holistic approach for heritage conservation in the city. It conserves not only individual historic buildings, but also the entire district around a central square or along a street, and these spots of historical interests are linked up with pedestrian walkways if feasible. The restoration of the Leal Senado Square, the main public square in the city centre, testifies to this approach. The whole plaza, together with the surrounding buildings and adjoining streets, has been protected as a cultural and heritage precinct. All the buildings around the plaza and the adjoining streets have been refurbished at the interior and restored to their original facades. In addition, the Leal Senado Square, once dominated by cars and traffic, is now pedestrianized and paved with a wave-patterned mosaic of coloured stones.

3.5.3 Preservation in the form of a heritage precinct provides comprehensive protection to the heritage buildings, the environs and even the neighbourhood. This form of preservation ensures that the developments nearby are compatible with the historical characteristics of the precinct. All in all, the concept of heritage precinct enhances the historical character of the area and the heritage buildings within it³⁰.

³⁰ See Planning Department (2002).

Adaptive re-use of historic buildings

3.5.4 Similar to many overseas places, Macao has re-used some historic buildings for cultural or commercial purposes. A notable example is the adaptive re-use of a pawnshop built in 1917. The pawnshop, known as Tak Seng On, was acquired by the Cultural Affairs Bureau for restoration in 2002³¹. It has been converted into the Cultural Club where stylish artistic gifts, various kinds of tea and foodstuff are sold or served. In addition, its ground floor and tower-keep are used by the Cultural Affairs Bureau to stage the "Heritage Exhibition of a Traditional Pawnshop Business", where the original decor, tower-keep and paraphernalia of the pawnshop are preserved to allow for reminiscence of the pawnshop business in the past.

Public-private partnership in heritage conservation

3.5.5 The Tak Seng On project is an example of successful public-private partnership in the monument preservation and re-use. The Macao government has financed the repairs and restoration of the pawnshop in return for the consent of its owner not to demolish the building for redevelopment. After the renovation, the Cultural Affairs Bureau has used part of the ground floor and tower-keep of the pawnshop to stage the "Heritage Exhibition of a Traditional Pawnshop Business". As to the rest of the restored building, the property owner has leased the space for commercial uses.

Integration of heritage conservation with tourism policies

3.5.6 The Macao government has integrated its tourism policies with heritage conservation, in view of the economic importance of heritage tourism to the city. In recent years, the government has developed initiatives which incorporate the promotion of Macao's historic assets into the tourism marketing strategy. For example, the Cultural Affairs Bureau launched a marketing programme in 2000 to promote three "Cultural Heritage Tours of Macao" routes, which link up a number of classified monuments, "buildings of architectonic interest", ensembles and sites in Macao. Each route has its own theme and attractions, whereby locals and tourists can explore various aspects of Macao's historic heritage.

3.5.7 The successful inscription of Macao's historic buildings and sites on the World Heritage List in 2005 has further promoted Macao internationally as a historic city. According to the Cultural Affairs Bureau, international recognition of Macao's historic assets should facilitate sustainable development of heritage tourism, and the ensuing benefits would lead to more concerted efforts on the conservation of Macao's historic heritage³².

³¹ In 2004, the "Tak Seng On Pawnshop" project was awarded the Honourable Mention in the UNESCO 2004 Asia - Pacific Heritage Awards for Culture Heritage Conservation.

³² See Cultural Affairs Bureau (Undated).

Provision of tax incentives for heritage conservation

3.5.8 The Macao government has put in place a tax incentive regime to lighten the burden of private owners in dealing with the costs of maintaining and restoring their historic assets. Details of the tax incentives provided are to be discussed in paragraphs 3.6.2-3.6.7.

3.6 Incentives available for heritage conservation

3.6.1 The Macao government has made use of both economic and planning incentives to encourage the conservation of privately-owned historic assets.

Economic incentives

3.6.2 While the Macao government subsidizes the repair and maintenance of the exteriors of privately-owned historic buildings, Decree Law No.56/84/M also provides for a number of tax incentives to encourage private participation in heritage conservation. The incentive scheme covers property tax, industrial tax, complementary income tax, property transfer tax, inheritance and gift tax, and indirect tax.

Property tax

3.6.3 Listed buildings that have undertaken conservation or restoration works of not less than 50,000 patacas (HK\$48,500)³³ are exempted from property tax while the buildings remain in good state of repair. In Macao, property tax is levied at the rate of 16% on the rental income received by leased properties. Properties not leased are taxed at the rate of 10% on the estimated rental value assessed by the Macao government.

Industrial tax

3.6.4 Industrial tax charged on proprietors of commercial or industrial concerns is halved if these concerns are established in listed buildings that have undertaken conservation or restoration works. The proprietors are entitled to the tax concession only for a period of five years after the completion of the conservation or restoration works.

³³ The calculation was based on the average exchange rate of HK\$0.97 per pataca in 2007. See Statistics and Census Service (2008).

Complementary income tax

3.6.5 Complementary income tax is levied on all income earned by a company registered in Macao. The purchases and sales of classified buildings are not subject to complementary income tax if they are already exempted from property tax. In addition, the amount spent on the conservation and restoration of classified buildings may be deducted from the complementary income tax payment over a period of 10 years.

Property transfer tax and inheritance and gift tax

3.6.6 Listed buildings are not subject to property transfer tax and inheritance and gift tax if they are already exempted from property tax.

Indirect tax

3.6.7 Materials and equipment for the conservation and restoration of listed buildings are exempted from import taxes, provided that the related works are approved by the Cultural Affairs Bureau.

Planning incentives

3.6.8 In Macao, land exchange has been adopted as a measure to encourage the conservation of privately-owned historic buildings. A successful example of land exchange is the preservation of the Mandarin's House, a residential complex built in 1881 by a prominent Chinese intellectual. In 2001, Macao acquired the Mandarin's House through land-for-land exchange with its developer.

3.7 Funding mechanism available for heritage conservation

3.7.1 Government funding has been an important source of funding for cultural conservation in Macao, amounting to about 50 million patacas (HK\$48.5 million) per year. The Macao government has also set up a statutory body – the Cultural Fund – to assist financially in the promotion and development of cultural activities and public participation in cultural life. In particular, the fund finances the repairs and other urgent works on classified cultural heritage. The Cultural Fund is financed by a variety of sources, including government funding, bequests, donations and returns from investments.

3.7.2 Apart from government funding, the Macao Foundation also contributes to the funding of heritage conservation in Macao. The Macao Foundation is a statutory body established to promote, develop and research on cultural, social, economic, educational, scientific, academic and philanthropic activities in Macao. The gaming operators in Macao are required to pay 1.6% of their gross revenue to the Macao Foundation for the promotion of social, cultural and economic developments in Macao.

3.7.3 There are other charity organizations which provide financial support for heritage conservation in Macao. A notable example is the funding contributed by the Oriente Foundation for the restoration of unique buildings such as Casa Garden, Teatro D. Pedro V and the former Sao Rafael Hospital³⁴. The Oriente Foundation was established in Lisbon of Portugal in 1988 to carry out and support cultural, educational, artistic, philanthropic and social activities in both Portugal and Macao.

3.8 Public participation in heritage conservation

3.8.1 In Macao, the conservation efforts are primarily initiated by the government, which has established the Cultural Consultative Committee to advise it on the implementation of cultural heritage policies. The membership of the Committee includes government officials, professionals and representatives from the cultural, art, academic and business sectors. Nevertheless, in recent years, Macao has seen the emergence of ad hoc citizen groups lobbying the government for specific development plans or historic buildings³⁵.

3.8.2 Apart from the establishment of the Cultural Consultative Committee, the Macao government has attached great importance to heritage education and publicity as a means of engaging the public in the conservation of Macao's cultural heritage. In 2004, the Cultural Affairs Bureau launched the website "Macao Heritage Net" to keep the public informed of Macao's heritage-related activities. The bureau also educates the public on the development and importance of heritage conservation through organizing exhibitions, seminar and workshops.

³⁴ Casa Garden was built in 1770 as the residence of a wealthy Portuguese merchant. Nowadays, the property is the headquarters of the Oriente Foundation. Teatro D. Pedro V was built in 1860 as the first Western-style theatre on the Mainland, while the former Sao Rafael Hospital was the first European hospital in the Far East.

³⁵ Recently, conservation activists have launched a campaign to protest against a property development that will obscure the view of the Guia Lighthouse, a World Heritage building standing atop the Guia Hill.

3.8.3 The Cultural Affairs Bureau has launched a number of publicity programmes aiming at enhancing awareness of heritage conservation among different groups of society³⁶. In particular, it launches the heritage ambassador scheme to encourage the younger generation to understand and take part in conservation work. The scheme recruits teenage students to receive training on heritage-related subjects, including the history of Macao, introduction to cultural heritage, overview of historic heritage protection, skills of being a tour guide and site visits. After the training, the trainees become heritage ambassadors and work on various activities to promote Macao's cultural heritage, such as providing guided heritage tours to the public and tourists visiting Macao.

³⁶ For example, the Cultural Affairs Bureau, in 2004, organized heritage-related programmes, such as the "Cultural Heritage Young Journalist Summer Course" and the "Cultural Heritage Tours of Macao Design Competition", to arouse awareness of cultural heritage conservation. The Macao government also designated 2004 as "Macao Cultural Heritage Preservation Year".

Chapter 4 – Hong Kong

4.1 Background

4.1.1 Heritage conservation formally started in Hong Kong in the early 1970s, when it became an item on the Government's agenda and policy initiatives were introduced for the management and preservation of Hong Kong's cultural heritage. Previously, conservation activities had mainly been confined to the archaeological and historical surveys and excavations conducted by amateurs and academics³⁷.

4.1.2 In 1971, the Government enacted the first heritage conservation legislation – the Antiquities and Monuments Ordinance (Cap. 53) (A&M Ordinance) – to "establish control over archaeological discoveries in Hong Kong and ensure that the items of particular historical interest are preserved for the enjoyment of the community³⁸". The Ordinance came into effect in 1976 and the Antiquities and Monuments Office was established in the same year by the Government to help implement the provisions of the Ordinance.

4.1.3 Notwithstanding the enactment of the A&M Ordinance, many historic buildings were demolished during the mid-1970s and the 1980s to make way for new development projects, including the demolition of the old Kowloon Railway Station in Tsim Sha Tsui, the Murray House and the Hong Kong Club Building. The demolition of these historic buildings aroused concerns and opposition from voluntary conservation organizations at that time. The active participation of these voluntary organizations began to raise awareness of the need to preserve Hong Kong's historic heritage.

4.1.4 Hong Kong has seen a growing recognition of the importance of heritage conservation since the 1990s, particularly after the 1997 handover. In his 1998-1999 Policy Address, the former Chief Executive of the Hong Kong Special Administrative Region Government (Chief Executive) spoke of the need to promote cultural heritage to foster a sense of belonging and identity. The Chief Executive reaffirmed the importance of heritage conservation in his 1999-2000 Policy Address³⁹. He also stated that the Government would review the existing heritage conservation policy and related legislation for better protection of Hong Kong's historic buildings and archaeological sites.

³⁷ Before the 1970s, there was little incentive from the Government to preserve cultural heritage in Hong Kong. Neither did the local people demonstrate much interest in the past of Hong Kong during the period. See Lu (2003).

³⁸ See Official Records of Proceedings of the Legislative Council (1971).

³⁹ According to the Chief Executive, "it is important to rehabilitate and preserve unique buildings as this not only accords with our objective of sustainable development, but also facilitates the retention of inherent characteristics of different districts, and helps promote tourism." See Hong Kong Special Administrative Region Government (1999).

4.1.5 It was not until February 2004 that the Government launched a three-month public consultation exercise to review its 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". According to the Government, there was no clear consensus on these three fundamental questions from the 150 written submissions it received⁴⁰.

4.1.6 In January 2007, the Government launched another round of consultation on its built heritage conservation policy, in view of the growing public concerns and heated discussions on the issue of conservation of heritage structures. The consultation exercise included three large-scale regional forums, three open forums, and a focus group discussion for major stakeholder groups and concerned academics and professionals.

4.1.7 In October 2007, the current Chief Executive announced a package of heritage conservation initiatives in his 2007-2008 Policy Address. These included the setting up of the Commissioner for Heritage's Office to provide a focal point for public participation and the Government's heritage conservation work. Furthermore, the Government would explore new arrangements to provide economic incentives to encourage heritage protection by the private sector.

4.2 Institutional arrangements for heritage conservation

4.2.1 In Hong Kong, the Development Bureau and the Antiquities and Monuments Office are the principal government authorities responsible for the conservation of Hong Kong's historic heritage. Other statutory authorities, such as the Antiquities Advisory Board and the Urban Renewal Authority (URA), are also involved in heritage conservation.

The Development Bureau

4.2.2 The Development Bureau was established on 1 July 2007 for the better coordination of major infrastructure projects that are essential for consolidating Hong Kong's position as a global city and creating jobs. It is also tasked with enhancing the Government's heritage conservation work and striking a balance between development and conservation. As such, not only does the Development Bureau oversee those government departments responsible for planning, lands and works matters in Hong Kong⁴¹, but also the heritage policy responsibility has been transferred from the Home Affairs Bureau to the Development Bureau.

⁴⁰ See Home Affairs Bureau (2007).

⁴¹ Specifically, the Development Bureau has accounting responsibility over the Planning Department, the Lands Department, the Buildings Department, the Land Registry, the Architectural Services Department, the Civil Engineering and Development Department, the Drainage Services Department, the Electrical and Mechanical Services Department and the Water Supplies Department.

4.2.3 In April 2008, the Development Bureau set up the Commissioner for Heritage's Office to (a) provide dedicated support to the Secretary for Development in implementing the policy on heritage conservation and keeping it under constant review, (b) take forward a series of new initiatives as announced in the 2007-2008 Policy Address, and (c) serve as a focal point of contact, both locally and overseas. The Office also provides support and guidance to the Antiquities and Monuments Office.

The Antiquities and Monuments Office

4.2.4 The Antiquities and Monuments Office was established in 1976 to help implement the A&M Ordinance that came into effect in the same year. As the executive arm for heritage conservation, it operates within the Leisure and Cultural Services Department to:

- (a) identify, record and research on buildings and items of historical interest;
- (b) organize and co-ordinate surveys and excavations of areas of archaeological significance;
- (c) maintain and develop archives of written and photographic material relating to heritage sites;
- (d) organize the protection, restoration and maintenance of monuments;
- (e) assess and evaluate the impact of development projects on heritage sites, as well as organizing appropriate mitigation measures;
- (f) arrange adaptive re-use of suitable historic buildings; and
- (g) foster awareness of Hong Kong's heritage through education and publicity programmes such as exhibitions, lectures, tours, workshops and setting up of heritage trails.

The Antiquities Advisory Board

4.2.5 The Antiquities Advisory Board is a statutory board established under the A&M Ordinance, with the secretariat and administrative support provided by the Antiquities and Monuments Office. The Board advises the Antiquities Authority (currently the Secretary for Development) on the declaration of monuments and any matters relating to antiquities and monuments. It also advises the Antiquities Authority on measures to promote:

- (a) restoration and conservation of historic buildings and structures, including the annual programme of restoration works;

- (b) conservation and, where necessary, investigation of archaeological sites, including the granting of licences to excavate and search for antiquities; and
- (c) awareness of and concern for the conservation of Hong Kong's heritage.

The Urban Renewal Authority

4.2.6 URA was established in 2001 to implement the Government's urban renewal strategies. It is a statutory body with its power and duties governed by the Urban Renewal Authority Ordinance (Cap. 563). The vision of URA is to "create quality and vibrant urban living in Hong Kong – a better home in a world-class city." URA has introduced a 4R strategy – Redevelopment, Preservation, Rehabilitation and Revitalization – to realize this vision. Under "Preservation", URA aims to preserve and restore buildings that have historical and architectural values and sustain the local characteristics. Such a mission is in line with one of URA's mandates prescribed under Section 5 of the Urban Renewal Authority Ordinance, which is to "preserve buildings, sites and structures of historical, cultural or architectural interest".

4.3 Legal framework

4.3.1 The A&M Ordinance is the main legislation governing heritage conservation in Hong Kong. This apart, the Environmental Impact Assessment Ordinance (Cap. 499) serves as an additional piece of legislation to provide protection for sites of cultural heritage that are under the threat of development pressures.

The Antiquities and Monuments Ordinance

4.3.2 The A&M Ordinance sets out the legislative framework governing heritage conservation in Hong Kong. Section 3 of the Ordinance empowers the Antiquities Authority to declare places, buildings, sites, or structures of outstanding historical, archaeological or palaeontological importance as monuments for protection.

4.3.3 In addition, the A&M Ordinance provides for the establishment of the Antiquities Advisory Board to advise the Antiquities Authority on matters concerning heritage conservation. It also contains provisions governing the application of licences for searching for or excavating antiquities, the provision of government grants for preservation, maintenance or restoration of monuments, and the granting of compensations to owners of declared monuments.

4.3.4 Most recently, the Government has considered the desirability of revamping the A&M Ordinance or introducing a new heritage conservation ordinance to improve the statutory protection of historic assets⁴². The Government decides not to pursue it for the time being on the grounds that:

- (a) revamping of the A&M Ordinance or enactment of a new ordinance would be a major and protracted exercise. It would not be conducive to producing early success in heritage conservation work; and
- (b) the exercise would inevitably involve granting a certain statutory status to graded historic buildings (see paragraph 4.4.11). Before the expert assessment on the some 1 400 buildings is completed by end-2008, the Government does not know the exact number of buildings involved and the exact implications of doing so. It would be prudent to await the results and have them deliberated before making a decision.

The Environmental Impact Assessment Ordinance

4.3.5 The Environmental Impact Assessment Ordinance was enacted in 1997 and came into effect in April 1998. The Ordinance establishes the framework to assess the environmental impact of designated projects (generally infrastructure projects) and identify effective measures to reduce the adverse impact, if any, to an acceptable level.

4.3.6 Under the Environmental Impact Assessment Ordinance, development projects affecting "sites of cultural heritage" may become designated projects and can only proceed after being determined to be in compliance with the statutory procedures under the Ordinance and obtaining an environmental permit⁴³. Schedule 1 of the Ordinance defines a "site of cultural heritage" as "an antiquity or monument, whether being a place, building, site or structure or a relic, as defined in the [A&M] Ordinance and any place, building, site or structure or a relic identified by the Antiquities and Monuments Office to be of archaeological, historical or palaeontological significance".

4.3.7 Designated projects, unless exempted, are required to go through an environmental impact assessment process before they are granted an environmental permit to proceed. The process involves the developer concerned preparing an environmental impact assessment report to assess the nature and extent of environmental impacts arising from his or her construction works and identify effective mitigation measures if needed.

⁴² See the Development Bureau (2007e).

⁴³ See Lu (2003).

4.3.8 Furthermore, the criteria laid down in the Technical Memorandum on Environmental Impact Assessment Process include a general presumption in favour of the protection and conservation of sites of cultural heritage and require impacts upon sites of cultural heritage to be "kept to a minimum"⁴⁴. The Technical Memorandum is a subsidiary legislation of the Environmental Impact Assessment Ordinance which sets out the technical guidelines and criteria to be employed by the Environmental Protection Department for assessing the environmental impact of designated projects.

4.4 Heritage protection system in Hong Kong

4.4.1 In Hong Kong, historic assets are primarily classified into monuments and graded buildings to reflect their relative importance.

Monuments

4.4.2 Under the A&M Ordinance, the Antiquities Authority who may, after consultation with the Antiquities Advisory Board and with the approval of the Chief Executive, by notice in the Gazette, declare a place, building, site or structure of outstanding historical, archaeological or palaeontological significance to be a monument for protection.

4.4.3 As at end-May 2008, there were 84 declared monuments in Hong Kong, of which 66 were buildings (e.g. St. John's Cathedral and Government House) and 18 were rock carvings, forts and archaeological sites (e.g. rock carving on Po Toi Island and Tung Chung Fort).

Criterion for declaring monuments

4.4.4 The major assessment criterion for declaring monuments is that the items concerned must possess historical, archeological or palaeontological significance and the declaration is for public interest⁴⁵.

Protection of declared monuments

Protection under the Antiquities and Monuments Ordinance

4.4.5 According to Section 6 of the A&M Ordinance, no person shall carry out the following works to declared monuments without a permit granted by the Antiquities Authority:

- (a) excavating, carrying on building or other works, planting or felling trees or depositing earth or refuse on or in a monument; or

⁴⁴ See Section 2 of Annex 10 of the Technical Memorandum on Environmental Impact Assessment Process.

⁴⁵ See Home Affairs Bureau (2007).

- (b) demolishing, removing, obstructing, defacing or interfering with a monument.

Protection under the town planning system

4.4.6 In Hong Kong, the Town Planning Board is responsible for preparing statutory plans for the use of land in specific areas. Due considerations are expected to be given to heritage conservation aspects when preparing the statutory town plans⁴⁶. For example, the Town Planning Board will consult the Antiquities Advisory Board if the area concerned has any declared monuments or relics based on the records kept by the Antiquities and Monuments Office.

4.4.7 In addition, the existing declared monuments and historic buildings are usually listed in the section on cultural heritage in the accompanying Explanatory Statement of the Outline Zoning Plan⁴⁷. Such an arrangement is to remind the relevant government authorities that every effort should be made to preserve the historic buildings and structures within the planning scheme area, and that prior consultation with the Antiquities and Monument Office should be made, if any development or rezoning proposals may affect such historic buildings and structures.

4.4.8 The Planning Department also consults the Antiquities and Monuments Office when processing planning proposals which may affect monuments and historic buildings and/or their surroundings. Views and comments of the Antiquities and Monuments Office will be passed to the Town Planning Board for consideration, in a move to ensure that heritage conservation issues would be duly considered by the Board when making any decisions on the planning proposals.

4.4.9 The Planning Department publishes the Hong Kong Planning Standards and Guidelines as a reference manual for setting out the criteria for determining the scale, location and site requirements of various land uses and facilities. Chapter 10 of the Guidelines is dedicated to natural and heritage conservation considerations, which developers and planning related professionals should follow when formulating their development plans. In particular, the chapter details measures for the protection of heritage (monuments, historic buildings, and archaeological sites), landscape, customs and traditions.

⁴⁶ See Hong Kong Special Administrative Region Government (2006a).

⁴⁷ Outline Zoning Plan shows the proposed land uses and major road systems of individual areas. Explanatory Statement is intended to facilitate the understanding of the approved Outline Zoning Plan. It reflects the planning intention and objectives of the Town Planning Board for the various land use zonings of the Plan.

Declaration of proposed monuments

4.4.10 The Antiquities Authority may, after consultation with the Antiquities Advisory Board, by notice in the Gazette, declare a place, building, site or structure as a proposed monument subject to the same protection as prescribed for a declared monument (see paragraph 4.4.5 above). The declaration is in effect for 12 months, during which the Antiquities Authority will consider whether or not to declare the item concerned permanently as a monument under the A&M Ordinance.

Graded buildings

4.4.11 Apart from formal declaration, a three-tier grading system has been employed by the Antiquities Advisory Board to identify and classify historic buildings into the following categories with varying degree of merit for protection:

- (a) Grade I – buildings of outstanding merits, which every effort should be made to preserve if possible;
- (b) Grade II – buildings of special merits, which efforts should be made to selectively preserve; and
- (c) Grade III – buildings of some merit, but not yet qualified for consideration as possible monuments. These buildings are to be recorded and used as a pool from which future monuments may be selected.

4.4.12 As at 16 May 2008, 494 graded historic buildings were administratively accorded Grade I (e.g. Mei Ho House), Grade II (e.g. Kom Tong Hall) or Grade III (e.g. Central Market) status by the Antiquities Advisory Board in accordance with their heritage significance.

Criteria for grading historic buildings

4.4.13 The Antiquities Advisory Board has based on a set of criteria for grading the heritage value of a historic building⁴⁸. Major criteria are:

- (a) historic interest, such as its association with historical event(s), phase(s), activity(ies) and historic figure(s), importance in the historical development of Hong Kong, and/or age of the building;
- (b) architectural merit, such as the contribution of the building's external appearance to visual quality of its vicinity;

⁴⁸ See Antiquities Advisory Board (2007).

- (c) group value, such as its importance in a building cluster showing common cultural value(s) or historical development of Hong Kong;
- (d) authenticity, such as any alterations to the historic building that adversely affect or enhance its heritage or cultural significance and/or architectural value;
- (e) social value and local interest, such as its importance in depicting the "cultural identity" and perpetuating the "collective memory" of the community; and
- (f) rarity – being rare due to its historical interest, architectural merit, group value, social value and local interest, and/or authenticity of the building.

Protection of graded buildings

4.4.14 The three-tier grading system serves as an internal heritage assessment guideline for the Antiquities Advisory Board, and carries no statutory authority. As such, the grading reflects the heritage value of graded buildings only without conferring any statutory protection on the buildings. If the owner of a privately-owned graded building decides to demolish his or her building, there is no way that the Government can stop it except for the Antiquities Authority to declare the building as a monument or a proposed monument.

4.4.15 In any event, the list of graded buildings is distributed to all relevant government departments, which are asked to alert the Antiquities and Monuments Office if they receive any proposals to demolish graded buildings.

4.5 Approach adopted for heritage conservation

4.5.1 The approach adopted by the Government for heritage conservation is discussed in the following paragraphs, with special reference to the scope of protection, public-private partnership in heritage conservation, adaptive re-use of historic buildings, and the balance between development and conservation.

Scope of protection

4.5.2 The A&M Ordinance provides for only one form of conservation (i.e. declaration of monuments) for built heritage. Buildings of special cultural or architectural values may be graded by the Antiquities and Monuments Office, but these unlisted buildings remain vulnerable to demolition in development projects.

4.5.3 In addition, heritage conservation in Hong Kong had been confined to individual buildings, with the emphasis on "point" (a particular building) instead of on "line" (a street) or "surface" (an area). This approach appears to have changed as most recently, the Chief Executive announced in his 2007-2008 Policy Address that the Development Bureau and URA would adopt a district-based approach in considering the development and revitalization of Wan Chai. Accordingly, the Development Bureau has planned to expand its heritage conservation work beyond individual buildings by embarking on an area-based approach in the conservation of older parts of Wan Chai.

Public-private partnership in heritage conservation

4.5.4 In February 2008, the Government launched a new scheme – the "Revitalizing Historic Buildings through Partnership Scheme" – to provide a platform for fostering public-private partnership in heritage conservation⁴⁹. Under the scheme, non-governmental organizations can apply for adaptive re-use of selected government-owned historic buildings to provide services or conduct business in the form of social enterprises. As a start, seven historic buildings are offered under the scheme⁵⁰ and the Commissioner for Heritage's Office has set up special teams to examine and assess the proposals submitted by non-governmental organizations. The assessment is conducted with the help of an Advisory Committee comprising mainly non-official members from the fields of historical research, architecture, surveying, social enterprise, finance, etc. As at end-May 2008, the Development Bureau had received 113 proposals from non-profit-making organizations for revitalizing the first batch of seven historic buildings under the "Revitalizing Historic Buildings through Partnership Scheme".

Adaptive re-use of historic buildings

4.5.5 The Government's effort on heritage conservation is guided by a policy statement which is "to protect, conserve and *revitalise* [italics added] as appropriate historical and heritage sites and buildings through relevant and sustainable approaches for the benefit and enjoyment of present and future generations⁵¹". The recent years have seen some cases of converting historic buildings into cultural or commercial use. For example, the Bethanie (Hong Kong's first sanatorium) has been converted into a campus of the Hong Kong Academy for Performing Arts. Kom Tong Hall has been converted into Dr Sun Yat-sen Museum, and the Western Market has become a place housing a number of theme restaurants and boutique shops. The recent introduction of the "Revitalizing Historic Buildings through Partnership Scheme" should provide added impetus for preserving and putting historic buildings into innovative use.

⁴⁹ See Development Bureau (2007f).

⁵⁰ These seven historic buildings are Old Tai Po Police Station, Lui Seng Chun, Lai Chi Kok Hospital, North Kowloon Magistracy, Old Tai O Police Station, Fong Yuen Study Hall and Mei Ho House.

⁵¹ See Development Bureau (2007e).

4.5.6 According to the Development Bureau⁵², the work of adaptive re-use of historic buildings goes beyond the "Revitalizing Historic Buildings through Partnership Scheme". Other projects which are actively pursued include:

- (a) the HK\$1.8 billion Central Police Station Compound Project proposed by the Hong Kong Jockey Club;
- (b) the "retention of both the house and the residents" in the "Blue House conservation project" in Wan Chai; and
- (c) two Government-steered projects, namely the redevelopment of the Yau Ma Tei Theatre into a Cantonese Opera Centre and the conversion of the club house of the former Royal Yacht Club on Oil Street to an interim Museum Plus.

Balance between development and conservation

4.5.7 The Development Bureau, created on 1 July 2007 to help achieve the balance between development and conservation, oversees the planning, lands and works portfolios while being tasked with enhancing the Government's heritage conservation work. According to the Government⁵³, putting related responsibilities under the Development Bureau enables a closer interface at the policy level between development and heritage conservation. It also enhances efficiency and ensures early attention to heritage conservation when implementing development projects.

4.6 Incentives available for heritage conservation

4.6.1 In Hong Kong, the Government offers limited economic incentives to encourage the public to share its burden of heritage preservation. In addition, planning incentives are awarded only on a case-by-case basis to foster heritage conservation in Hong Kong.

Economic incentives

4.6.2 At present, the Government does not provide any tax incentives for heritage conservation projects. Nevertheless, owners of privately-owned declared monuments may apply for funding from the Antiquities and Monuments Office to conduct restoration and maintenance works. Indeed, it is the main economic incentive currently provided by the Government to induce private owners to consent to declaration of their historic buildings.

⁵² See Development Bureau (2008).

⁵³ See Legislative Council Secretariat (2007b).

Planning incentives

4.6.3 In Hong Kong, the Government has made use of planning incentives, such as transfer of development rights, reduced land premium and additional plot ratio, to encourage preservation of privately-owned historic properties. The Tiger Balm Garden complex case is a notable example where planning incentives were employed for the preservation of a historic building.

4.6.4 The Tiger Balm Garden complex at Tai Hang Road consisted of the Tiger Balm Garden, the Haw Par Mansion and its private garden. The Mansion is one of the very few remaining private residences of the 1930s, built in the Chinese Renaissance style with a unique mixture of the prevailing Chinese and Western ideas in artistic decoration. The developer of the Tiger Balm Garden complex submitted an application in 1999 to redevelop the site for residential purposes. The redevelopment then envisaged entailed the demolition of the entire complex building, including the Haw Par Mansion. In July 2001, the Government reached an agreement with the developer. Under the agreement, the Mansion and its private garden were transferred to the Government for preservation. While the transfer reduced the redevelopment area, the developer was allowed to retain the same total gross floor area previously approved by the Government for its development on the reduced site.

4.6.5 Apart from the preservation of the Haw Par Mansion, another case was the preservation of King Yin Lei, a rare surviving example of Chinese Renaissance style reflecting the design and construction excellence in both Chinese and Western architecture of the pre-World War II period. In January 2008, the Government reached an agreement with the owner of King Yin Lei on a possible preservation option for the mansion, after earlier reports of demolition works being conducted to King Yin Lei. Under the proposal, the owner will surrender the whole site of King Yin Lei to the Government after restoration, while, subject to the necessary town planning approval, the Government will grant an adjacent green-belt site of roughly the same size as King Yin Lei to the owner in exchange for new residential development. The owner also agreed to carry out and fully fund the restoration works of King Yin Lei under the supervision of the Antiquities and Monuments Office. In April 2008, the proposal obtained the approval from the Town Planning Board to re-zone the green-belt site into residential use.

4.6.6 Notwithstanding the cases mentioned above, there is no standing arrangement currently established by the Government for awarding planning incentives to encourage heritage preservation, and each case is considered on individual circumstances. Nonetheless, transfer of development rights or permissible gross floor is normally allowed to be exercised at sites that are contiguous or adjacent to each other⁵⁴.

⁵⁴ See Cody (1999) and Fung (2004).

4.7 Funding mechanism available for heritage conservation

4.7.1 At present, the Government offers to carry out repair and restoration works of declared monuments, or items deemed by the Government to be monuments under private ownership. Such works are funded under two Capital Account Subheads of Head 95 Leisure and Cultural Services Department, viz Subhead 653 Restoration of Monuments and Subhead 600 Works, depending on the cost of the individual projects⁵⁵. For projects costing HK\$300,000 or less, they will be charged to Subhead 653, while those exceeding HK\$300,000 will be charged to Subhead 600. The total annual expenditure of Subhead 653 and Subhead 600 averaged about HK\$1.3 million and HK\$5.2 million respectively in the past two years. Nonetheless, the Government offers no assistance to the maintenance of privately-owned graded historic buildings.

4.7.2 Most recently, the Chief Executive announced in his 2007-2008 Policy Address that HK\$1 billion would be earmarked for implementing the "Revitalizing Historic Buildings through Partnership Scheme". Under the scheme, the Government will provide financial support, where justified, to successful applicants in terms of:

- (a) one-off grant to cover the cost for major renovation to the buildings, in part or in full;
- (b) nominal rental for the buildings; and
- (c) one-off grant capped at HK\$5 million to meet the starting costs and operating deficits (if any) of the social enterprises re-using the buildings for a maximum of the first two years of operation.

4.7.3 Apart from government funding, private funding serves as another avenue for funding heritage conservation in Hong Kong. The Hong Kong Jockey Club Charities Trust and the Lord Wilson Heritage Trust have been important contributors to the private funding for heritage conservation.

⁵⁵ See Development Bureau (2007e).

Hong Kong Jockey Club Charities Trust

4.7.4 The Hong Kong Jockey Club Charities Trust was established in 1993 to serve four principal areas of civic and social need: medical and health, community services, education and training, and sports, recreation and culture. As to the cultural activities, the Trust has funded several heritage conservation programmes, such as providing grants for wall restoration at Lo Wai in 1997 and restoring the Hung Shing Temple in 1999. In October 2007, the Trust announced its proposal of providing HK\$1.8 billion to fund the renovation of the disused 19th-century Central Police Station Compound and transforming it into a heritage, arts, cultural, and tourism hub. The Trust also plans to fund any recurrent deficit incurred by the hub during the initial years of operation.

Lord Wilson Heritage Trust

4.7.5 The Lord Wilson Heritage Trust was established in December 1992, following the enactment of an ordinance bearing the same name (Cap. 425). The Trust aims to achieve its objectives of preserving and conserving the heritage of Hong Kong through funding research activities and other supporting projects of the following nature:

- (a) identification, restoration and refurbishment of relics, antiquities, monuments and other historical, archaeological and palaeontological objects, sites or structures in Hong Kong;
- (b) provision of facilities at antiquities, monuments, and historical and archaeological sites or structures in order to facilitate public access to and appreciation of such sites or structures;
- (c) aural, visual and written recording of sites of historic interest, traditional ceremonies and other aspects of human heritage of Hong Kong;
- (d) publication of books, papers and periodicals, and production of tapes, compact discs and other articles relating to the objects of the Trust;
- (e) holding of exhibitions and conferences relating to the objects of the Trust;
- (f) educational activities which increase awareness of and interest in human heritage of Hong Kong; and
- (g) any other activities which promote the objects of the Trust.

4.7.6 In 2006, the Lord Wilson Heritage Trust granted about HK\$3.5 million to support 13 heritage-related activities and research projects. The Trust also launched the Lord Wilson Scholarship Scheme in 2005 to award scholarships to scholars to carry out research projects on local archaeology. In 2006, one research fellow and one post-graduate student were awarded scholarships to conduct archeology-related research projects.

4.8 Public participation in heritage conservation

4.8.1 While the Government has encouraged public participation in heritage conservation through the launch of educational and publicity programmes, the membership of the Antiquities Advisory Board is another avenue for public participation in heritage conservation. On the public's own initiative, there are a number of voluntary organizations established to lobby the Government on heritage preservation policies and organize conservation-related activities.

Educational and publicity programmes

4.8.2 The Development Bureau launched a three-month public awareness campaign in January 2008 to invite members of the public to take part in exhibitions, seminars and guided tours to enhance their awareness and appreciation of Hong Kong's heritage. It has also set up a new webpage on heritage conservation to enhance dissemination of heritage conservation information and promote exchanges of views.

4.8.3 For the Antiquities and Monuments Office, it has organized a wide range of activities, such as exhibitions, seminars and workshops, to educate the community and raise awareness of Hong Kong's historic heritage. In addition, it has developed a number of heritage trails to link monuments and significant historical buildings or sites located within walking distance of each other⁵⁶.

⁵⁶ These heritage trails include the Ping Shan Heritage Trail, the Lung Yuek Tau Heritage Trail and the Central and Western Heritage Trail.

4.8.4 In addition, the Antiquities and Monuments Office has set up the Hong Kong Heritage Awards to recognize and encourage the achievements of individuals, schools or organizations in heritage conservation and the related education and promotion in Hong Kong. The Office also operates the Friends of Heritage Scheme and the Young Friends of Heritage Scheme to encourage public participation in heritage conservation. The Friends of Heritage Scheme is an educational programme aiming at enhancing awareness of Hong Kong's historic heritage through the recruitment and training of heritage enthusiasts for voluntary work. For the Young Friends of Heritage Scheme, it aims at educating recruited secondary students with professional knowledge on heritage conservation through training programmes and activities. After training, these students would become Young Friends of Heritage and participate in various heritage promotional activities and voluntary work.

4.8.5 The Antiquities and Monuments Office has also established various communication channels to distribute information on Hong Kong's heritage. There are three main communications channels, namely:

- (a) newsletters published by the Office with a print run of 10 000 copies for each issue;
- (b) website maintained by the Office with over 150 pages covering subjects, such as built heritage, adaptive re-use of historic buildings, archaeology and heritage education; and
- (c) collaboration with the press, including the print and electronic media, to disseminate information on Hong Kong's heritage.

Antiquities Advisory Board

4.8.6 The Antiquities Advisory Board established under Section 17 of the A&M Ordinance is a statutory board that provides advice for the Antiquities Authority. The Board currently comprises the chairman and 25 members coming from various fields and professions in the community, including academics, architects and planners.

Voluntary organizations

4.8.7 In Hong Kong, there are a number of voluntary organizations dedicated to the protection of the environment and the conservation of natural and cultural heritage. They engage in heritage-related activities such as advocating appropriate policies, monitoring government activities, promoting environmental education and taking a lead in community education. Ad hoc citizen groups have also been formed in recent years to lobby the Government on specific development plans or historic buildings.

4.8.8 Professional bodies, such as the Hong Kong Institute of Planners and the Hong Kong Institute of Architects, are often involved in providing proposals on how to conserve Hong Kong's cultural heritage. In particular, they often prepare submissions in response to the consultations conducted by government authorities to solicit public views on heritage conservation.

Chapter 5 – Analysis

5.1 Introduction

5.1.1 The key features of the built heritage conservation policies adopted by Australia, Macao and Hong Kong are summarized in the Appendix. Based on the findings in this study, the following issues are highlighted for Members' deliberation on the development of the built heritage conservation policies in Hong Kong:

- (a) institutional arrangements and legal framework for heritage conservation;
- (b) classification of historic assets;
- (c) scope of protection;
- (d) protection of listed historic assets;
- (e) tax and planning incentives to encourage heritage conservation;
- (f) funding mechanism;
- (g) establishment of heritage trusts; and
- (h) public participation in heritage conservation.

Institutional arrangements for heritage conservation

5.1.2 Australia has adopted a three-tier system for the identification, conservation and protection of historic heritage places. The Commonwealth government focuses on heritage of national significance, with the Department of the Environment, Water, Heritage and the Arts being tasked with the formulation and implementation of national policies, programmes and legislation to protect Australia's cultural heritage. Meanwhile, state and territory governments handle heritage of state significance through the establishment of Heritage Offices to help implement the heritage conservation policies. As to the local governments, they cater for heritage of local significance. In particular, local governments have jurisdictions over the majority of planning decisions, and it is in this area that they play a vital role in heritage conservation through incorporating heritage matters in the planning and land use policies.

5.1.3 The institutional arrangements for heritage protection are relatively simple in Macao. The Cultural Affairs Bureau is the principal government body responsible for the formulation and implementation of cultural policies in Macao. The Bureau has established the Cultural Heritage Department as its executive arm for classifying, restoring and renovating Macao's cultural heritage.

5.1.4 In comparison, heritage conservation in Hong Kong is carried out by the Development Bureau, which has been established to bring infrastructural development, planning and land use, buildings, urban renewal and development-related heritage conservation under one roof. The Development Bureau is supported by the Commissioner for Heritage's Office and the Antiquities and Monuments Office on the implementation of the heritage conservation policies in Hong Kong. The establishment of the Development Bureau aims at, among other things, achieving a closer interface at the policy level between development and heritage conservation. Such an arrangement also serves to ensure early attention to heritage conservation when implementing development projects.

Legal framework for heritage conservation

5.1.5 In Australia, the Commonwealth Parliament amended the principal conservation legislation – the Environment Protection and Biodiversity Conservation Act 1999 – in September 2003 to introduce new elements into Australia's heritage conservation system. In Macao, the government is embarking on consolidating the two principal conservation laws – Decree Laws No. 56/84/M and No. 83/92/M – into a single act.

5.1.6 In contrast to the latest legislation modifications in Australia and Macao, Hong Kong has maintained its legislative framework for heritage conservation virtually unchanged since the Antiquities and Monuments Ordinance came into effect in 1976. Most recently, the Government has considered the desirability of revamping the Ordinance or introducing a new heritage conservation ordinance to improve the statutory protection of historic assets. At the end, the Government has decided to keep the Ordinance unchanged for the time being.

Classification of historic assets

5.1.7 In Australia, the statutory designations of historic assets are divided into Commonwealth, state and territory, and local levels. Items of significant heritage value to the nation are listed on the Commonwealth and National Heritage Lists. Heritage items which provide an important link with states and territories are listed on the state and territory heritage registers, while local heritage items which are significant to local governments are listed on the heritage schedule of the Local Environmental Plan. In Macao, the statutory classified list of historic assets comprises four major items, namely monuments, "buildings of architectonic interest", ensembles and sites.

5.1.8 In comparison, Hong Kong provides just one type of statutory classification of historic heritage. Eighty-four individual buildings, rock carvings, forts and archaeological items in Hong Kong are declared as monuments. Other buildings of special cultural or architectural values are graded by the Antiquities and Monuments Office into three levels to reflect their relative importance. Nonetheless, these graded buildings are vulnerable to demolitions or other development projects since the grading system carries no statutory status in Hong Kong.

Scope of protection

5.1.9 Australia and Macao have seen many examples of preservation in the form of heritage precinct. In Australia, the Commonwealth and National Heritage Lists include not only buildings, gardens, landscapes and archaeological sites, but also areas and regions that have heritage value. In addition, some jurisdictions also recognize the preservation of historic precincts at the state and territory level. In Macao, the designations of monuments and "buildings of architectural interest" serve to protect individual buildings, whereas ensembles and sites represent area-based conservation. In addition, protected areas have also been created around architectural heritage, where there are strict development controls to protect the aesthetics in the vicinity of the protected buildings and monuments.

5.1.10 The focus of Hong Kong's heritage conservation policy were previously on "buildings", rather than on "line" (a street) or "surface" (an area). This approach appears to have changed as the Development Bureau has planned to expand its heritage conservation work beyond individual buildings by embarking on an area-based approach in the older parts of Wan Chai.

Protection of listed historic assets

5.1.11 All the places studied have set out legal provisions governing the protection of listed historic assets. A crucial provision involves the prohibitions against conducting any unauthorized works, such as demolition, alteration, addition, consolidation and/or repair, to these assets.

5.1.12 In addition, Australia and Hong Kong have statutory measures for the protection of unlisted items of significant heritage value. In Australia, an interim heritage order can be served by a state or territory government if there is a threat to demolish or damage a place or building of potential state significance. Once an order is made, the heritage item concerned faces the same development controls as if it were listed on the state or territory heritage register. In Hong Kong, the Secretary for Development, in his or her capacity as the Antiquities Authority under the Antiquities and Monuments Ordinance, can declare a place, building, site or structure as a proposed monument subject to the same protection as prescribed for a declared monument.

Tax incentives

5.1.13 In Hong Kong, there is no tax incentive provided for heritage conservation projects. In contrast, the Macao government has put in place a number of tax incentives to encourage private participation in heritage conservation. Same as Macao, the Australian government has introduced various tax concessions to encourage the public to share the government's burden of heritage conservation. For example, heritage valuation, i.e., valuation of a heritage building with restricted development potentials (rather than its highest and best use) can be adopted in assessing property tax. Some states and territories also allow for (a) tax deductibility of donations to heritage trusts, and (b) property tax and rate rebate for undertaking maintenance and conservation works to listed properties.

Planning incentives

5.1.14 In Hong Kong and Macao, planning incentives (such as land exchange) have been employed by the relevant government authorities to encourage preservation of privately-owned historic properties. However, there is no standing arrangement in these two places for awarding the planning incentives, and each case has to be considered on individual circumstances.

5.1.15 Contrary to Hong Kong and Macao, Australia has established formal mechanisms to provide incentives to heritage conservation through planning instruments such as transfer of development rights and additional plot ratio. For example, state and territory legislation empowers most local planning authorities to relax planning and building requirements (e.g. parking requirements) to encourage use or conservation of a heritage site. At the city level, the City of Sydney operates the Heritage Floor Space Scheme under which an owner of a historic property is allowed to sell unused development rights in return for undertaking approved conservation works. The City of Perth operates a similar scheme which allows transfer of development rights from heritage sites.

Funding mechanism

5.1.16 In Hong Kong and Macao, heritage conservation is financed by government funding and private donations. Lottery funding has also been an important avenue for financing heritage conservation in Macau, where the gaming operators are required to contribute 1.6% of their gross revenue to a statutory body – the Macao Foundation – for social, cultural and economic development in the city.

5.1.17 In comparison, Australia's heritage conservation system is characterized by the availability of a wider range of funding sources for the protection and management of historic properties. Apart from the annual government appropriations, the Commonwealth, state and territory, and local governments have operated a number of grants and loan schemes to encourage conservation and restoration of historic properties. In particular, the state government of Western Australia runs a lottery corporation and makes use of the net revenue earned to finance, among other things, the conservation of places and objects of significant heritage value.

5.1.18 In Australia, revolving funds have served as another avenue for financing the conservation of historic properties. A revolving fund is typically used for purchasing places in need of conservation, with those places subsequently being refurbished and put up for sale in the market, or lending to individuals or organizations to restore and protect historic properties. The proceeds from the sale or repayment of loans are deposited into the fund for the next project.

Establishment of heritage trusts

5.1.19 In Hong Kong, the Lord Wilson Heritage Trust was established in 1992 as a statutory body to provide funding support for community organizations and individuals to conduct heritage-related activities and research projects. In Macao, the Oriente Foundation was established in 1988 to provide financial support for the restoration of unique buildings of significant heritage value. In contrast to Hong Kong and Macao, Australia's private heritage trusts feature more prominently in the conservation and management of historic assets.

5.1.20 In Australia, the Commonwealth, state and territory governments have established statutory heritage trusts to help conserve historic heritage places. In addition, there are a number of non-government heritage trusts established throughout the country to manage historic properties, lobby for heritage preservation policies and organize conservation activities. Of particular importance are the National Trusts established throughout Australia for the conservation of cultural heritage and the built environment in the country. Together they enlist a membership of more than 80 000 people and own and manage nearly 280 historic properties, of which about 180 are open to the public. The operation of these National Trusts are financed by a number of funding sources, including membership fees, sponsorship and business support, admission fees from the properties owned or managed, government grants, bequests and revenue from investments.

Public participation in heritage conservation

5.1.21 All the places studied have established heritage-related advisory committees with representatives from the general public and professionals sitting on the committees. They have also introduced various educational and publicity programmes to educate the community and raise awareness of conservation of historic heritage. In addition, state and territory governments in Australia provide advisory services to owners of historic properties on how to conserve their properties. Such advisory services are normally rendered networks of publicly-funded, regionally-based heritage advisors. Apart from the regional heritage advisory services, most state and territory governments also provide educational materials and organize seminars and workshops for heritage property owners.

5.1.22 In Australia, the general public can nominate a place to be included in the Commonwealth and National Heritage Lists. Furthermore, most state and territories allows any person or body to nominate an item to be listed on the state or territory heritage register. The new heritage conservation law to be enacted by the Macao government also aims at introducing administrative procedures which allow for public involvement in the identification of cultural heritage. In contrast, the identification of cultural heritage in Hong Kong is principally government-initiated. There is no official mechanism for the public to launch a request for designating a historic building as a monument.

Appendix

Key features of the built heritage conservation policies adopted by Australia, Macao and Hong Kong

| | Australia | Macao | Hong Kong |
|-----------------------------------|--|--|--|
| Institutional arrangements | | | |
| Policy formulation | <ul style="list-style-type: none"> A three-tier system has been introduced for the formulation of heritage conservation policies. The Commonwealth government focuses on heritage of national significance. State and territory governments handle heritage of state significance, while local governments cater for heritage of local significance. | <ul style="list-style-type: none"> The Cultural Affairs Bureau is the principal government body for the formulation of heritage conservation policies. The bureau is also entrusted with developing regulations and guidelines to ensure the public enjoyment of Macao's historic, architectural and cultural heritage. | <ul style="list-style-type: none"> The Development Bureau is the responsible policy bureau established with the objectives of enhancing the Government's heritage work and striking a balance between development and conservation. The bureau oversees the planning, lands and works portfolios, while taking up the heritage policy responsibility transferred from the Home Affairs Bureau. The bureau is assisted by the Commissioner for Heritage's Office, which provides a focal point of coordination for public participation, adaptive re-use and repair of historic buildings, as well as overseas networking. |
| Policy implementation | <ul style="list-style-type: none"> At the central level, the Heritage Division of the Department of the Environment, Water, Heritage and the Arts is responsible for identification, assessment, protection and management of historic assets. Most state and territory governments have established their respective Heritage Offices to implement the heritage conservation policies. At the local level, local planning authorities conserve heritage places through their jurisdictions over the planning and land use decisions. | <ul style="list-style-type: none"> The Cultural Heritage Department is the executive arm of the Cultural Affairs Bureau for classifying, restoring and renovating Macao's cultural heritage. Specifically, the department is tasked with: <ul style="list-style-type: none"> (a) evaluating plans and proposals relating to the listing, study, classification and protection of Macao's cultural heritage; and (b) assisting in the development of heritage conservation guidelines. | <ul style="list-style-type: none"> The Antiquities and Monuments Office was established in 1976 to implement the Antiquities and Monuments (A&M) Ordinance. As the executive arm for heritage conservation, the office operates within the Leisure and Cultural Services Department to research, identify, conserve and maintain heritage items and carry out various educational and publicity programmes. |

Appendix (cont'd)

Key features of the built heritage conservation policies adopted by Australia, Macao and Hong Kong

| | Australia | Macao | Hong Kong |
|-----------------------------------|---|---|---|
| Legislative framework | | | |
| Major conservation legislation | <ul style="list-style-type: none"> Enacted in 1999, the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) provides for the creation of the Commonwealth and National Heritage Lists to identify places of outstanding or significant heritage significance to the nation. The Act also sets out the criteria for the listing of places on the Commonwealth and National Heritage Lists as well as the management and protection arrangements for places included in these two statutory lists. | <ul style="list-style-type: none"> Enacted in 1984, Decree Law No. 56/84/M sets out the functions and powers of the Cultural Heritage Department. It also categorizes Macao's historic assets into monuments, ensembles and sites. Enacted in 1992, Decree Law No 83/92/M designates "buildings of architectonic interest" as another category of historic asset subject to statutory protection. | <ul style="list-style-type: none"> Enacted in 1971, the A&M Ordinance empowers the Antiquities Authority (currently the Secretary for Development) to declare any place, building, site or structure as a monument for statutory protection. The A&M Ordinance also governs the application of licences for searching for or excavating antiquities, the provision of government grants for preservation, maintenance or restoration of monuments, and the granting of compensations to owners of declared monuments. |
| Heritage protection system | | | |
| Classification of historic assets | <ul style="list-style-type: none"> There are many different lists or registers of historic assets in Australia, including the Commonwealth and National Heritage Lists, state and territory heritage registers, and local government lists. | <ul style="list-style-type: none"> Macao's historic assets are categorized into four major groups, namely monuments, "buildings of architectonic interest", ensembles and sites. | <ul style="list-style-type: none"> Hong Kong's historic assets are classified into two major groups – declared and proposed monuments and graded buildings – to reflect their relative importance. |

Appendix (cont'd)

Key features of the built heritage conservation policies adopted by Australia, Macao and Hong Kong

| | Australia | Macao | Hong Kong |
|---|---|---|---|
| Protection of listed and graded historic assets | <ul style="list-style-type: none"> The EPBC Act prohibits conducting any unauthorized works to the places listed on the Commonwealth and National Heritage Lists. The Act also prescribes other statutory protection measures, such as the emergency listing of unlisted places that may have heritage value. State and territory governments have put in place various statutory measures to protect places listed on the state and territory heritage registers. Protection of locally significant historic places is normally implemented through development controls set out in the local planning schemes. | <ul style="list-style-type: none"> Decree Laws No. 56/84/M and No. 83/92/M set out the development controls governing demolition, alteration, addition, consolidation, repair or other construction activities carried out on classified historic assets in Macao. | <ul style="list-style-type: none"> Under the A&M Ordinance, no one is allowed to demolish, alter or interfere with declared and proposed monuments unless he or she obtains a permit from the Antiquities Authority. The Environmental Impact Assessment Ordinance requires developers to conduct an environmental impact assessment for development projects that may pose detrimental influence to any heritage and to undertake mitigation measures if necessary. Graded buildings are not under any protection since the grading system carries no statutory status. |
| Approach for heritage protection | | | |
| Scope of protection | <ul style="list-style-type: none"> Australia conserves not only buildings, monuments, gardens, landscapes and archaeological sites, but also areas and regions that have heritage value. | <ul style="list-style-type: none"> Macao conserves not only individual historic buildings, but also an entire district around a central square or along a street. | <ul style="list-style-type: none"> Hong Kong until most recently focused mainly on conservation of individual buildings. The Development Bureau has planned to adopt an area-based approach in the conservation of older parts of Wan Chai. |

Appendix (cont'd)

Key features of the built heritage conservation policies adopted by Australia, Macao and Hong Kong

| | Australia | Macao | Hong Kong |
|---|--|--|---|
| Adaptive re-use of historic buildings | Applicable to all | | |
| Public-private partnership in heritage conservation | Applicable to all | | |
| Others | <ul style="list-style-type: none"> Active participation of private heritage trusts in managing historic properties, lobbying for heritage preservation policies and organizing conservation activities. Provision of tax incentives for heritage conservation. | <ul style="list-style-type: none"> Integration of heritage conservation with tourism policies. Provision of tax incentives for heritage conservation. | <ul style="list-style-type: none"> Establishment of the Development Bureau to ensure a closer interface at the policy level between development and conservation. |
| Incentives available for heritage conservation | | | |
| Economic incentives | <ul style="list-style-type: none"> Various tax concessions have been introduced to encourage the public to share the government's burden of heritage conservation. | <ul style="list-style-type: none"> Various tax incentives have been put in place to encourage private participation in heritage conservation. | <ul style="list-style-type: none"> There is no tax incentive provided for heritage conservation projects. |
| Planning incentives | <ul style="list-style-type: none"> The existing state and territory legislation allows most local planning authorities to relax planning and building requirements to encourage the use or conservation of a heritage site. The Cities of Sydney and Perth operate schemes which allow the transfer of development rights from heritage sites. | <ul style="list-style-type: none"> Land exchange has been adopted as a measure to encourage conservation of private historic buildings. There is no standing arrangement for awarding the planning incentives. | <ul style="list-style-type: none"> Planning incentives have been provided by the Government to encourage conservation of historic buildings. There is no standing arrangement for awarding the planning incentives. |

Appendix (cont'd)

Key features of the built heritage conservation policies adopted by Australia, Macao and Hong Kong

| | Australia | Macao | Hong Kong |
|--|--|--|---|
| Funding mechanism | | | |
| Sources of funding | <ul style="list-style-type: none"> Primarily financed by: <ol style="list-style-type: none"> government appropriations; grants and/or loans provided by the Commonwealth government as well as state, territory and local governments; and revolving funds. | <ul style="list-style-type: none"> Primarily financed by: <ol style="list-style-type: none"> government appropriations; Cultural Fund; Macao Foundation; and Oriente Foundation. | <ul style="list-style-type: none"> Primarily financed by: <ol style="list-style-type: none"> government appropriations⁽¹⁾; Hong Kong Jockey Club Charities Trust; and Lord Wilson Heritage Trust. |
| Public participation in heritage conservation | | | |
| Implementation of educational and publicity activities | Applicable to all | | |
| Advising the government on heritage matters | <ul style="list-style-type: none"> Yes, the general public sits on the Heritage Councils and the Heritage Advisory Committees established by the state, territory and local governments respectively for providing advice on heritage matters. | <ul style="list-style-type: none"> Yes, the general public sits on the Cultural Consultative Committee established by the government to advise it on the cultural policies. | <ul style="list-style-type: none"> Yes, the general public sits on the Antiquities Advisory Board established by the Government to advise it on the declaration of monuments and heritage matters. |
| Other arrangements | <ul style="list-style-type: none"> The government invites the general public to comment on development proposals affecting listed historic assets. Any member of the public can nominate a place to be included in the Commonwealth and National Heritage Lists or the state and territory heritage registers. | <ul style="list-style-type: none"> Information not available. | <ul style="list-style-type: none"> Involvement of voluntary organizations and professional bodies in heritage conservation. |

Note: (1) Apart from the annual appropriations, the Chief Executive announced in his 2007-2008 Policy Address to earmark HK\$1 billion for implementing the "Revitalizing Historic Buildings through Partnership Scheme".

References

Australia

1. Aplin, G. (2002) *Heritage: Identification, Conservation and Management*. Oxford University Press.
2. Ashton, P. & Cornwall, J.L. (2006) Corraling Conflict: The Politics of Australian Federal Heritage Legislation Since the 1970s. *Public History Review*, Vol. 13, pp.53-65.
3. Australian Council of National Trusts. (2007) *Financial Report for the Year ended 30 June 2007*. Available from: <http://www.nationaltrust.org.au/documents/financialstatements-audit2007.doc> [Accessed 6 June 2008].
4. *Australian Heritage Council Act 2003*. Available from: [http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/DF321FF9F9C46AB6CA25728200839169/\\$file/AusHeriCouncAct2003.pdf](http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/DF321FF9F9C46AB6CA25728200839169/$file/AusHeriCouncAct2003.pdf) [Accessed 6 June 2008].
5. Australian Taxation Office. (2005) *GiftPack – for Deductible Gift Recipients & Donors*. Available from: <http://ato.gov.au/nonprofit/content.asp?doc=/content/18699.htm> [Accessed 6 June 2008].
6. Australian Taxation Office. (2006) *Deductible Gift Recipients Listed by Name in the Tax Law*. Available from: <http://www.ato.gov.au/nonprofit/content.asp?doc=/content/31654.htm> [Accessed 6 June 2008].
7. Chan, E. et al. (2004) International Comparative Study of Scheme For Conserving Built Heritage. In: *CRIOCM 2004 International Research Symposium on "Advancement of Construction Management and Real Estate"*. 6-7 December, Hong Kong.
8. City of Sydney. (2007) *Heritage Floor Space – General Information*. Available from: <http://www.cityofsydney.nsw.gov.au/Development/documents/Heritage/HeritageFloorspaceInfoBrochure.pdf> [Accessed 6 June 2008].
9. Commonwealth of Australia. (2006) *Gazette No. S 56: Inclusion of a Place in the National Heritage List*. Available from: [http://www.icdr.gov.au/portal/govgazonline.nsf/1076EC5348B14EBCCA25714F001CF8BF/\\$file/S%2056.pdf](http://www.icdr.gov.au/portal/govgazonline.nsf/1076EC5348B14EBCCA25714F001CF8BF/$file/S%2056.pdf) [Accessed 6 June 2008].

10. Department of the Environment and Heritage. (2001) *Nature and Cultural Heritage Theme Report*. Available from: <http://www.environment.gov.au/soe/2001/publications/theme-reports/heritage/index.html> [Accessed 6 June 2008].
11. Department of the Environment and Heritage. (2004) *Adaptive Reuse: Preserving our Past, Building our Future*. Available from: <http://www.environment.gov.au/heritage/publications/protecting/adaptive.html> [Accessed 6 June 2008].
12. Department of the Environment and Heritage. (2006a) *Australia State of the Environment 2006*. Available from: <http://www.environment.gov.au/soe/2006/publications/report/index.html> [Accessed 6 June 2008].
13. Department of the Environment and Heritage. (2006b) *The National Heritage List – Who can Nominate and how?*
14. Department of the Environment and Water Resources. (2006a) *Australia's New Heritage Laws – Key Features*.
15. Department of the Environment and Water Resources. (2006b) *Australia's New Heritage Laws – What's New?*
16. Department of the Environment and Water Resources. (2006c) *Heritage and the Environment Protection and Biodiversity Conservation Act 1999*.
17. Department of the Environment and Water Resources. (2006d) *Why Change Australia's Heritage Legislation*.
18. Department of the Environment and Water Resources. (2007a) *About the EPBC Act – Frequently Asked Questions*.
19. Department of the Environment and Water Resources. (2007b) *Annual Report 2006-07*. Available from: <http://www.environment.gov.au/about/publications/annual-report/06-07/outcome1-heritage.html> [Accessed 6 June 2008].
20. Department of the Environment and Water Resources. (2007c) *Australia's Environment and Heritage Grants Guide*. Available from: <http://www.environment.gov.au/programs/publications/guide/pubs/grants-booklet.pdf> [Accessed 3 January 2008].
21. Department of the Environment and Water Resources. (2007d) *Environment Budget Overview 2006-07*. Available from: <http://www.environment.gov.au/about/publications/budget/2007/ebo/index.html> [Accessed 6 June 2008].

22. Department of the Environment and Water Resources. (2007e) *Environment Protection and Biodiversity Conservation Act 1999*. Available from: <http://www.environment.gov.au/epbc/publications/pubs/epbc-act-guide.pdf> [Accessed 6 June 2008].
23. Department of the Environment and Water Resources. (2007f) *EPBC – Environment Assessment Process*. Available from: <http://www.environment.gov.au/epbc/publications/pubs/assessment-process.pdf> [Accessed 6 June 2008].
24. Department of the Environment and Water Resources. (2007g) *EPBC Act, Regulations and Amendments*. Available from: <http://www.environment.gov.au/epbc/about/history.html> [Accessed 3 January 2008].
25. Department of the Environment and Water Resources. (2007h) *Heritage Laws: Overview*.
26. Department of the Environment and Water Resources. (2007i) *National Heritage: How Places are Listed*.
27. Department of the Environment and Water Resources. (2007j) *Types of "Legal Status" for each Heritage List*. Available from: <http://www.environment.gov.au/heritage/ahdb/legalstatus.html> [Accessed 6 June 2008].
28. Department of the Environment, Water, Heritage and the Arts. (2007a) *EPBC – Protecting Heritage Places*. Available from: <http://www.environment.gov.au/epbc/publications/pubs/heritage.pdf> [Accessed 6 June 2008].
29. Department of the Environment, Water, Heritage and the Arts. (2007b) *Heritage List Criteria and Thresholds*. Available from: <http://www.environment.gov.au/heritage/publications/about/pubs/criteria.pdf> [Accessed 6 June 2008].
30. Department of the Environment, Water, Heritage and the Arts. (2007c) *Historic Heritage: Frequently Asked Questions*. <http://www.environment.gov.au/heritage/publications/about/pubs/historic-faq.pdf> [Accessed 6 June 2008].
31. *Department of the Environment, Water, Heritage and the Arts*. (2008) Available from: <http://www.environment.gov.au/index.html> [Accessed 6 June 2008].

-
-
32. Department of the Environment, Water, Heritage and the Arts. (2008a) *Australia's Heritage Lists – Which List is Which?* Available from: <http://www.environment.gov.au/heritage/publications/about/pubs/lists.pdf> [Accessed 6 June 2008].
 33. Department of the Environment, Water, Heritage and the Arts. (2008b) *Heritage Grants and Funding*. Available from: <http://www.environment.gov.au/heritage/programs/index.html> [Accessed 6 June 2008].
 34. Department of the Environment, Water, Heritage and the Arts. (2008c) *Hermannsburg Historic Precinct*. Available from: <http://www.environment.gov.au/heritage/places/national/hermannsburg/index.html> [Accessed 6 June 2008].
 35. Department of the Environment, Water, Heritage and the Arts. (2008d) *Register of the National Estate*. Available from: <http://www.environment.gov.au/heritage/places/rne/index.html> [Accessed 6 June 2008].
 36. Department of Tourism, Arts and the Environment. (Undated) *The Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. Available from: http://www.environment.tas.gov.au/em_commonwealth_environment_protection_biodiversity_conservation_act_1999.html [Accessed 6 June 2008].
 37. *Environment Protection and Biodiversity Conservation Act 1999*. Available from: <http://www.frl.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/31F5646F4E2C1D20CA25728F0017A803?OpenDocument> [Accessed 6 June 2008].
 38. Environment Protection and Heritage Council. (2004) *Making Heritage Happen: Incentives and Policy Tools for Conserving our Historic Heritage*. Available from: <http://www.ephc.gov.au/pdf/heritage/MakingHeritageHappen0107.pdf> [Accessed 6 June 2008].
 39. Environment Protection and Heritage Council. (2005) *Revolving Funds for Historic Heritage*. Available from: http://www.ephc.gov.au/pdf/EPHC/Revolving_Heritage_030505.pdf [Accessed 6 June 2008].
 40. Environmental Defender's Office New South Wales (Ltd). (2007a) *Fact Sheet: Commonwealth Environmental Assessment Law*. Available from: http://www.edo.org.au/edonsw/site/factsh/fs02_2.php [Accessed 6 June 2008].
 41. Environmental Defender's Office New South Wales (Ltd). (2007b) *Fact Sheet: Commonwealth Heritage Protection Law*. Available from: http://www.edo.org.au/edonsw/site/factsh/fs06_1.php [Accessed 6 June 2008].
-
-

42. Heritage Council of Western Australia. (1999) *Heritage Agreement*. Available from: http://www.heritage.wa.gov.au/pdfs/pubList/section2/heritage_agreement.pdf [Accessed 6 June 2008].
43. Heritage Council of Western Australia. (2005) *Guide to Heritage Agencies and Assistance*. Available from: http://www.heritage.wa.gov.au/pdfs/pubList/section2/Heritage_Agencies.pdf [Accessed 6 June 2008].
44. Lotterywest. (2005) *Conservation of Cultural Heritage Grants*. Available from: <http://www.lotterywest.wa.gov.au/data/portal/00000005/public/86126001079579562158.pdf> [Accessed 6 June 2008].
45. Lotterywest. (2007) *Lotterywest Annual Report 2007*. Available from: <http://www.lotterywest.wa.gov.au/data/portal/00000005/public/67861001189066337816.pdf> [Accessed 6 June 2008].
46. *National Trust of Australia*. (2008) Available from: <http://www.nationaltrust.org.au> [Accessed 6 June 2008].
47. National Trust of Australia (Victoria). (2008) *National Heritage System Introduction*. Available from: <http://www.natrust.com.au/conservation> [Accessed 6 June 2008].
48. NSW Heritage Office. (1996) *A Guide to the Heritage System*. Available from: http://www.heritage.nsw.gov.au/docs/info_heritagesystem.pdf [Accessed 6 June 2008].
49. NSW Heritage Office. (2006) *Heritage Incentive Program 2006-2008*.
50. NSW Heritage Office. (2008a) *Funding: Assistance through other Sources*. Available from: http://www.heritage.nsw.gov.au/02_subnav_02.htm [Accessed 6 June 2008].
51. NSW Heritage Office. (2008b) *Land Tax and Local Rate Rebate Grant for Private Owners*. Available from: http://www.heritage.nsw.gov.au/02_subnav_01_2008_ltr.htm [Accessed 6 June 2008].
52. NSW Heritage Office. (2008c) *Local Heritage*. Available from: http://www.heritage.nsw.gov.au/07_subnav_18.htm [Accessed 6 June 2008].
53. Productivity Commission. (2006) *Conservation of Australia's Historic Heritage Places*. Available from: <http://www.pc.gov.au/inquiry/heritage> [Accessed 6 June 2008].

54. Professional Historians Association (NSW) Inc. (2006) *Submission to Productivity Commission: Conservation of Australia's Historic Heritage Places Draft Report*. Available from: http://www.pc.gov.au/__data/assets/pdf_file/0010/56773/subdr306.pdf [Accessed 3 January 2008].
55. Pruetz, R. (2005) *TDR Case Studies Updated: Sydney, Australia*. Available from: <http://www.beyondtakingsandgivings.com/sydney.htm> [Accessed 6 June 2008].

Macao

56. Chaplain, I. (2002) Urban Regeneration and the Sustainability of Colonial Built Heritage: A Case Study of Macau, China. In Brebbia, C.A. (eds.) *The Sustainable City II: Urban Regeneration and Sustainability*. Southampton, WIT.
57. Chui, H.M. & Tsoi, T.M. (2003) *Heritage Preservation: Hong Kong & Overseas Experiences*. Conservancy Association. Available from: http://www.conservancy.org.hk/heritage/Heritage_Report_eng.pdf [Accessed 6 June 2008].
58. Cook, A. & Hyslop, J. (2000) *Public Spaces, Conservation and Pedestrianisation in Macau*.
59. Cultural Affairs Bureau. (2003) *Cultural Heritage Preservation in Macao*. Available from: <http://www.icm.gov.mo/exhibition/tc/moheriE.asp> [Accessed 6 June 2008].
60. Cultural Affairs Bureau. (2008) Available from: <http://www.icm.gov.mo> [Accessed 6 June 2008].
61. Cultural Affairs Bureau. (Undated) *Updates of the Nomination – the Inscription of the "The Historic Monuments of Macao" on World Heritage List*. Available from: <http://www.macauheritage.net/Education/CycloDE.asp?id=139> [Accessed 6 June 2008].
62. Cultural Institute of Macao. (1997) *Instituto Cultural de Macau*.
63. Cultural Institute of Macao. (2002) *The Conservation of Urban Heritage: Macao Vision*. Available from: <http://www.macauheritage.net/vision/inconfe.asp> [Accessed 6 June 2008].
64. *Decree No. 56/84/M – Defence of the Architectural, Environmental and Cultural Heritage*. Available from: <http://www.macauheritage.net/Decree/law5684mE.asp> [Accessed 6 June 2008].

-
-
65. Decree No. 83/92/M. Available from:
<http://www.macauseritage.net/Decree/law8392mE.asp> [Accessed 6 June 2008].
 66. Durao, L.A. et al. (2004) Asserting an Identity: Cultural Heritage Policy. In: *International Conference on Heritage and Education*. The Antiquities and Monuments Office, Leisure and Cultural Services Department.
 67. Government Information Bureau. (2002) *Macao Yearbook 2002*.
 68. Ho, L. (2008). *Macao Taxation*. Available from:
<http://www.unesco.org.mo/eng/law/12tax.html> [Accessed 6 June 2008].
 69. Home Affairs Bureau. (2004) *Review of Built Heritage Conservation Policy: Consultation Document*. Available from:
<http://www.info.gov.hk/archive/consult/2004/heritage.pdf> [Accessed 6 June 2008].
 70. Kwan, W.Y. (2004) *Heritage Conservation and Urban Regeneration: Promoting Sustainable Tourism and Sustainable Community in Hong Kong: A Case Study of Sheung Wan Fong*. M.Sc. Thesis, University of Hong Kong.
 71. Leisure and Cultural Services Department. (2004) *Heritage Conservation in Macau*. Available from:
http://www.lcsd.gov.hk/CE/Museum/Monument/en/research_20040415_4.php [Accessed 6 June 2008].
 72. *Macao Heritage Net*. (2007) Available from: <http://www.macauseritage.net/> [Accessed 6 June 2008].
 73. Marreiros, C. (1991) Cultural and Architectural Preservation in the Perspective of a Mixed Portuguese and Chinese City. In: *The Future of Hong Kong's Past: A Conference on Development and Heritage Conservation*. 10-11 October, Hong Kong. Recreation and Culture Branch, Hong Kong Institute of Architects and Hong Kong Institute of Planners.
 74. Marreiros, C. (2002) Macao Mixed Architecture and Urbanization. *Review of Culture*, No. 3, pp.7-30.
 75. Planning Department. (2002) *Working Paper No. 9: Built Heritage Preservation*. Available from:
http://www.hk2030.gov.hk/eng/wpapers/pdf/workingPaper_09.pdf [Accessed 6 June 2008].
 76. Statistics and Census Service. (2008) *Monthly Bulletin of Statistics*. April. Available from:
http://www.dsec.gov.mo/index.asp?src=/english/html/e_sitemap.html [Accessed 6 June 2008].
-
-

-
-
77. United Nations Educational, Scientific and Cultural Organization. (2005) *Historic Centre of Macao: Advisory Board Evaluation*. Available from: http://whc.unesco.org/archive/advisory_body_evaluation/1110.pdf [Accessed 6 June 2008].
 78. Wong, S.K. (2001) *Conservation of Architectural Heritage in Tomorrow's City*.
 79. 印務局：《第 26/94/M 號法令：核准文化基金之規則及運作》，網址：http://www.imprensa.macao.gov.mo/bo/i/94/20/decllei26_cn.asp [於 2008 年 6 月 6 日登入]。
 80. 行政暨公職局：《文化基金》，網址：<http://www.safp.gov.mo/external/chin/apm/default.asp?page=outlines> [於 2008 年 6 月 6 日登入]。
 81. 行政暨公職局：《文化諮詢委員會》，網址：<http://www.safp.gov.mo/external/chin/apm/default.asp?page=outlines> [於 2008 年 6 月 6 日登入]。
 82. 行政暨公職局：《第 7/2001 號法律：新基金會的設立》，網址：http://www.safp.gov.mo/legismac-orgtxt/2001/S1/2001_24/LEI07C.htm [於 2008 年 6 月 6 日登入]。
 83. 陳澤成：《澳門的文物古蹟和旅遊政府架構和政策執行》，見《文物與旅遊國際研討會》，1999 年。
 84. 陳澤成：《澳門建築文物的保護政策》，見《建築學報》，1999 年第 12 期。
 85. 陳澤成：《保存城市特色 傳承文化傳統 — 澳門的文物保護工作》，見《中國文化遺產》，2005 年第 3 期。
 86. 澳門文物網：《文化局擬文物保護法修訂案》，2007 年 1 月 31 日，網址：<http://www.macauseritage.net/Trends/NewsC.asp?nid=6786> [於 2008 年 6 月 6 日登入]。
 87. 澳門文物網：《文物保護法規修訂今年完成》，2007 年 3 月 5 日，網址：<http://www.macauseritage.net/Trends/NewsC.asp?nid=6820> [於 2008 年 6 月 6 日登入]。
 88. 澳門文物網：《文物保護法修訂年內完成》，2007 年 7 月 15 日，網址：<http://www.macauseritage.net/Trends/NewsC.asp?nid=7003> [於 2008 年 6 月 6 日登入]。

Hong Kong

89. Antiquities Advisory Board. (2007) *Heritage Building Grading Form*. Available from: http://www.amo.gov.hk/form/AAB_Paper129_queen_annexf_e.pdf [Accessed 6 June 2008].
90. Antiquities and Monuments Office. (2004) *Conference Papers on International Conference: "Heritage and Education"*. Leisure and Cultural Services Department.
91. Antiquities and Monuments Office. (2005a) *Lord Wilson Heritage Trust*. Available from: http://www.lcsd.gov.hk/CE/Museum/Monument/form/lord_wilson_en.pdf [Accessed 6 June 2008].
92. Antiquities and Monuments Office. (2005b) *The Young Friends of Heritage Scheme*. Available from: http://www.lcsd.gov.hk/CE/Museum/Monument/form/yfoh_en.pdf [Accessed 6 June 2008].
93. Antiquities and Monuments Office. (2006) *Progress Report on Education and Publicity*. Available from: http://www.lcsd.gov.hk/CE/Museum/Monument/form/AAB_Paper127_Publicity_e.pdf [Accessed 6 June 2008].
94. *Antiquities and Monuments Office*. (2008) Available from: <http://www.lcsd.gov.hk/CE/Museum/Monument/en/main.php> [Accessed 6 June 2008].
95. Bilingual Laws Information System, Department of Justice. *Antiquities and Monuments Ordinance*. Chapter 53. Hong Kong. Available from: <http://www.legislation.gov.hk/eng/home.htm> [Accessed 6 June 2008].
96. Bilingual Laws Information System, Department of Justice. *Environmental Impact Assessment Ordinance*. Chapter 499. Hong Kong. Available from: <http://www.legislation.gov.hk/eng/home.htm> [Accessed 6 June 2008].
97. Bilingual Laws Information System, Department of Justice. *Urban Renewal Authority Ordinance*. Chapter 563. Hong Kong. Available from: <http://www.legislation.gov.hk/eng/home.htm> [Accessed 6 June 2008].
98. Chan, E. & Yung, E. (2004) Is the development control legal framework conducive to a sustainable dense urban development in Hong Kong? *Habitat International*, pp.409-426.

-
-
99. Chan, E. et al. (2004) International Comparative Study of Scheme For Conserving Built Heritage. In: *CRIOCM 2004 International Research Symposium on "Advancement of Construction Management and Real Estate"*. 6-7 December, Hong Kong.
 100. Chan, Y.W. (2004) *Evaluation Built Heritage Conservation in Hong Kong – Principle and Practice*. M.Sc. Thesis, University of Hong Kong.
 101. Chu, C. & Uebergang, K. (2002) *Saving Hong Kong's Cultural Heritage*. Civil Exchange. Available from: <http://www.civic-exchange.org/publications/2002/Cultural%20Heritage%20Conservation%20E.pdf> [Accessed 7 January 2008].
 102. Chui, H.M & Tsoi, T.M. (2003) *Heritage Preservation: Hong Kong & Overseas Experiences*. Conservancy Association. Available from: http://www.conservancy.org.hk/heritage/Heritage_Report_eng.pdf [Accessed 6 June 2008].
 103. Cody, J. (1999) Transferring development rights in Hong Kong: Five cases implying potential benefits for heritage protection. In *International Conference on Heritage and Education*. The Antiquities and Monuments Office, Leisure and Cultural Services Department.
 104. Conservancy Association. (2005) *Report on Heritage Conservation – We all Gain*. Available from: http://www.harbourdistrict.com.hk/enews/20070218/rpt-lord_wilson_heritage_trust.pdf [Accessed 6 June 2008].
 105. Development Bureau. (2007a) *Brief Remarks by Secretary for Development at the LegCo Panel on Planning, Lands and Works Meeting*. Available from: <http://www.devb.gov.hk/en/secretary/speeches/speech20070724a.htm> [Accessed 6 June 2008].
 106. Development Bureau. (2007b) *Heritage Conservation Policy*. Paper submitted to the Panel on Home Affairs of the Legislative Council for discussion on 2 January 2008. LC Paper No. CB(2)637/07-08(01).
 107. Development Bureau. (2007c) *Heritage-related Initiatives in Old Wan Chai Area*. LC Paper No. CB(2)700/07-08(01).
 108. Development Bureau. (2007d) *Initiatives of Development Bureau in the 2007-08 Policy Address and Policy Agenda*. LC Paper No. CB(2)59/07-07(02).
 109. Development Bureau. (2007e) *Legislative Council Brief – Heritage Conservation Policy*. Available from: [http://www.devb-wb.gov.hk/FileManager/EN/whats_new/LegCo%20Brief%20-%20Heritage%20Conservation%20\(English\).pdf](http://www.devb-wb.gov.hk/FileManager/EN/whats_new/LegCo%20Brief%20-%20Heritage%20Conservation%20(English).pdf) [Accessed 6 June 2008].
-
-

-
-
110. Development Bureau. (2007f) *Revitalising Historic Buildings Through Partnership Scheme (RHBTP Scheme)* Available from: http://www.devb-wb.gov.hk/Heritage_Conservation_/Revitalising_Historic_Buildings_Through_Partnershi/index.aspx?langno=1&nodeID=1847 [Accessed 6 June 2008].
 111. Development Bureau. (2007g) *Speech by SDEV at HKIS Annual Conference*. Available from: <http://www.devb.gov.hk/en/secretary/speeches/speech20071013.htm> [Accessed 6 June 2008].
 112. Development Bureau. (2008) *Speech by SDEV at Launching Ceremony for Publicity Campaign on Heritage Conservation*. Available from: <http://www.info.gov.hk/gia/general/200801/15/P200801150249.htm> [Accessed 6 June 2008].
 113. Fung, A. (2004) Sustainable Development and the Conservation of Natural and Cultural Heritage. In: Mottershead, T. (ed.) *Sustainable Development in Hong Kong*. Hong Kong University Press.
 114. Ho, B. (2000) *Achieving Heritage Conservation in Sustainable Development – Transfer of Development Rights as a Sustainable Solution*. Available from: <http://www.conservancy.org.hk/articles/docs/20000510e.pdf> [Accessed 6 June 2008].
 115. Ho, P. (2004) Opening Keynote Remarks by the Secretary for Home Affairs. In *Heritage Conservation: Opportunities & Challenges Proceedings*. 23 October, Hong Kong.
 116. Home Affairs Bureau. (2001) *Legislative Council Brief – Preservation of Haw Par Mansion*.
 117. Home Affairs Bureau. (2004) *Review of Built Heritage Conservation Policy: Consultation Document*. Available from: <http://www.info.gov.hk/archive/consult/2004/heritage.pdf> [Accessed 6 June 2008].
 118. Home Affairs Bureau. (2007) *Built Heritage Conservation Policy*. Paper submitted to the Panel on Home Affairs of the Legislative Council for discussion on 9 March 2007. LC Paper No. CB(2) 1215/06-07(01).
 119. Hong Kong Special Administrative Region Government. (1999) *The 1999 Policy Address*. Available from: <http://www.policyaddress.gov.hk/pa99/english/espeech.pdf> [Accessed 6 June 2008].
-
-

120. Hong Kong Special Administrative Region Government. (2001) *Press Release: Preservation of Haw Par Mansion*. Available from: <http://www.info.gov.hk/gia/general/200107/20/0720233.htm> [Accessed 6 June 2008].
121. Hong Kong Special Administrative Region Government. (2006a) *Press Release: LCQ6: Built Heritage Conservation Policy*. Available from: <http://www.info.gov.hk/gia/general/200604/26/P200604260198.htm> [Accessed 6 June 2008].
122. Hong Kong Special Administrative Region Government. (2006b) *Press Release: LCQ14: Rating of Historical Buildings*. Available from: <http://www.info.gov.hk/gia/general/200612/06/P200612060159.htm> [Accessed 6 June 2008].
123. Hong Kong Special Administrative Region Government. (2007a) *Estimates for the Year Ending 31 March 2008: Volume 1A – General Revenue Account*. Government Logistics Department.
124. Hong Kong Special Administrative Region Government. (2007b) *Hong Kong 2006*. Government Logistics Department.
125. Hong Kong Special Administrative Region Government. (2007c) *Hong Kong: The Facts – Town Planning*. Available from: http://www.gov.hk/en/about/abouthk/factsheets/docs/town_planning.pdf [Accessed 6 June 2008].
126. Hong Kong Special Administrative Region Government. (2007d) *Press Release: Appointments to Antiquities Advisory Board*. Available from: <http://www.info.gov.hk/gia/general/200701/08/P200701080234.htm> [Accessed 6 June 2008].
127. Hong Kong Special Administrative Region Government. (2007e) *Press Release: LCQ19: Grading Assessment of Antiquities and Monuments*. Available from: <http://www.info.gov.hk/gia/general/200705/16/P200705160189.htm> [Accessed 6 June 2008].
128. Hong Kong Special Administrative Region Government. (2007f) *The 2007 Policy Address*. Available from: http://www.legco.gov.hk/yr07-08/english/panels/0708speech_e.pdf [Accessed 6 June 2008].
129. Hong Kong Special Administrative Region Government. (2008a) *Press Release: Government to declare King Yin Lei and Maryknoll Convent School monuments*. Available from: <http://www.info.gov.hk/gia/general/200801/25/P200801250258.htm> [Accessed 6 June 2008].
-
-

-
-
130. Hong Kong Special Administrative Region Government. (2008b) *Press Release: Government welcomes rezoning amendments for preservation of King Yin Lei*. Available from: <http://www.info.gov.hk/gia/general/200804/25/P200804250128.htm> [Accessed 6 June 2008].
 131. Kwan, W.Y. (2004) *Heritage Conservation and Urban Regeneration: Promoting Sustainable Tourism and Sustainable Community in Hong Kong: A Case Study of Sheung Wan Fong*. M.Sc. Thesis, University of Hong Kong.
 132. Legislative Council Secretariat. (2007a) *Heritage Conservation Policy*. Background brief submitted to the Panel on Home Affairs of the Legislative Council. LC Paper No. CB(2)637/07-08(02).
 133. Legislative Council Secretariat. (2007b) *Re-organization of Policy Bureaux of the Government Secretariat*. Background brief submitted to the Subcommittee on Legislative Amendments Relating to the Proposed Re-organization of Policy Bureaux of the Government Secretariat. LC Paper No. CB(2)1972/06-07(01).
 134. Legislative Council Secretariat. (2007c) *Review of Built Heritage Conservation Policy*. Background brief submitted to the Panel on Home Affairs of the Legislative Council for the meeting on 9 March 2007. LC Paper No. CB(2)1215/06-07(02).
 135. Leisure and Cultural Services Department. (2004) *Heritage Preservation Policy in China and Overseas Countries*. Available from: http://www.lcsd.gov.hk/CE/Museum/Monument/en/research_20040415_3.php [Accessed 2 January 2008].
 136. Li, S. C. (2005) *Building Sustainable Cities: A Comparative Analysis of Heritage Conservation in Hong Kong and Macau*. M.Sc. Thesis, University of Hong Kong.
 137. Lo, J. (1998) *Sustaining Spaces of Collective Memory: Heritage Conservation through Urban Design in Hong Kong: A Case Study of Central District*. M.Sc. Thesis, University of Hong Kong.
 138. Lu, T. (2003) *The Management of Cultural Heritage in Hong Kong*. Hong Kong Institute of Asia-Pacific Studies.
 139. Lynne, A. & Yung, Y. (2006) *Heritage Protection in the Built Environment in Hong Kong and Queensland: A Cross-cultural Comparison*. Available from: http://www.prrs.net/papers/Armitage_Heritage_protection_Hong_Kong_&_Queensland.pdf [Accessed 6 June 2008].
 140. McCabe, K. (1987) The fight to save HK's heritage from skyscrapers. *South China Morning Post*. 4 September.
-
-

141. *Official Records of Proceedings of the Legislative Council*. (1971) 3 November.
142. Planning Department. (2002) *Working Paper No. 9: Built Heritage Preservation*. Available from: http://www.hk2030.gov.hk/eng/wpapers/pdf/workingPaper_09.pdf [Accessed 6 June 2008].
143. Planning Department. (2007) *Hong Kong Planning Standards and Guidelines*. Available from: http://www.pland.gov.hk/tech_doc/hkpsg/english/index.htm [Accessed 6 June 2008].
144. Town Planning Board. (2003) *Statutory Plans: Introduction*. Available from: http://www.info.gov.hk/tpb/index_e.htm [Accessed 7 January 2008].
145. *Technical Memorandum on the Environmental Impact Assessment Process*. Available from: <http://www.epd.gov.hk/eia/legis/memorandum/text1.htm#1> [Accessed 6 June 2008].
146. Wong, O. (2007) HK\$1b set aside for creative conservation. *South China Morning Post*. 11 October.
147. Wong, S.K. (2004) Conservation of Architectural Heritage: The Hong Kong Experience. In: *Heritage Conservation: Opportunities & Challenges Proceedings*. 23 October, Hong Kong.
148. World Wide Fund for Nature Hong Kong. (Undated) *Fact Sheet No. 4: Land Use Planning in Hong Kong*. Available from: <http://www.wwf.org.hk/eng/pdf/references/factsheets/factsheet4.PDF> [Accessed 6 June 2008].
149. 發展局：《立法會：發展局局長在民政事務委員會發言全文》，網址：<http://www.devb.gov.hk/tc/secretary/speeches/speech20080102.htm> [於2008年6月6日登入]。
150. 發展局：《立法會：發展局局長林鄭月娥在立法會民政事務委員會轄下文物保護小組委員會的發言》，網址：<http://www.devb.gov.hk/tc/secretary/speeches/speech20070711.htm> [於2008年6月6日登入]。