

立法會
Legislative Council

LC Paper No. CB(2)2585/06-07
(These minutes have been
seen by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

**Minutes of special meeting
held on Friday, 20 April 2007, at 10:45 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon CHOY So-yuk, JP (Chairman)
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Albert CHAN Wai-yip
Hon LI Kwok-ying, MH, JP
Hon Daniel LAM Wai-keung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man
- Members attending** : Hon CHAN Yuen-han, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
- Members absent** : Hon Albert HO Chun-yan (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon James TO Kun-sun
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Dr Hon Joseph LEE Kok-long, JP

- Public Officers attending** : Ms Esther LEUNG
Deputy Secretary for Home Affairs (3)
- Ms Polly KWOK
Principal Assistant Secretary for
Home Affairs (Culture) 2
- Dr Louis NG
Assistant Director (Heritage and Museums)
Leisure and Cultural Services Department
- Mr Anthony KWAN
Assistant Director/Metro
Planning Department
- Ms Iris TAM, JP
Executive Director (Planning and Development)
Urban Renewal Authority
- Mr William WAN
Director of Property and Land
Urban Renewal Authority
- Attendance by invitation** : Central and Western District Concern Group
- Ms LAW Ngar-ning
Member
- Islands District Council
- Ms LEE Kwai-chun, MH
Member
- Heritage Watch
- Professor Stephen CHAN Ching-kiu
Convenor
- Ms Cynthia LEE
Member
(also representing Designing Hong Kong Ltd)
- Heritage Hong Kong
- Mr Nicholas BROOKE

Chairman

Mrs Margaret BROOKE
Convenor

Miss NG Wing-chi

The Conservancy Association

Mr Peter LI Siu-man
Campaign Manager

Democratic Party

Mr YUEN Bun-keung
Democratic Party's District Councillor of Central and
Western District Council

Democratic Alliance for the Betterment and Progress of
Hong Kong

Mr HUNG Lin-cham
Home Affairs Deputy Spokesperson

Hong Kong Christian Service

Dr Alvin KWOK
Professional Assistant

Sham Shui Po District Council

Mr LEUNG Yau-fong
Member

Mr TAM Kwok-hung
Member

Green Sense

Mr LAI Ming-chuen
Vice President

Mr CHAN Chit-kwai, JP
Chairman of the Culture, Leisure and Social Affairs
Committee of Central and Western District Council

Ms CHENG Lai-king

Vice Chairlady of the Food, Environment Hygiene and Works Committee of Central and Western District Council

Civic Party

Mr Vincent NG

Member of Executive Committee

Mr Michael KWOK

Member

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

Staff in attendance : Ms Joanne MAK
Senior Council Secretary (2)2

Miss Vivien POON
Council Secretary (2)3

Miss Kiwi NG
Legislative Assistant (2)2 (Acting)

I. Built heritage conservation

Meeting with deputations/individuals

*Central and Western District Concern Group
[LC Paper No. CB(2)1625/06-07(01)]*

Ms LAW Ngar-ning presented the views of the Concern Group as detailed in its submission and PowerPoint slides, giving contrasting examples of overseas built heritage successfully preserved and those in Hong Kong which had been damaged due to urban development. She urged the Administration to integrate heritage conservation with town planning and to enhance public participation in heritage conservation matters. She said that the Concern Group had submitted a proposal to the Town Planning Board (TPB) and the Antiquities Advisory Board (AAB) to preserve the Former Police Married Quarters at Hollywood Road, by changing its land use from

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"residential" to "public open space" or "government/institute/community".

Islands District Council (DC)

2. Ms LEE Kwai-chun said that there were a number of historic buildings/sites in the Islands District, such as temples and rock carving. She urged the Administration to take prompt actions to preserve these historic buildings/sites and to pay attention to preserving the historical characteristics and value of these temples in their restoration.

Heritage Watch

[LC Paper No. CB(2)1599/06-07(03), CB(2)1625/06-07(02) and CB(2)1666/06-07]

Designing Hong Kong Limited

[LC Paper No. CB(2)1625/06-07(04)]

3. Ms Cynthia LEE presented the views of Heritage Watch and Designing Hong Kong Limited as detailed in their submissions and PowerPoint slides. She criticised the Home Affairs Bureau (HAB) for failing to make any progress in the review of built heritage conservation policy from 2004 to 2007, despite that the public had expressed detailed views on many key issues, and that the former Cultural and Heritage Commission had also made policy recommendations on the way forward. Ms LEE considered that conflicts of interest among government departments had prevented progress of conservation work from being made and she urged the Legislative Council (LegCo) to set up a dedicated committee on heritage conservation. She appealed to members for their support to impose an immediate moratorium on demolition of historic buildings, e.g. Former Police Married Quarters at Hollywood Road, Central Police Station Compound, Queen's Pier, etc.

Heritage Hong Kong

[LC Paper No. CB(2)1599/06-07(04), CB(2)1625/06-07(03) and CB(2)1646/06-07(01)]

4. Mr Nicholas BROOKE presented the views of Heritage Hong Kong as set out in its submissions. He said that the Administration should adopt the Principles for the Conservation of Heritage Sites in China in heritage conservation work and to let the community decide what heritage should be conserved and whether they were willing to meet the associated costs. Heritage Hong Kong also proposed to establish an independent heritage foundation for the conservation and management of Hong Kong's heritage, and other short and longer term measures for heritage conservation.

Miss NG Wing-chi

[LC Paper No. CB(2)1663/06-07(01)]

5. Miss NG Wing-chi presented the salient points of her submission. She

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proposed that the Government should expand the scope of built heritage conservation to conservation of the city and spatial culture ("空間文化") and integrate conservation with town planning. Government policies should align with the principles of "accessibility", "legibility" and "connectivity" of built heritage. Using the example of the re-provisioning of the Star Ferry Pier, she considered that preserving a portion of the built heritage without the spatial elements and elements of collective memory had destroyed the spatial culture integral to the site and its uniqueness.

Conservancy Association

[LC Paper No. CB(2)1599/06-07(05)]

6. Mr Peter LI presented the views of Conservancy Association as set out in its submission. He considered that the public consultation on built heritage conservation policy was a sham, as seen from the fact that no detailed reports on the public views received during the 2004 policy consultation had been published. He criticised that the paper on the public views and suggestions received submitted by HAB for this meeting was rather simple and brief, without making reference to details of the Conservancy Association's position paper on heritage conservation issued in 2003 and re-issued in 2004 and 2007. He urged LegCo to request HAB to provide a more detailed account of the public views collected during the consultation exercise on the policy review from 2004 to 2007 for members' reference.

Democratic Party

[LC Paper No. CB(2)1663/06-07(04) & (05)]

7. Mr YUEN Bun-keung presented the views of Democratic Party as set out in their submissions. He considered that the Antiquities and Monuments Ordinance (A&MO) (Cap.53) was seriously outdated and failed to provide sufficient protection to the graded historic buildings. The Administration also failed to allocate sufficient resources for built heritage conservation work, and owners lacked incentives to conserve historic buildings under their ownership. He said that AAB lacked the authority to impose restrictions on development to be carried out in area surrounding a statutory monument, resulting in incompatibility between the monument and its surroundings. Democratic Party recommended amending A&MO to enhance the protection of heritage, setting up a heritage trust fund and a statutory heritage conservation authority.

Democratic Alliance for the Betterment and Progress of Hong Kong (DAB)

8. Mr HUNG Lin-cham criticised that the current policy on built heritage conservation lacked flexibility and failed to provide effective protection to historic buildings. He considered that the legal and administrative framework on heritage conservation including the three-tier grading mechanism should be enhanced in order to provide effective protection to historic buildings. DAB recommended the following initiatives to be taken -

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- (a) to formulate a holistic policy on heritage conservation as soon as possible and a balance should be struck between urban development and heritage conservation;
- (b) to introduce amendments to A&MO and require corresponding policy changes to be made by relevant policy bureaux;
- (c) to broaden the criteria for grading historic buildings to include factors such as historic significance, special features, rarity, collective memory/values of the community;
- (d) to offer economic incentives (e.g. tax exemption) to owners to encourage them to conserve historic buildings under their ownership;
- (e) to compile a database on built heritage, including details of their historic significance, architectural styles and plans for their development;
- (f) to pursue adaptive re-use of built heritage and promote heritage tourism; and
- (g) to enhance public participation in heritage conservation and set up a trust fund to promote a sense of shared responsibility in the community.

Hong Kong Christian Service

9. Dr Alvin KWOK said that the Administration's efforts in heritage conservation should not only focus on built heritage but also the conservation of intangible heritage including local customs and cultural habits, e.g. "茶餐廳文化". He considered that elements of collective memory should be a criterion for assessing heritage value, and the public should be involved in determining what constituted collective memory. He suggested that the Administration should pursue a policy of sustainable heritage conservation and incorporate conservation considerations into the town planning process. He added that the Administration should step up education on heritage conservation which should start early in school.

Sham Shui Po District Council

[LC Paper No. CB(2)1599/06-07(06) and CB(2)1663/06-07(02)]

10. Mr LEUNG Yau-fong and Mr TAM Kwok-hung considered that the public consultation on built heritage conservation policy launched by HAB was a sham. Mr LEUNG said that Sham Shui Po DC had submitted a detailed report on heritage conservation to HAB in 2002, but it had so far received no

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response from the Bureau. He further said that Sham Shui Po DC was disappointed at the conversion of the North Kowloon Magistracy which was built in neo-classical architectural style into government offices, with serious alterations carried out to the interior of the building; and the Administration's bypassing Sham Shui Po DC in pursuing a proposal from the Correctional Services Department to demolish "荔康居" which was a pre-war barrack. He hoped that LegCo could set up a committee to monitor heritage conservation work and the Administration should strengthen consultation and collaboration with DCs in such work. Mr TAM said that "荔康居", i.e. a long stay care home in Lai Chi Kok, which was a barrack built in 1924 and was classified as "Grade III" by AAB, was being proposed for demolition without going through proper public consultation. He proposed that the Government should consider putting the buildings into adaptive re-use to preserve their heritage value and for the purpose of developing social enterprises, e.g. turning them into a low-budget hostel.

Green Sense

11. Mr LAI Ming-chuen said that the economically-driven heritage conservation policy in Hong Kong had resulted in low-quality conservation. He further said that A&MO only allowed the conservation of individual buildings but not "streets" and "areas" with heritage value. Green Sense urged the Administration to formulate a holistic, long-term policy on heritage conservation and set up a heritage conservation trust fund. In addition, the Administration should enhance collaboration with relevant sectors of the community in taking forward heritage conservation work.

Mr CHAN Chit-kwai

Chairman of the Culture, Leisure and Social Affairs Committee of Central and Western DC (CWDC)

[LC Paper No. CB(2)1599/06-07(07)]

12. Mr CHAN Chit-kwai presented the views as set out in his submission. He made a number of recommendations including -

- (a) to enact legislative amendment to A&MO as soon as possible to enhance effectiveness of its protection of heritage;
- (b) to complete evaluation of the 1 440 buildings constructed before 1950 and conduct public consultation on the assessment as soon as possible;
- (c) to set up a heritage trust fund financed by public and private funding;
- (d) to offer economic incentives e.g. transfer of plot ratio, to encourage heritage conservation by property owners; and

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- (e) to implement publicity and education initiatives to enhance public participation in heritage conservation work.

Ms CHENG Lai-king

Vice Chairlady of the Food, Environment Hygiene and Works Committee of CWDC

13. Ms CHENG Lai-king said that the Administration could not demonstrate its determination to conserve heritage unless it took immediate action to prevent demolition of the Central Market, the Queen's Pier, the Central Police Station Compound and the Former Police Married Quarters at Hollywood Road and to stop the sale of the sites concerned for redevelopment.

Civic Party

[LC Paper No. CB(2)1625/06-07(05)]

14. Mr Vincent NG presented the recommendations of Civic Party as set out in its submission -

- (a) cultural and heritage preservation should be built on a vision for cultural advancement;
- (b) the internationally recognised standards and principles on cultural and heritage preservation should be incorporated into local policies where appropriate;
- (c) town planning policies and policies on cultural and heritage preservation should be considered in an integrated manner;
- (d) land polices should not conflict with policies on cultural and heritage preservation;
- (e) not only individual buildings but also "streets" and "sites" with heritage value should be allowed for preservation under the legal framework, and the meaning of heritage should also include intangible cultural heritage such as local customs;
- (f) existing legislation should be reviewed with a view to facilitating adaptive re-use of historic buildings;
- (g) a heritage and cultural foundation should be established; and
- (h) there should be greater transparency in heritage preservation work and the institutional framework for cultural and heritage preservation should be reviewed.

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15. Members noted that the Museum of Site and Shatin Union for People's Livelihood had also provided submissions respectively to the Panel for members' reference [LC Paper No. CB(2)1599/06-07(08) and CB(2)1663/06-07(03)]

The Administration's briefing and response

16. Deputy Secretary for Home Affairs (3) (DSHA(3)) briefed members on the salient points of the Administration's paper summarising the views/suggestions received from 2004 to 2007 on the review of built heritage conservation policy [LC Paper No. CB(2)1599/06-07(01)], including key issues over which general consensus or divided views had been expressed as set out in paragraphs 4 and 5 of the paper.

17. DSHA(3) responded to the views of deputations/individuals as follows -

- (a) the Administration also aimed to enhance public participation in heritage conservation matters and provide more channels under the existing consultation mechanism to collect public views. It had organised a series of public forums in early 2007. The 18 DCs were also included in this round of public engagement exercise;
- (b) the Administration agreed that there were a number of shortcomings in the A&MO which required improvements. It noted suggestions such as whether the scope of statutory protection should be expanded to cover historic buildings which were not declared monuments;
- (c) the Administration was exploring the feasibility of the suggestion of expanding conservation of "point" (i.e. individual built heritage) to conservation of "line" (i.e. a street) and "surface" (i.e. an area) that possessed unique cultural character. The Administration, however, noted that there might be practical difficulties posed by the urban development in the surroundings of a historic building in implementing this new concept;
- (d) the expert panel under AAB had adopted revised criteria to conduct assessment of 1 440 historic buildings. These criteria covered a wide range of areas, including historical interest, architectural merit, rarity, group value, social value, collective memory and authenticity;
- (e) the Administration was open to various recommendations made, e.g. putting historic buildings into adaptive re-use, establishing a statutory heritage trust fund, and enhancing public education on heritage conservation; and

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- (f) the Administration agreed that the transparency and public participation in the mechanism for determining heritage value of historic buildings should be enhanced, and that AAB would hold open meetings as far as possible in future.

Discussion

Including collective memory as a criterion for assessing heritage value

18. Miss TAM Heung-man asked whether the Administration had any statistics indicating the level of support for/objection against the adoption of collective memory as a criterion to assess heritage value. She expressed concern whether the Administration would exclude this factor as a criterion in the excuse that that there were still divided views.

19. DSHA(3) responded that the public and stakeholders had indicated clearly that it was their consensus that heritage assessment criteria should be expanded to include collective memory. She explained that what had to be considered was only to decide what constituted collective memory, how to apply this criterion and its relative weighting to other criteria in assessing the heritage value of a historic building. In response to the Chairman's invitation for views, Dr Alvin KWOK commented that there should be public participation in considering the element of collective memory associated with a built heritage. Ms CHENG Lai-king quoted the Star Ferry Pier incident as an example to illustrate the importance of collective memory in assessing the heritage value of a built structure. Mr Vincent NG urged the Administration to make public the new set of heritage assessment criteria it would adopt as soon as possible.

Conservation principles and considerations

20. Miss TAM Heung-man asked whether the Administration would adhere to the Principles for the Conservation of Heritage Sites in China and only adopt in-situ conservation as recommended by these Principles.

21. Assistant Director (Heritage and Museums) said that the Principles for the Conservation of Heritage Sites in China were not an official document but served as general guidelines for conservation work by professionals. He pointed out that the Principles also suggested that, where in-situ conservation was not a feasible option due to practical constraints, other methods of conservation including relocation were also considered acceptable. Mr TAM Kwok-hung urged the Administration to take into account the historic significance of a built structure in determining its heritage value, such as in the case of "荔康居" where relics of fortifications of the Ching Dynasty could be found. Citing the example of the relocation of the top structure of Blake Pier to a park in Wong Tai Sin, Miss NG Wing-chi criticised the Administration for

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failing to give due regard to the cultural significance of a built heritage in its conservation approach.

22. DSHA(3) responded that the Administration acknowledged the need to preserve the cultural and historical value of a built heritage in its conservation, and the revised criteria for assessment of the 1 440 selected buildings also covered areas including historical interest and social value.

Dissatisfaction with the current heritage conservation framework

23. Dr KWOK Ka-ki expressed dissatisfaction with the Administration's lack of progress in reviewing the built heritage conservation policy over the past several years. He considered that it was the Administration's delaying tactics of using the absence of a consensus on the key issues involved as an excuse not to introduce any improvement measures. He criticised that the lack of coordination between planning or economic development policies and the heritage conservation policy had led to the demolition of many heritage buildings/sites that had been included in works/redevelopment projects. He considered that the absence of an overriding heritage conservation policy and an effective legal protection framework would lead to destruction of more local heritage. Dr Fernando CHEUNG echoed Dr KWOK's views. He pointed out that the deputations in general had also expressed the view that a central mechanism was needed to oversee heritage conservation and coordinate among policy bureaux, especially the Housing, Planning and Lands Bureau, on heritage conservation issues. He also expressed dissatisfaction with the lack of any policy paper on heritage conservation setting out any long-term vision of the Government or any institutional/policy measures to ensure effective protection of heritage.

24. DSHA(3) responded that the Administration would announce concrete improvement proposals on built heritage conservation in the latter half of 2007 taking into account the views received in this round of public consultation. She said that the policy proposals would aim at striking a balance between economic development and heritage conservation reflecting the community's aspirations. The proposals would cover matters on improvements to A&MO, the heritage assessment criteria, possible economic incentives, and the role of AAB, etc. She further said that the Administration would also explore actively the establishment of a heritage trust fund. She added that with the implementation of these concrete proposals and an enhanced heritage conservation policy and legislation, other policy bureaux would have to work closely with each other to achieve the objectives of the enhanced policy and legislation.

25. Miss CHAN Yuen-han urged the Administration to request immediately the Urban Renewal Authority (URA) to put on hold the redevelopment project the scope of which covered the Nga Tsin Wai Village which had very high historical value. DSHA(3) explained that as the redevelopment was an

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ongoing URA project, there would be practical difficulties to do so. Director of Property and Land (D(P&L)) of URA informed members that URA was still in the course of negotiating with the major property owner concerned with a view to preserving the Nga Tsin Wai Village as far as possible in line with the principle of "conservation paramount".

26. Dr Fernando CHEUNG expressed serious concern that historic buildings/sites that had been included as redevelopment projects or other works projects, e.g. the Former Police Married Quarters at Hollywood Road, Wan Chai Market and Cross Street, might have been demolished by the time HAB had completed with its policy review. He considered that, while the Panel would continue to discuss policy issues relating to built heritage conservation, further action had to be taken to prevent buildings or sites with unique heritage value and included as redevelopment projects from being demolished. Ms Emily LAU shared Dr CHEUNG's concern and considered that the Administration should put on hold projects which might affect those historic buildings/sites listed under the section "D. Specific buildings/streets/areas" in the Administration's paper, until the new heritage conservation policy had been formulated. She asked whether the Administration would undertake to consider actively her suggestion.

Admin

27. DSHA(3) responded that she was not in a position to give such an undertaking as some of those historic buildings/sites mentioned above were covered either within the urban redevelopment projects or other works projects which were already under implementation. She agreed to convey members' concerns and suggestion to the Administration for overall consideration. Assistant Director/Metro (AD/M) of the Planning Department explained that there would be practical difficulties to implement the suggestion as the relevant works/redevelopment projects were at different stages of implementation and under different circumstances. Executive Director (Planning and Development) of URA pointed out that in implementing its redevelopment projects so far, URA had contributed to the preservation of 18 graded historic buildings and some non-graded buildings including 4 such buildings on Johnston Road. She added that URA had endeavoured to make its best efforts in heritage conservation.

28. As regards the preservation of the Former Police Married Quarters at Hollywood Road, DSHA(3) advised that archeological excavation was being carried out at the site, which might have implications on the future arrangements for the site. AD/M supplemented that TPB would decide on the Central and Western District Concern Group's application to rezone the site concerned from "residential" to "public open space" or "government/institute/community" use. He explained that if the application for change of land use was approved by TPB, the site concerned would be removed from the 2007-2008 Application List for land sale accordingly.

29. Mr Albert CHAN agreed that there was an urgent need to formulate an

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overriding heritage conservation policy, given the imminent threat of damage to those built heritage included as redevelopment projects or covered in other works projects. He considered that HAB had no powers to implement really effective measures for the protection of heritage under the existing institutional and legal framework. He suggested that before the formulation of the new heritage conservation policy, the Administration should take interim measures, such as requiring relevant bureau and authority to put on hold the redevelopment projects involving, e.g. the Nga Tsin Wai Village, Lee Tung Street, Sai Yee Street, and the 1 440 selected buildings for assessment, in order to prevent building/sites concerned from demolition. DSHA(3) reiterated that she could not give such an undertaking as some of the 1 440 buildings might have been included in projects which were in progress. Mr CHAN said that there was no point of conducting the assessment of the 1 440 buildings as some of them might have been demolished by the time the new heritage conservation policy was announced. He urged the Administration to consider his suggestion.

Admin

30. In view of shortage of time for discussion, the Chairman suggested that members could further raise their concerns about heritage conservation and the demolition of heritage caused by the work of URA at the special meeting of the Panel on Planning, Lands and Works scheduled for 23 April 2007 at 4:30 pm to discuss "Arrangements for preservation of the Queen's Pier" and "Work of URA".

Proposal to set up a subcommittee on heritage conservation under the Panel

31. As members in general remained dissatisfied with the Administration's response to their concern about the threat of demolition to local heritage, the Chairman sought members' views on her suggestion raised at the meeting on 9 March 2007 regarding the establishment of a subcommittee on heritage conservation under the Panel. Dr Fernando CHEUNG further suggested that, alternatively, the subject matter could be included as a standing item for discussion at every regular meeting of the Panel, and the duration of these meetings be extended by one hour on each occasion. As a quorum was not present at that point in time, members agreed to decide on this matter at the next regular meeting on 11 May 2007. To facilitate members' consideration, the Clerk was requested to provide a paper setting out the possible options on the way forward for that meeting.

Clerk

32. There being no other business, the meeting ended at 1:02 pm.