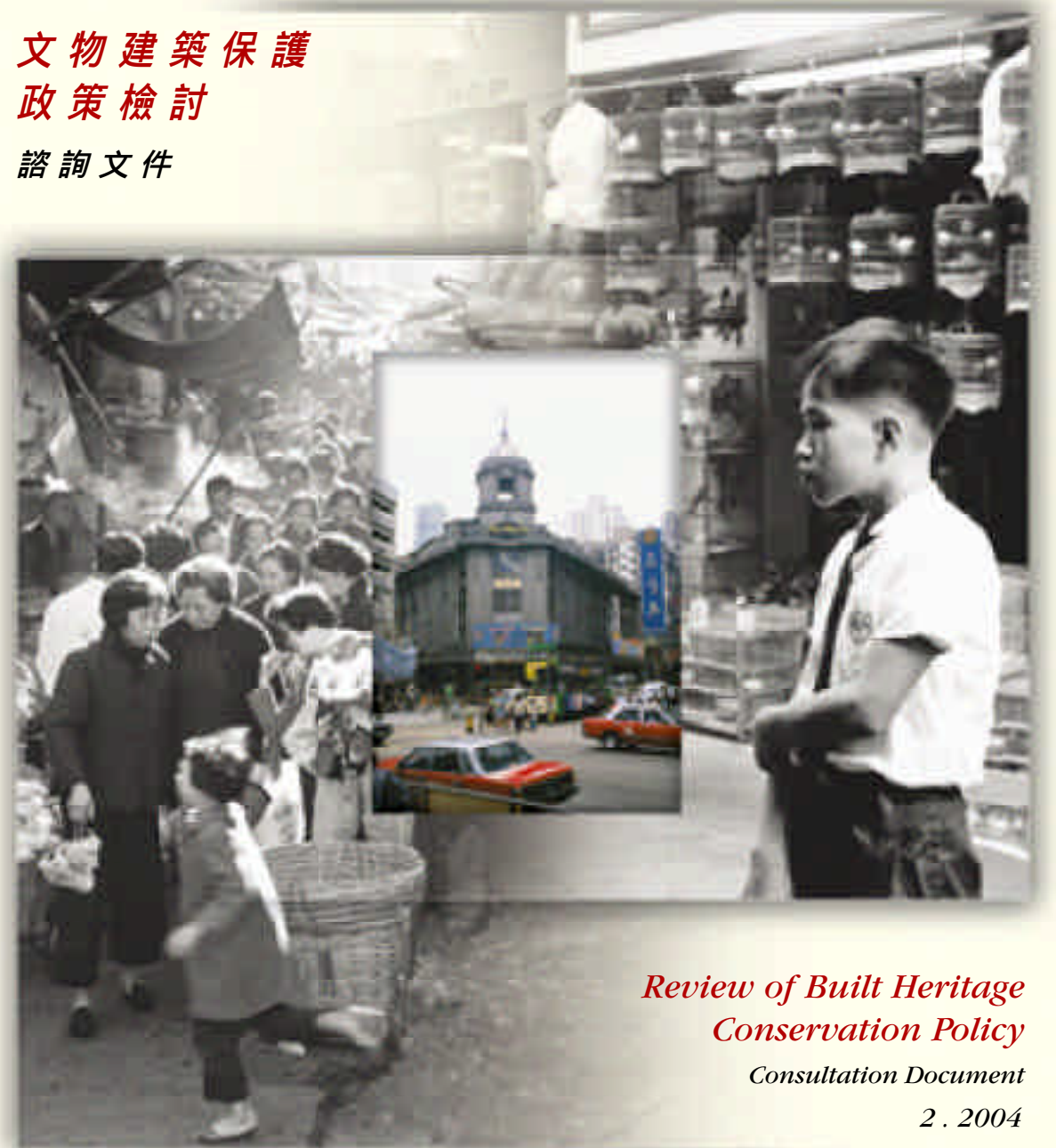


文物建築保護
政策檢討

諮詢文件



*Review of Built Heritage
Conservation Policy*

Consultation Document

2 . 2004

文物建築保護政策檢討



*Review of Built Heritage
Conservation Policy*

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引言

1. 短短一百五十年間，香港由一個細小的鄉村社會發展成為現代化大都會。我們的文化以東西薈萃為主要特色，香港的文物就是我們獨特歷史的見證，無可取代。保護文物可給後代留下文化遺產，展示前人生活，讓我們保留對往日歲月的認識和記憶。保存下來的文物是我們集體記憶的一部分，帶來文化的延續和歸屬感。文物有助界定我們的文化身分，使我們的城市景觀更多彩多姿，讓我們的城市成為更具吸引力的安居樂業之所。它們也是價值不菲的經濟資產，是香港發展文化旅遊不可或缺的元素。

2. 不過，文物保護幾乎都要動用公帑。市民有權知道要保護的是什麼？要用多少公帑？要達到甚麼政策目標？

3. 政府現正檢討保護文物建築的政策，並正就這個重要課題徵詢公眾意見。我們有賴社會人士的意見，以期制定出一套既可豐富我們的文化、有利環保的發展，並且是香港能夠承擔而又確保符合公眾期望的政策。

4. 本諮詢文件以「文物建築」及宏觀政策事項為重點，推行措施將會是另一次諮詢的主題。考古文物將另行處理。本文件內提到的一切「文物」都是指「文物建築」。「保護」一詞泛指對文物的保護行動；「保存」是指除了為防止損害之外，在最少干擾之下保持一處地方的現狀。



敬羅家塾，位於大埔大埔頭村，1998 年列為法定古蹟。修繕工程榮獲聯合國教科文組織亞太區 2001 年文物古蹟保護優異項目獎。

King Law Ka Shuk at Tai Po Tau Tsuen, Tai Po, declared as monument in 1998. Its restoration won an Award of Merit of UNESCO Asia-Pacific Heritage 2001 Awards for Culture Heritage Conservation.

INTRODUCTION

INTRODUCTION

1. In the short span of a century and a half, Hong Kong has grown from a small rural community into a modern metropolis. The main characteristic of our culture lies in the successful blend of East and West. Hong Kong's heritage items are a testimony to our unique past and are irreplaceable. Their conservation provides a legacy for future generations, shows how those before lived, and enables us to retain knowledge and memories of previous ages. Conserved heritage also forms part of our collective memory, which provides a sense of continuity and belonging. Our heritage helps define our cultural identity.



大夫第，位於新田，1987 年列為法定古蹟。
Tai Fu Tai mansion in San Tin, declared as monument in 1987.



松嶺鄧公祠，位於粉嶺龍躍頭，1997 年列為法定古蹟。
Tang Chung Ling Ancestral Hall at Lung Yeuk Tau, Fanling, declared as monument in 1997.

Heritage items add variety to our cityscape, and make our city a more attractive place in which to live and work. They are also a valuable economic asset that is an essential element of Hong Kong's development of cultural tourism.

2. However, heritage conservation almost always entails public expenditure. The public has the right to know what is being conserved, how much public money will be allocated to this work, and what policy objectives are to be achieved?

3. The Government is now reviewing the policy on built heritage conservation and is consulting the public on this important subject. The community's views will help shape a policy that will enrich our culture, enhance environmentally responsible development and ensure that public expectations are met in a way that Hong Kong can afford.

4. This consultation document focuses on 'built heritage' and on broad policy issues. Implementation measures will form the subject of another consultation



舊最高法院，位於中環，外部於 1984 年列為法定古蹟。
The old Supreme Court in Central, the exterior of which was declared as monument in 1984.



香港禮賓府，位於中環上亞厘畢道，1995 年列為法定古蹟。
Government House at Upper Albert Road, Central, declared as monument in 1995.

exercise later. Archaeological heritage will be dealt with separately. All references to 'heritage' in this document mean 'built heritage'. The term 'conservation' refers to heritage protection action in a general sense whereas 'preservation' applies where a place is kept in its existing state with a minimum of interference except to prevent or forestall deterioration.

文物建築保護政策

文物建築保護政策

5. 現行的文物保護政策，是支持和提倡保護香港的文物，它的基本原則是：

- (a) 保護文物而非接管文物。
- (b) 保護與否應取決於建築的文物價值，而不僅是它的歷史長短。
- (c) 應在保護文物的需要與其經濟代價之間取得平衡。
- (d) 應充分顧及私人業權。

BUILT HERITAGE CONSERVATION POLICY

BUILT HERITAGE CONSERVATION POLICY

5. The current heritage conservation policy is to support and promote the conservation of heritage in Hong Kong with regard to the following fundamental principles:

- (a) To conserve but not to take over ownership.
- (b) Conservation should be based on heritage value, not simply the age of a building.
- (c) A balance between conservation needs and economic cost should be maintained.
- (d) Private property rights should be given due regard.



現行做法

現行做法

6. 保護文物的工作包括鑑定有可能列為文物的項目，對有關項目進行評選、宣布、修復、維修保養、活化再利用、闡釋、管理及定期檢討文物保護計劃。
7. 香港的有關賦權法例是《古物及古蹟條例》（香港法例第 53 章）。根據該條例，民政事務局局長是古物事務監督，如他認為某一地方、建築物、地點或構築物因具有歷史、考古或古生物學意義而符合公眾利益，可徵詢古物諮詢委員會意見，並在獲得行政長官批准後，以憲報宣布該處為古蹟，以作保護。
8. 古物諮詢委員會是法定諮詢組織，可就任何與古物或古蹟有關的事宜向古物事務監督提供意見。委員會由行政長官委任的非官方成員組成。古物古蹟辦事處隸屬康樂及文化事務署，是古物事務監督的執行部門，負責文物的研究、鑑定、記錄、保護和維修，並推行各項宣傳及教育活動，如香港文物獎和文物之友計劃。
9. 截至 2003 年 12 月 31 日，香港共有 78 項法定古蹟，其中 60 項為建築物，18 項為石刻、炮台及考古遺址等。在 60 座建築物中，28 座為政府建築物，包括立法會大樓、香港禮賓府、舊三軍司令官邸、終審法院大樓、中區警署、前中央裁判司署及域多利監獄。這些建築物均位處中區黃金地段。非政府擁有的古蹟主要為宗教建築物、校舍或宗族產業。《古物及古蹟條例》載有條文，可讓政府向擁有人提供財政資助，以協助維修有關建築物。這是目前鼓勵擁有人同意政府宣布其物業為古蹟的主要方法。
10. 為了讓公眾認識受保護的文物，政府發展了多條文物徑，如屏山文物徑、龍躍頭文物徑和中西區文物徑，把相鄰的古蹟和重要歷史建築物或遺址串連起來。文物徑自設立以來，吸引了不少本地居民和外地遊客參觀。香港亦憑著滙西洲洪聖古廟、猶太會堂、大埔頭敬羅家塾及香港天主教聖母無原罪主教座堂的修繕工程，獲頒聯合國教育、科學及文化組織亞太區的文物古蹟保護獎項。

CURRENT PRACTICE

CURRENT PRACTICE

6. Heritage conservation involves the identification of potential heritage items, assessment and selection, declaration, restoration, repairs and maintenance, adaptive re-use, interpretation and management, and periodic review of the conservation plan.
7. The enabling legislation in Hong Kong is the Antiquities and Monuments Ordinance, Cap. 53 (the Ordinance). Under the Ordinance, the Secretary for Home Affairs is 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 which he considers to be of public interest by reasons of its historical, archaeological or palaeontological significance to be a monument for protection.
8. The Antiquities Advisory Board is a statutory advisory body that advises the Antiquities Authority on matters relating to antiquities and monuments. It comprises non-official members appointed by the Chief Executive. The Antiquities and Monuments Office of the Leisure and Cultural Services Department is the executive arm of the Antiquities Authority. It researches, identifies, records, conserves and maintains heritage items and also carries out various publicity and educational programmes, e.g. the Hong Kong Heritage Awards and the Friends of Heritage Scheme.
9. As at 31 December 2003, there were 78 declared monuments, of which 60 were buildings and 18 were rock carvings, forts and archaeological sites, etc. Of the 60 buildings, 28 are Government buildings, including the Legislative Council Building, Government House, Flagstaff House, the Court of Final Appeal Building, Central Police Station, the former Central Magistracy and Victoria Prison, all of which occupy prime sites in Central District. Non-government monuments are mainly religious buildings, school buildings or clan properties. There is provision under the Ordinance for the Government to provide financial assistance to owners to help maintain their buildings. At present, this is the main incentive to induce owners to consent to declaration.

11. 社會人士日益支持保護文物。原定計劃拆卸的多幢歷史建築物，如上海街的前水務署抽水站及牛池灣聖約瑟安老院部分建築物，最終在發展商的合作下，配合有創意的設計而受到保護。本港一著名家族亦向政府捐出其家族物業(即深水埗雷生春樓)，以作永久保護。這些重要例子，反映社會人士逐漸認同文物保護在市區發展中的重要性，並越來越積極支持政府保護文物。此外，2001年5月成立以取代土地發展公司的市區重建局，已把文物保護列為市區重建工作的目標之一。

10. To promote conserved heritage, the Government has developed a number of heritage trails such as the Ping Shan Heritage Trail, the Lung Yuek Tau Heritage Trail and the Central and Western Heritage Trail. These trails link monuments and significant historical buildings or sites located within walking distance of each other. Since their establishment, these heritage trails have been well patronised by local residents and overseas tourists. Hong Kong has also won United Nations Educational, Scientific and Cultural Organization Asia-Pacific heritage awards for the restoration of Hung Shing Temple at Kau Sai Chau, Ohel Leah Synagogue, King Law Ka Shuk at Tai Po Tau and The Hong Kong Catholic Cathedral of the Immaculate Conception.

11. At the community level, support for heritage conservation has also increased. A number of historical buildings, such as the former pumping station of the Water Supplies Department in Shanghai Street and some of the buildings in the St. Joseph's Home for the Aged at Ngau Chi Wan, which were originally planned to be demolished, have been successfully conserved through co-operation with, and innovative design by, developers. A well-known local family has also donated its family property (i.e. the Lui Seng Chun Building at Sham Shui Po) to Government for permanent protection. These landmark examples reflect growing recognition of the importance of heritage conservation in urban development and an increasing commitment by the community to support the Government to conserve our heritage. In addition, the Urban Renewal Authority, established in May 2001 to replace the Land Development Corporation, has included heritage conservation as one of the purposes of its urban renewal work.



其他地方的經驗

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12. 從研究多處地方的文物保護經驗所得，各地保護文物的目標、保護的方法及促使文物擁有人合作的激勵方法，都有相近之處，包括：

目標

(a) 確立文化身分及自豪感

各地文物保護的共同目標包括加強國民凝聚力，促進傳統文化的可持續發展，建立國家形象，維持國民的團結精神，以及加強人民的歸屬感。

(b) 因時制宜，豐富社會、文化及經濟生活

文物保護在於因時制宜，而不是一成不變，以期改善歷史環境，以及拓展公共空間，供市民享用。在很多例子中，文物保護與旅遊業相輔相成，對零售業、飲食業及其他與旅遊相關的行業都有積極作用。

保護文物的方法

13. 一般做法是因應情況及需要，以不同方法保護文物。對極具歷史價值的建築物，會訂立十分嚴謹的保護要求，至於具有特殊文化背景或特色的地方，在進行保護時會較為寬鬆。這樣便切實平衡了保護與發展的需要。我們研究過多個地方（即倫敦、紐約市、新加坡和澳門）的做法，並把有關結果摘錄在附件內。

激勵方法

14. 各地通常都設有一些激勵方法或阻嚇措施，促使文物擁有人合作保護文物或遵守保護文物的規定，包括提供資助或貸款以協助擁有人維修歷史建築物，規劃管制或罰則，豁免某些法例的規定（例如：建築物規例的現行標準及要求、規劃規例關於特定用途或提供如泊車位等設施的規定），就保護歷史建築提供免費專業意見及技術協助，稅收抵免或物業稅／遺產稅寬免，協助安置租戶，轉移發展權，即擁有人或發展商可以把受保護建築物未行使的發展權轉移到另一地點等。

EXPERIENCE ELSEWHERE

EXPERIENCE ELSEWHERE

12. A study of conservation experience in a number of places has found that in general they share similar traits in the objectives of conserving heritage, conservation methods and incentives used to induce owners' co-operation. A summary of observations is given below:

Objectives

(a) To foster cultural identity and pride

Enhancement of national cohesion, promotion of sustainable development of traditional culture, building national image, maintaining national 'team spirit', and enhancing people's sense of belonging are common objectives of heritage conservation.



中區警署，位於中環荷李活道，1995 年列為法定古蹟。
Central Police Station Compound at Hollywood Road, Central, declared as monument in 1995.

(b) To manage change for the enrichment of social, cultural and economic life

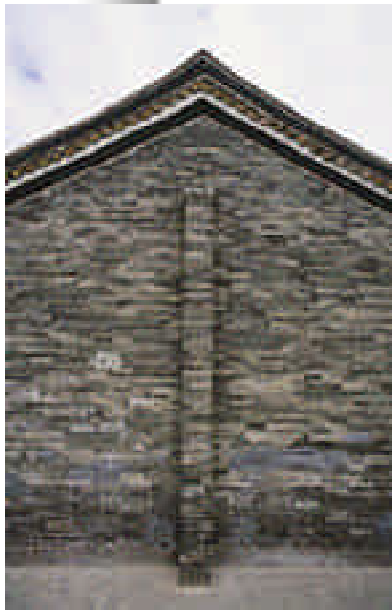
Conservation is about managing but not preventing change. The aim is to enhance the historical environment and to develop public spaces for community enjoyment. In many cases, heritage conservation works in partnership with the tourism industry to create a positive impact on the retail, catering and other tourism-related industries.

Methods of conservation

13. A common practice is the use of different conservation methods to deal with varying situations and needs. For extremely meritorious historical buildings, very stringent requirements on conservation are imposed, while more flexible requirements are adopted to conserve areas with a special cultural setting or character. In this way a practical balance is struck between the need for conservation and the need for development. We have looked at the practice in several places (i.e. London, New York City, Singapore and Macau) and a summary of our findings is at Annex.

Incentives

14. Some forms of incentives or deterrents are usually deployed to induce owners' co-operation in, or compliance with, heritage conservation. These include financial grants or loans to assist owners to upkeep their historical buildings, planning controls or penalties, waiver of requirements for conforming to certain statutory regulations (e.g. building regulations on current standards and requirements, planning regulations on zoned uses or provision of certain facilities such as car parking spaces), provision of free professional advice and technical assistance for conservation of historical properties, tax credits or exemption from property tax/inheritance taxes, assistance to relocate tenants, transfer of development rights where owners or developers can transfer the unused development rights of a conserved building to another non-adjoining site, etc.



香港面臨的挑戰

香港面臨的挑戰

15. 香港的情況怎麼樣？我們面臨著甚麼挑戰？在檢討的過程中，我們發現有以下的挑戰：

(a) 大部分市民同意我們應保護文物。不過，對於保護文物的目的及甄選文物的準則，大家的意見不盡相同。我們應否單憑建築物的歷史悠久或外貌美觀而給予保護？我們又應否因某一建築物或地方屬於我們集體記憶的一部分而給予保護？社會人士對於應保護甚麼文物及為甚麼要進行保護等重要課題討論不多。結果，政府不能確定在文物保護方面所作的努力是否得到社會廣泛支持。

(b) 城市化的發展步伐急速及地價高昂，也帶來難題。社會人士經常期望政府會承擔一切責任和所有費用，包括向受影響的擁有人作出補償。每當有人建議保護具有重要歷史價值的建築物，而有關保護工作又涉及高昂的費用時，通常都會有人提出應該使用多少公帑進行有關計劃的問題。

(c) 直到目前為止，香港的文物保護工作是走一步算一步地進行。這是由於要與時間競賽，必須集中力量去拯救那些瀕臨拆卸的歷史建築物。一直以來，我們欠缺一套有系統地評核和挑選應予保護文物的全面策略。

(d) 《古物及古蹟條例》只訂明一種保護方法（即把建築物宣布為古蹟），頗欠彈性。建築物宣布為古蹟後，如要作任何改建，均須按嚴格規定進行，物業擁有人因此越來越不願意讓物業宣布為古蹟，這有時也使我們難以有效益的使用已宣布為古蹟的建築物。

THE CHALLENGES FOR HONG KONG

THE CHALLENGES FOR HONG KONG

15. What is the situation in Hong Kong? What challenges do we face? In the course of our review, the following challenges have been identified:

(a) The majority of people would support that we should conserve our heritage. However, not everyone shares the same understanding of the purpose of conservation and the selection criteria for heritage items. Should we conserve simply because an object is old or beautiful? Or should we conserve because a certain building or place has become part of our collective memory? There has not been much community discussion on important issues such as what to conserve and why. As a result the Government cannot be certain that its conservation efforts have broad community support.

(b) Rapid pace of urbanisation and high land values pose difficulties. The Government is often expected to shoulder all responsibilities and to pay for all costs, including compensation, to affected owners. When historical buildings of outstanding merit but with high conservation costs are proposed for conservation, questions are often raised about how much public money should be spent on a particular project.

(c) Up until now, heritage conservation work in Hong Kong has been carried out in a rather ad hoc manner. This is because in the race against time, efforts have been focused on saving historical buildings threatened with demolition. There has not been a comprehensive approach to systematically assess and select heritage items for protection.

(d) The Ordinance is rather rigid in that it only provides for one form of conservation (i.e. to declare buildings as monuments), and that stringent requirements are applied to alteration works after declaration. As a result the property owners become less willing to accept declaration. Sometimes this also makes it difficult to put the declared buildings to beneficial use.



(e) 要保護整個地區，以保留它的特色和風貌談何容易。根據現行的《古物及古蹟條例》，每個宣布為古蹟的建築物、構築物、地方或地點，都要符合具有歷史意義的準則。重點在於「點」(某建築物)，而非「線」(某街道)或「面」(某地區)。當一條街道或一個地區有部分建築物曾作大規模改建或重建，以致未能完全符合受保護的規定，那麼，我們要保護整條街道或整個地區，即使並非不可能，也會十分困難。

(f) 政府沒有提供足夠的經濟誘因促使業權人同意保護文物。



舊三軍司令官邸，位於中環紅棉路，1989年列為法定古蹟。

Flagstaff House at Cotton Tree Drive, Central, declared as monument in 1989.

(e) It is extremely difficult to conserve a whole area or neighbourhood in order to retain its unique character and setting. Under the existing Ordinance, each and every building, structure, place or site declared as a monument has to meet the historical significance criterion. The emphasis is on 'point' (i.e. a building), rather than 'line' (i.e. a street) or 'surface' (i.e. an area). This has made it difficult, if not impossible, to conserve a whole street or neighbourhood since inevitably some buildings may not meet the full requirements for conservation because they have either been substantially altered or rebuilt.

(f) The Government does not have sufficient economic incentives to induce owner's consent for conservation.

須要諮詢的政策事項

須要諮詢的政策事項

全盤考慮的方式

16. 為加強文物保護工作，我們有必要制訂全盤考慮的措施，使香港得以：

- (a) 全面評估哪些文物須要保護，有多少文物須要保護；以及
- (b) 貫徹執行由鑑定文物到活化再利用及管理工作等整個保護過程。

17. 我們應全盤考慮香港文物保護的根本問題。這些根本問題是這次公眾諮詢工作的重點，下文第 18 至 27 段將逐一解釋。保障和促進香港多元文化及歷史資產的活力，是香港長遠可持續發展的指導原則之一。稍後研究保護文物的措施時，我們會進行可持續發展的評估。



POLICY ISSUES FOR CONSULTATION

POLICY ISSUES FOR CONSULTATION

Holistic approach

16. To strengthen our heritage conservation work, we need to formulate a holistic approach that will enable Hong Kong to:

- (a) take a comprehensive view on what, and how many, heritage items to conserve; and
- (b) see through the whole conservation process from identification of heritage items for conservation to adaptive re-use and management.

17. The holistic approach should be formulated with regard to those fundamental issues of heritage conservation pertinent to Hong Kong. These fundamental issues, which are the main focus of this public consultation exercise, are explained in paragraphs 18 to 27 below. Protecting and enhancing the vibrancy of Hong Kong's cultural diversity and historical assets is one of the guiding principles for long-term sustainable development in Hong Kong. A sustainability assessment will be conducted when various heritage conservation measures are examined at a later stage.

What should we conserve?

18. The motivations that drive us to take what has survived from the past and to pass it to future generations are often complicated and dynamic. Current criteria for selecting items for conservation attach great importance to historical significance and architectural merit. Factors such as association with important historical events or figures, representative architectural style of a particular period, excellence in building techniques and craftsmanship, authenticity, group value and rarity are normally used to determine conservation value. Material heritage, i.e. 'bricks and mortar', has good visual impact and offers vivid evidence of our historical past, and therefore a case for its preservation can be made relatively easily. But there are also heritage items that do not meet the strict

應保護哪些文物建築？

18. 把歷史文物傳諸後世的動機，往往複雜而多變。現時甄選受保護文物的準則，側重於歷史和建築價值。釐定保護價值的因素通常包括：關連重大歷史事件或人物、代表某個時期的建築風格、卓越建築技術和工藝、真確性、群組價值和罕有性。有形文物，即建築物，有良好的視覺效果，是歷史的真實見證，要保護較易為人接受。有些文物並不符合歷史和建築價值的嚴格準則，但卻是社會集體記憶的一部分。它們是否亦應該得到保護？如應該保護，又可如何鑑定這些項目？市民可以怎樣參與保護工作？

19. 以虎豹別墅和萬金油花園為例：虎豹別墅是一座樓高三層、連私人花園的別墅，是本港現存極少數在 1930 年代興建的私人別墅之一。裝飾派藝術當時在香港十分盛行，虎豹別墅的設計是中式文藝復興風格的典型，揉合了中西藝術特色，別樹一幟。別墅自落成以來沒有進行過任何大規模改建。別墅屬私人府第不對外開放，因此大部分市民只知其名，對它的認識不多。





20. 萬金油花園是一個主題花園，由虎豹別墅的業主胡文虎在別墅旁興建，數十年來一直開放給市民參觀，直至2001年才關閉。園內有大量彩色塑像、假山、石洞、景觀，以及有關中國民間傳說、佛教和道教故事的壁畫。遊人可攀上塑像和假山、穿越石洞、與神像合照，以及從壁畫描繪逼真的神話和歷史故事場景中，認識中國傳統的孝悌忠信。數十年前，消閒娛樂場所不多，不少家庭在假日愛到萬金油花園遊玩。萬金油花園因而成為香港市民集體記憶的一部分。不過，由於數十年間花園內很多景物一再重建，建築價值並不高。



21. 1998年，有發展商擬重建萬金油花園（包括虎豹別墅）。假如原址保存有關建築物群組和花園，重建計劃便無法進行。最後，各方面決定只原址保存虎豹別墅和它的私人花園，萬金油花園則拆卸重建。

criteria of historical significance and architectural merit, yet form part of our community's collective memory. Should these be conserved as well? If so, how can these be identified? In what ways can the community participate in the conservation process?

19. Take the example of Haw Par Mansion and the Tiger Balm Garden. Haw Par Mansion is a three-storey building with a private garden, and is one of the very few remaining private residences of the 1930s. The design of the building typifies the Chinese Renaissance style, which is a unique mixture of Chinese and Western ideas during the prevalence of the Art Deco movement in Hong Kong. The building has not been substantially altered since its completion. As the building was a private residence, it was not open to the public. Therefore most Hong Kong people know little about it except for its name.

20. The Tiger Balm Garden was a thematic garden built adjacent to, and by the owner of, Haw Par Mansion (i.e. Aw Boon-haw), and was open to the public for decades until 2001. The garden featured coloured statues, grottoes, caves, landscapes and mural paintings depicting Chinese folklore, and Buddhist and Taoist stories. Visitors could climb on statues and grottoes, sneak through caves, take pictures with various deities, and learn about the Chinese values of loyalty, morality and fidelity through the many vivid scenes of myths and historical stories on the murals. As there were few leisure and recreation venues decades ago, a visit to the Tiger Balm Garden was a great family outing. Against this background, the Tiger Balm Garden became a part of Hong Kong people's collective memory. However, architecturally, the Garden was considered to have less value since many structures inside had been rebuilt over the years.

21. In 1998 the Tiger Balm Garden (including Haw Par Mansion) became the subject of a redevelopment proposal. If the cluster of buildings and garden were to be preserved in situ, the redevelopment scheme could not proceed. It was finally decided that Haw Par Mansion with its private garden would be preserved in situ. The Tiger Balm Garden would be demolished to make way for redevelopment.



22. 最近有人提出，究竟是否應保護萬金油花園而非虎豹別墅？無疑，虎豹別墅具有極高的歷史及建築價值，但由於別墅屬私人住所，並不對外開放，有多少本地市民對它留下記憶？萬金油花園卻有很多人遊覽過，對香港人來說可能更具價值。我們應如何回答這些問題？

23. 另一個例子是旺角從前的「雀仔街」(即康樂街)。數年前，「雀仔街」清拆，遷往新址。雖然「雀仔街」沒有任何歷史或建築價值，但不少市民和遊客仍然回味它獨有的特色。文物保護的範圍是否不應限於紀念某些歷史人物或事件的重要古蹟，也應包括那些讓我們緬懷往昔生活，大家都希望保留的街巷里弄？即使「雀仔街」沒有歷史或建築價值，是否也應受到保護？

22. Recently, it has been asked whether the Tiger Balm Garden should have been conserved rather than Haw Par Mansion. Undoubtedly, Haw Par Mansion has very high historical and architectural value. But since it was a private residence inaccessible to the public, how many local residents have memories of this building? On the other hand, the Tiger Balm Garden was a popular attraction visited by many. It may have had more value to the Hong Kong people. How should we resolve these questions?

23. Another example is the former so-called 'Bird Street' (i.e. Hong Lok Street) in Mong Kok, which was cleared and reprovisioned to a new site several years ago. Although the former 'Bird Street' did not have any historical significance or architectural merit, many local residents and tourists still have fond memories of the unique character of the place. Should heritage conservation cover not only significant monuments commemorating specific historic personalities and events, but also those streets and neighbourhoods that provide memories of daily life that we as a community want to retain? Should 'Bird Street' have been conserved despite its lack of historical significance and architectural merit?





怎樣保護文物建築？

24. 文物保護應該是任何城市持續發展的一部分，對我們的文化、社會和經濟有裨益。受保護的文物應得到社會認同。這些文物建築應與社會有所互動，屬於社會有生命和有功能的部分，提供優質的公共空間，讓市民從中得到樂趣和靈感，而不是一件只供陳列的歷史遺物。為了達到上述目標，我們認為可考慮下列方法：

(a) 採用不同的保護方法，例如原址保存、修復、局部保留及保存，或多種方法相結合。最具保存價值的歷史建築物應遵守最嚴格的規定。其他情況下，可作較彈性的安排，例如可進行大規模內部改建，或只保留外牆。



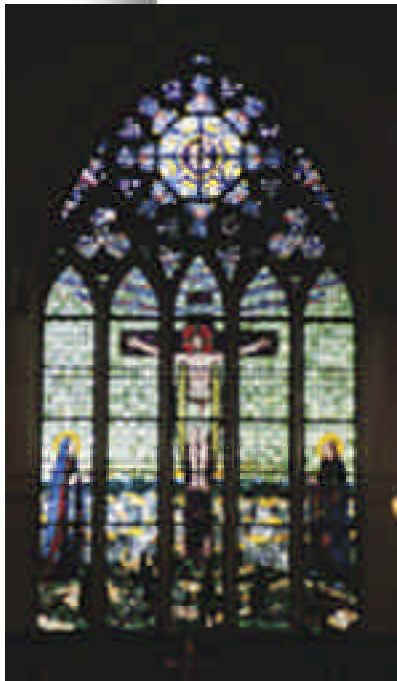
(b) 在某些情況下，集體記憶不單建基於個別建築物的外觀，也與一條街道或一個地區由來已久的若干傳統生活方式相關，我們可保護整條街道或整個地區，以保留那份特色。我們未必要禁止重建，而只須附加某些條件，以求保存當地特色。

(c) 受保護文物的修復可有較大彈性。

25. 此外，我們也需要考慮如何更好地活化再利用歷史建築物。在使用公帑保護這些文物財產之餘，怎樣令它們產生社會、文化和經濟效益？怎樣利用或適當地開放這些建築物，包括屬私人所有的，讓市民大眾受惠？

How do we conserve?

24. Heritage conservation should be part of the sustainable development of any city. It should be something that benefits our culture, community and economy. The conserved heritage should have the community's endorsement. The buildings should interact with the community, be a living and functional part of it and provide quality public space for enjoyment and inspiration instead of merely being a historical artefact for display. To facilitate the achievement of these aims, the following methods might be considered:



(a) To adopt different methods for conservation, e.g. in situ preservation, rehabilitation, partial retention and preservation, or a combination of them. For the most meritorious historical buildings, the utmost stringent requirements should be observed. In other cases, more flexible arrangements, such as allowing extensive internal alterations, or just retaining the façade, could be adopted.

(b) In certain cases where collective memory is linked not only to the physical appearance of individual buildings but also to some traditional ways of life long associated with a street or an area, we might conserve the whole street or area so as to retain its special character. It may not be necessary to prohibit redevelopment other than just to impose certain conditions in order to retain the existing special character of the neighbourhood.

(c) More flexibility could be given to the rehabilitation of conserved heritage.

25. In addition, we also need to consider how the adaptive re-use of historical buildings can be improved. Having paid the economic cost for conservation, how can such heritage assets produce corresponding social, cultural and economic benefits? How can these buildings, including those in private ownership, be used or reasonably accessed so that the public can benefit?



代價多少，由誰承擔？

26. 保護文物的代價可以很高。舊建築物即使無須政府收購，它的維修保養和修復費用通常都很高昂。保存這些建築物亦會導致業主喪失重建權，業主因此會要求賠償。此外，還涉及其他費用。舉例說，為拯救虎豹別墅，政府的地價收入少了。有些情況則涉及隱藏的代價，例如豁免發展商須提供某些指定設施的規定。我們願意付出多少代價去拯救和保留我們的文物建築？我們在衡量過其他社會需要之後，願意付出多少錢？我們的社會應靠多繳稅還是捐獻，來支持這項工作？哪一個方法最公平？



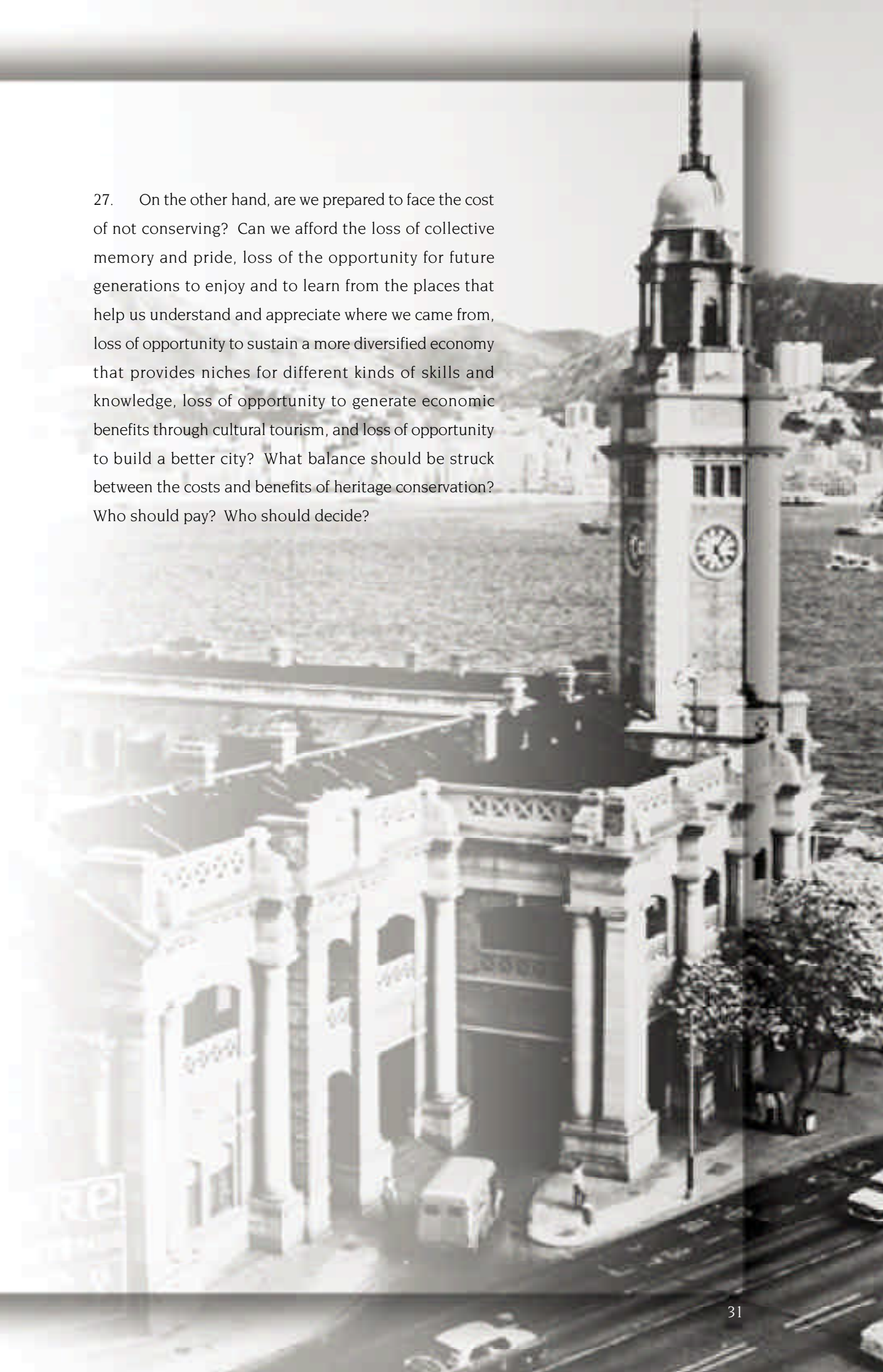
前九廣鐵路鐘樓，位於尖沙咀，1990年列為法定古蹟。
The former Kowloon-Canton Railway Clock Tower in Tsim Sha Tsui, declared as monument in 1990.

27. 另一方面，我們是否願意承擔放棄文物保護的代價？我們是否願意失去集體記憶和自豪感，失去讓後代享受追本溯源的樂趣和尋求知識的機會，失去以多元經濟吸納不同技術和知識的空間，失去透過文化旅遊產生經濟收益的機會，以及失去建立更美好城市的機會？在文物保護的代價與效益之間，如何取得平衡？應由誰負擔費用？由誰決定？

How much, and who should pay?

26. The cost of conserving heritage can be high. Old buildings are normally expensive to repair, maintain and rehabilitate, even if it is not necessary for the Government to acquire them. Preservation may also lead to a loss of redevelopment rights, for which owners will seek compensation. There are also other cost implications. For instance, in saving Haw Par Mansion, a land premium was foregone. In other cases hidden costs, such as waiver of requirement for a developer to provide certain specific facilities, are involved. How much are we willing to pay to save and maintain our heritage? How much should we pay having regard to other competing claims? Should we as a community pay extra in the form of taxes or donations for this work? What is the most equitable way?

27. On the other hand, are we prepared to face the cost of not conserving? Can we afford the loss of collective memory and pride, loss of the opportunity for future generations to enjoy and to learn from the places that help us understand and appreciate where we came from, loss of opportunity to sustain a more diversified economy that provides niches for different kinds of skills and knowledge, loss of opportunity to generate economic benefits through cultural tourism, and loss of opportunity to build a better city? What balance should be struck between the costs and benefits of heritage conservation? Who should pay? Who should decide?



我們重視你的意見

我們重視你的意見

28. 本諮詢文件提出的問題沒有既定解決方法，但這些問題對於文物保護政策的檢討和全盤考慮策略的制訂，以引領香港文物保護工作的路向極為重要。盼望大家對上述問題，特別是上文第 18 至 27 段的問題踴躍發表意見。（目前的諮詢工作主要針對宏觀政策事項。有關推行措施的建議，將會另作公眾諮詢。）

29. 請於 2004 年 5 月 18 日或之前，透過下列任何一種途徑，把意見送交民政事務局：

郵寄：香港灣仔告士打道 5 號

稅務大樓 41 樓

民政事務局

文化事務科 (2)

傳真：2824 3348

電郵：hcp@hab.gov.hk

查詢電話：2594 5697

民政事務局

康樂及文化事務署

2004 年 2 月

WE VALUE YOUR VIEWS

WE VALUE YOUR VIEWS

28. The issues raised in this consultation document do not have standard solutions. They are, however, important in revisiting our heritage conservation policy and formulating a holistic approach to guide the direction of conservation work in Hong Kong. We look forward to receiving your views on these issues and, in particular, those set out in paragraphs 18 to 27 above. (The present consultation exercise is mainly on broad policy issues. Proposals on implementation measures will form the subject of another consultation exercise.)

29. Please send your comments and views to the Home Affairs Bureau by 18 May 2004 by any of the following means:

By Post: Home Affairs Bureau

(Attn: Culture Division 2)

41/F, Revenue Tower

5 Gloucester Road

Wan Chai

Hong Kong

By Fax: 2824 3348

By E-mail: hcp@hab.gov.hk

Enquiry telephone no.: 2594 5697

Home Affairs Bureau

Leisure and Cultural Services Department

February 2004



附件 Annex

倫敦、紐約市、新加坡及澳門
文物建築的分類及保護工作

Built Heritage Categories and Conservation in
London, New York City, Singapore and Macau

倫敦

已記錄入冊的古代遺蹟：包括具有考古價值而只視為文物古蹟、未加開發利用的建築物及構築物。

- 保存現狀。
- 受最嚴格的文物法例規管。
- 受國家級主管當局簽發的「已記錄入冊古代遺蹟施工許可」的保護。

受規管建築物：具有獨特建築風格或歷史價值的建築物，一般而言，少於 30 年的建築物不會受規管；可分為第 I、II* 和 II 級。

- 受規管並不表示要封存有關建築物，只是確保任何改動都要充分尊重建築物的建築和歷史價值。
- 受規管建築物受到地方規劃制度保護。不論任何級別，要進行任何影響有關建築物的外貌或特色的工程，必須先取得「受規管建築物施工許可」。
- 第 I 和 II* 級建築的工程申請及第 II 級建築物的全面或局部清拆的申請，受到較嚴格的規管。地方主管當局必須將有關工程申請轉介到英格蘭遺產及國家級主管當局。

保護區：是指具有特別建築價值或歷史價值、其特色值得保存或發揚的地區。

- 保護區內未受規管的建築物，未得「保護區許可」，不可拆卸。
- 在保護區內進行超過 1,000 平方米的發展工程，地方主管當局必須轉介到英格蘭遺產，以徵詢專業意見。家居改善工程等小型工程，列為許可工程，無須申請規劃許可。

London

Scheduled Ancient Monuments: Including buildings and structures with archaeological potential that do not have a current use other than cultural heritage.

- Preserved as found.
- Strictest level of statutory controls applied.
- Controls exercised through 'scheduled monument consent' to be obtained from the designated national authority.

Listed Buildings: Buildings of special architectural or historical interest. In general, buildings younger than 30 years will not be listed. They are categorized as Grades I, II* and II.

- Listing does not fossilise a building but only ensures that its architectural or historical interest is respected before any alterations are made.
- Control exercised through local planning system. 'Listed building consent' required for works affecting the appearance and character of listed buildings irrespective of their grade.
- Greater scrutiny will be exercised of works to Grades I and II* buildings and full or substantial demolition of Grade II buildings. Referral of applications to English Heritage and designated national authority by local designated authorities is required.

Conservation Areas: Areas of special architectural or historic interest, the character of which is desirable to preserve or enhance.

- Demolition of an unlisted building in a conservation area requires 'conservation area consent'.
- Major developments over 1,000 square metres must be referred to English Heritage by local designated authorities for professional advice. Minor works are classified as permitted development requiring no planning permission.

紐約市

地標：是指代表紐約市不同歷史時期的最佳建築物和物業，它們具有獨特風格、特殊歷史或藝術價值，並獲紐約市主管當局指定為地標。這些建築物和物業可分為四類：

獨立地標：只保護建築物的外部特徵。

內部地標：只保護建築物的內部空間。必須對公眾開放。

景觀地標：指公眾地段上的個別景觀或景觀群。

歷史地區：由具有歷史或藝術價值的相連建築組成的地區，至少包含紐約市歷史上某一時期的特色或典型建築風格；它們能構成有關地區特有的「氣息」，可以由小型的歷史建築群組成，也可以由數以千計的物業組成。

- 指定一座建築物或一個地區為地標，並不是將它們封存，而是透過檢討及對改動的規管，確保它們特色不受影響或破壞。
- 在未取得紐約市有關主管當局發出的「不受影響證明書」、「適宜施工證明書」或「小型工程許可證」之前，不得進行任何改建、興建、重建或拆卸工程。

國家歷史地標：是指在國家層面上指定的歷史地標。這些歷史地點具有與眾不同的價值和特質，可以在歷史、考古、建築、工程或文化上展示及反映國家的傳統。可分為五類：建築物、歷史街區、地方、構築物及物件。

- 國家歷史地標的擁有人，可在不涉及聯邦資助、發牌或許可之下，自由保養、管理或使用有關物業。
- 要進行影響國家歷史地標的計劃，必須先徵詢主管當局的意見。

在國家層面指定的其他文物建築：包括國家古蹟、國家紀念地、國家歷史遺址及國家戰場遺址，它們的改動及保養都受到監管。

New York City

Landmarks: Buildings or properties of special character, or of a special historic or aesthetic interest or value and representing the finest architectural products of distinct periods in the history of the city, that have been designated by city authorities. There are four types:

Individual landmarks: only the exterior features of the buildings are designated.

Interior landmarks: the interior space of the buildings is designated and must be customarily accessible to the public.

Scenic landmarks: a landscape feature or group of features that have been designated. They must be on city-owned property.

Historic districts: Areas with contiguous properties of historical or aesthetic significance that embody the characteristics of a period or style of architecture typical of the city's history, resulting in a distinct 'sense of place'. They range from small groups of historic buildings to areas with hundreds of properties.

- Designation does not freeze a building or an area but provides for review and management of changes to ensure that the special qualities are not compromised or destroyed.
- Alterations, construction, reconstruction or demolition of the landmarks is controlled through the issuance of Certificates of No Effect, Certificates of Appropriateness or Permits for Minor Work.

National Historic Landmarks (NHLs): National-level designations for historic places that possess exceptional value or quality which can illustrate and facilitate the interpretation of the heritage of the nation historically, archaeologically, architecturally, mechanically or culturally. They are divided into five categories: buildings, historic districts, places, structures and objects.

- Owners of NHLs are free to maintain, manage or dispose of their properties provided that Federal funding, licensing or permits are not involved.
- The designated authority should comment on all projects affecting the historic properties listed.

Other designations for built heritage at national level: including National Monument, National Memorial, National Historic Site and National Battlefield Park, with control over any alterations and maintenance works.

新加坡

國家古蹟：指極具藝術、歷史及社會價值，並能反映不同時期獨特建築技術的個別遺址、建築物、構築物及紀念物等。

- 一級國家古蹟：具獨特價值的建築物，必須原址保存並受嚴格規管。
- 二級國家古蹟：主要為商業用途的私人建築物，可容許局部保存，但必須證明現有建築物未能有效用作指定用途。

保護區：指「文物保護總綱計劃」所指定、位於毗鄰地區的建築群。

- 歷史區：地區內的歷史建築物必須完整保留，不得進行任何改動，但可改作商業用途。
- 住宅歷史區：可在歷史建築物後面加建高度低於主樓的建築物，以滿足現代家居需要。
- 次住宅區：業主可在後面加建建築物，但高度受該區「發展指導規劃」規定的高度規管。
- 別墅區：主樓必須保留，但附屬建築可拆卸以擴建。

Singapore

National Monuments: Individual sites, buildings, structures or memorials of outstanding aesthetic, historical or social value that reflect unique technology at the time of construction.

- National Monuments Category 1: Buildings of outstanding merit. They must be preserved in situ and controlled under stringent requirements.
- National Monuments Category 2: Partial preservation of privately owned buildings used primarily for commercial purpose is allowed provided that the current buildings are proven to be ineffective or inefficient in serving the intended use.

Conservation Areas: Groups of buildings in coherent areas designated in Conservation Master Plans.

- Historic Districts: Historical buildings in these areas should be preserved entirely without alteration, while change of use to commercial operation is allowed.
- Residential Historic Districts: An extension at the rear lower than the main block of historical buildings is allowed for adapting the buildings for modern living.
- Secondary Settlements: Owners may have a new rear extension up to the maximum height allowed under the Development Guide Plan for the area.
- Bungalow Areas: The main blocks of these houses are to be kept, but outhouses can be demolished to make way for extensions.

紀念物：在考古、歷史、民族學、藝術或科學方面具有特別價值的紀念性建築物或構築物。

- 任何改建、擴建、鞏固及維修工程之前，必須得到有關主管當局及行政長官批准。
- 活化再利用須徵求有關主管當局的意見。

具建築藝術價值之建築物：具有獨特的建築藝術風格，並反映澳門某一歷史時期的發展。

- 建築物不得拆卸。
- 在不影響建築物原有特色之下，可擴建、鞏固、改建、重建及修復。
- 例行維修保養以及拆卸建築物任何內部部分，必須得到有關主管當局批准。

組合體：是指毗鄰地區與自然景物融為一體的建築群，這些建築群在建築風格、都市化、美學、歷史與社會文化的價值都一致，而且出類拔萃。

- 要進行任何導致組合體內建築物全部或局部拆卸的工程，或進行任何改變組合體內的建築物構成的工程，必須先徵詢有關主管當局的意見。

地方：由人工結合天然而成，具有美學、考古學、歷史學、人類學或民族學等方面的特殊價值。

- 要在地方內興建新構築物，或重建、改建、擴建、鞏固、維修或拆卸地方內的建築物，必須先徵詢有關當局的意見。

Monuments: Buildings or structures of special archaeological, historical, ethnological, artistic or scientific significance.

- Approval from the designated authority and the Chief Executive is required for any alterations, extension, consolidation or repairs.
- Advice from the designated authority for the adaptive re-use of Monuments is required.

Buildings of Architectural Interest: Buildings unique in architectural style that reflect the development of a period in the history of Macau.

- No demolition of the buildings is allowed.
- Extension, consolidation, alteration, reconstruction or restoration of buildings is permitted only if such works do not alter the original characteristics.
- Routine repair and maintenance or demolition of any interior parts must be approved by the designated authority.

Ensembles: Groups of buildings in a coherent area with distinctive architectural, urbanised, aesthetic, historical or socio-cultural values representing an important unity and compatibility with the scenic environment.

- Advice from the designated authority is required to carry out any work that will lead to the partial or full demolition of the buildings within the ensembles, or causing the alteration of the composition of the ensembles.

Sites: Sites combining man-made and natural works and having special aesthetic, archaeological, historical, anthropological or ethnological value.

- Advice is required from the designated authority to build new structures or to rebuild, alter, extend, consolidate, repair or demolish buildings within the sites.



三棟屋村，位於荃灣，1981 年列為法定古蹟。

Sam Tung Uk Village in Tsuen Wan, declared as monument in 1981.

