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Subcommittee on Heritage Conservation

Background brief prepared by Legislative Council Secretariat

Review of Built Heritage Conservation Policy

Purpose

This paper provides background information on the current Review of Built Heritage Conservation Policy (the Review) and gives an account of relevant discussions of the Panel on Home Affairs (the Panel).

The Review

2.. In February 2004, the Home Affairs Bureau (HAB) published a consultation document and launched a three-month public consultation exercise on the Review. According to the Administration, the objective of the Review was to formulate a holistic approach and effective implementation measures to enhance built heritage conservation work. The Review involved complicated issues such as cultural value, public interest, private property rights, and planning and land matters etc. The Review proceeded in two stages, with the first stage focusing on broad policy issues and the second stage on proposed implementation measures. The consultation document set out a number of key policy issues, and invited the public to give views on three broad questions, namely, (a) "what should we conserve?" (b) "how do we conserve?" and (c) "how much and who should pay?".

3. The Administration informed the Panel in November 2004 that over 500 responses had been received at the conclusion of the first-stage of public consultation exercise, and HAB would formulate proposals on implementation measures for further public consultation in 2005.

4. When the Panel discussed the latest progress of the Review at its meetings on 9 March and 20 April 2007, the Administration informed the Panel that proposals on implementation measures would be announced in the latter half of 2007 for public consultation. A summary of views and suggestions received from the public on the Review from 2004 to early 2007 was included

in the Administration's paper [LC Paper No. CB(2)1599/06-07(01)] provided for the meeting on 20 April 2007.

Discussions held by the Panel on Home Affairs on the Review

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

Lack of concrete details in the consultation document

6. Some members expressed disappointment at the Administration's failure to provide concrete details or options in the consultation document, such as built heritage items identified for protection, the estimated conservation costs, and incentives to induce owners' co-operation in built heritage conservation. They considered that the overwhelming majority of Hong Kong people were clearly in support of built heritage conservation. The consultation exercise would not achieve any meaningful purpose if the public was only invited to give views on broad policy issues. Members suggested that the Administration should release for the public's consideration concrete details on costs and compensation, as well as options relating to the transfer of development rights.

7. The Administration explained that it could not assume that the community already had a consensus on built heritage conservation. Before formulating a holistic approach to guide the direction of conservation work, the Administration needed to know the views of the community on fundamental principles, such as whether heritage items which did not meet the strict criteria of historical significance/architectural merit but formed part of the community's collective memory should be conserved.

8. The Administration also pointed out that the current policy of built heritage conservation had many inadequacies. For instance, the Antiquities and Monuments Ordinance (the Ordinance) made it impossible to conserve a whole street or neighbourhood in order to retain its unique character and setting. Under the Ordinance, each and every building, structure, place or site declared as a monument had to meet the historical significance criterion. The emphasis of conservation was on "point" (i.e. a building), rather than "line" (i.e. a street) or "surface" (i.e. an area).

Slow progress of the Review

9. Some members expressed dissatisfaction with the slow progress of the Review and the passive role of the Administration in built heritage conservation work. Hon CHAN Yuen-han was of the view that, before the completion of the Review and the formulation of a new built heritage conservation policy, the Administration should put in place interim measures as soon as possible to conserve built heritage and prevent demolition of historical buildings.

10. The Administration explained that it would study the views collected during the first stage of the consultation exercise and formulate possible implementation measures in consultation with relevant bureaux. The Administration would then consult the public on the proposed implementation measures. Before any new policy was formulated, built heritage conservation work would continue to be carried out in accordance with the existing Ordinance.

11. In response to Prof Hon Patrick LAU as to why the Administration had not introduced a policy on the transfer of development rights which had gained general support, the Administration explained that the formulation of such a policy involved inter-departmental collaboration. The Administration needed time to assess the feasibility of various implementation measures and seek legal advice where necessary. The need for the setting up of a heritage trust fund would also be considered.

12. At the meeting on 9 March 2007, in response to members' general view that the Review lacked progress, the Administration pointed out that it had developed a new set of criteria for assessing the heritage value of historical buildings, taking into account the views received from the consultation in 2004. Since March 2005, an expert panel under the Antiquities Advisory Board (AAB) had been conducting an assessment of 1 440 historic buildings selected from around 8 800 buildings of over 50 years in Hong Kong. The assessment results would be considered by AAB with a view to selecting buildings for declaration or grading. In view of the growing public concern over built heritage conservation, the Administration organised a series of public forums in early 2007 to collect views before finalising the Review.

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

13. During discussions of the Panel on 9 March and 20 April 2007, some members expressed grave concern that historic buildings or sites with unique heritage value which had not been declared statutory monuments, particularly those included as redevelopment projects of URA, would have been demolished by the time the new heritage conservation policy was formulated. They considered that under the existing institutional and legal frameworks, HAB had no

powers to implement really effective measures for the protection of heritage. These members suggested that the Administration should take interim measures, such as requiring relevant bureaux and URA to put on hold projects such as the Nga Tsin Wai Village, Lee Tung Street, Sai Yee Street, and the 1 440 selected historic buildings for assessment, in order to save the buildings/sites concerned from demolition. The Administration explained that it was not in a position to give such an undertaking as some of these historic buildings/sites were either part of the urban redevelopment projects or other works projects which were already under implementation.

Concerns about specific buildings/sites

14. When the Panel received views from the public on the Review at its meeting on 9 November 2004, many deputations expressed concern about the Central Police Station Compound Project. Members passed a motion urging the Administration to put on hold the tendering procedure for the tourism projects at the Central Police Station and Victoria Prison.

15. At the meeting on 9 March 2007, some members considered that the Administration should ask URA to suspend the redevelopment project in Sai Yee Street, while some expressed concern about the slow progress made by the Administration in handling the Dragon Garden and Mei Ho House projects. At the Panel meeting on 20 April 2007, in response to members' concerns, representatives of URA informed members that URA was negotiating with the major property owner concerned for the preservation of the Nga Tsin Wai Village as far as possible. As regards the Former Police Married Quarters at Hollywood Road, the Administration informed the Panel that if the application for change of land use of the site was approved, the site would be removed from the 2007-2008 Application List for land sale.

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

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

Relevant papers

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

Appendix I

List of questions and motions raised/moved at Council meetings

Meeting date	Motion/Question
23.2.00	Written question on "Conversion of historical buildings for cultural use " raised by Hon Howard YOUNG
9.1.02	Written question on how the Urban Renewal Authority could achieve the aims of heritage conservation in implementing redevelopment projects raised by Hon Fred LI
18.12.02	Motion on "Culture and Heritage Commission Consultation Paper 2002" moved by Hon MA Fung-kyok. The motion was carried.
12.2.03	Motion on "Policy on heritage preservation" moved by Hon LAU Ping-cheung. The motion was carried.
19.3.03	Written question on "Preservation of privately owned buildings with conservation value" raised by Hon WONG Sing-chi
24.3.04	Motion on "Conservation of monuments and heritage" moved by Hon CHAN Kwok-keung. The motion was carried.
10.11.04	Motion on "Conserving the Central Police Station Compound and formulating a comprehensive policy on antiquities and monuments" moved by Hon CHOY So-yuk. The motion was negatived.
2.3.05	Oral question on "Development plans for historical buildings" raised by Dr Hon KWOK Ka-ki
26.4.06	Oral question on "Built heritage conservation policy" raised by Prof Hon Partick LAU
28.6.06	Motion on "Facilitating urban development" moved by Prof Hon Patrick LAU. The motion was carried.
5.7.06	Motion on "Fully conserving the 'Government Hill' " moved by Hon Fred LI. The motion was negatived.

Meeting date	Motion/Question
15.11.06	Written question on "Striving for valuable cultural or natural heritage in Hong Kong to be inscribed on the World Heritage List" raised by Hon LAU Kong-wah
6.12.06	Written question on "Management of monuments and historical buildings" raised by Hon Albert HO
	Written question on "Classifying historical buildings" raised by Hon CHOY So-yuk
13.12.06	Written question on "Display of train compartment" raised by Hon Bernard CHAN
17.1.2007	Motion on "Policy on conservation of monuments" moved by Hon Audrey EU. The motion was carried.
18.4.07	Oral question on "Yau Ma Tei Theatre" raised by Hon Timothy FOK
2.5.2007	Motion on "Conserving the Queen's Pier" moved by Hon Alan LEONG. The motion was negatived.
16.5.07	Written question on "Lee Tat Bridge in Shui Tsan Tin Tsuen, Pat Heung" raised by Prof Hon Patrick LAU
	Written question on "Grading assessment of antiquities and monuments" raised by Hon LAU Wong-fat
30.5.07	Oral question on "Cultural heritage tourism" raised by Hon CHEUNG Hok-ming

Appendix II

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

Meeting	Date of meeting	Paper
Panel on Home Affairs	22.3.2004 (Item V : Review of built heritage conservation policy)	<u>Minutes</u> <u>Agenda</u>
Panel on Home Affairs	9.11.2004 (Item V : Review of built heritage conservation policy)	<u>Minutes</u> <u>Agenda</u>
Panel on Home Affairs	16.10.2006 (Item I : Briefing by the Secretary for Home Affairs on the Chief Executive's Policy Address 2006-2007)	<u>Minutes</u> <u>Agenda</u>
Panel on Home Affairs	9.3.2007 (Item III : Built heritage conservation)	<u>Minutes</u> <u>Agenda</u>
Panel on Home Affairs	20.4.2007 (Item I : Built heritage conservation)	<u>Agenda</u>

Council Business Division 2
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