

For discussion on  
20 December 2007

## **Legislative Council Panel on Home Affairs**

### **Proposed Creation of the Post of Commissioner for Heritage in Works Branch of Development Bureau**

#### **PURPOSE**

This paper seeks Members' views on the proposed creation of the Commissioner for Heritage (C for H) post, at Administrative Officer Staff Grade C (AOSG'C') (D2) level, in the Works Branch (WB) of the Development Bureau (DEVB). The purpose for the creation of the post is to provide dedicated support at the directorate level in implementing the policy on heritage conservation and keeping it under constant review, taking forward a series of initiatives as well as serving as a focal point of contact, both locally and overseas. He will also head a new dedicated heritage office to be set up in DEVB.

#### **JUSTIFICATION**

##### **Increasing Importance of Heritage Conservation**

2. With the re-organisation of Government Secretariat on 1 July 2007, the DEVB was formed and the policy responsibility for heritage conservation was put under it so as to enable a closer interface at the policy level between development and heritage conservation.

3. In his 2007 Policy Address, the Chief Executive (CE) stated the need to strike a balance amongst environmental protection, sustainable development and heritage conservation. The following policy statement is also adopted to guide heritage conservation work—

“To protect, conserve and revitalize as appropriate historical and heritage sites and buildings through relevant and sustainable approaches for the benefit and enjoyment of present and future generations. In implementing this policy, due regard should be given to development needs in the public interest, respect for private property rights, budgetary considerations, cross-sector collaboration and active engagement of stakeholders and the general public.”

A range of new policy and administrative measures was also announced. These are detailed in the Legislative Council (LegCo) brief issued on 11 October 2007.

## **Current Situation**

4. Following the Policy Address, progress has been made on various fronts in the implementation of the range of measures. This is briefly summarised as follows –

(a) Conducting of Heritage Impact Assessments (HIA)

Since 22 November 2007, a “Heritage Implications” paragraph has been added in submissions to LegCo Public Works Subcommittee/Finance Committee (FC) seeking funding in construction works.

A comprehensive technical circular outlining the details of the conducting of HIAs will be issued to works departments in December 2007. The process will be reviewed after one year to see if there is any room for improvement;

(b) Introduction of a Scheme for Adaptive Re-use of Government-owned Historic Buildings

A briefing on the Scheme, namely the “Revitalising Historic Buildings Through Partnership Scheme (the Revitalisation Scheme)”, was conducted by the Administration on 8 November 2007 to tap the views of potential applicants. More than 200 persons from around 100 Non-governmental Organisations and professional bodies attended. We hope to launch the Scheme in February 2008. Details of the Scheme have been set out in a separate paper on “Revitalising Historic Buildings Through Partnership Scheme” for discussion by this Panel;

(c) Economic Incentives for Conservation of Privately-owned Historic Buildings

As explained to members previously, the implementation of this initiative is complicated as it straddles a number of different areas including planning, lands and building control. Also, each case has its own uniqueness. As such, we are making a start by adopting a case-by-case approach. We are currently actively

examining the matter in the context of 128 Pok Fu Lam Road (Jessville) and 45 Stubbs Road (King Yin Lei), which were declared as proposed monuments in April 2007 and September 2007 respectively;

(d) Extending Financial Assistance on Maintenance to Privately-owned Graded Historic Buildings

We have undertaken to extend financial assistance from monuments to privately-owned graded historic buildings. We are now working out the implementation details;

(e) Conducting Public Engagement and Publicity

Since the Policy Address on 10 October 2007, the Administration has provided briefings on the new initiatives on heritage conservation to various bodies such as the Antiquities Advisory Board, Town Planning Board, Urban Renewal Authority, Real Estate Developers Association, professional institutes as well as the general public. Furthermore, interviews on media programmes have been conducted. We are planning a public awareness campaign on heritage matters in the first quarter of 2008; and

(f) Research Into Heritage Trust

The Administration has started to study relevant overseas experience of a heritage trust and consider its appropriateness locally. However, this idea will only be pursued in slower time after other initiatives on heritage conservation have been well in place.

5. Apart from the above, WB has to provide policy support to the Antiquities Authority (i.e. Secretary for Development (SDEV)) in handling cases of monument declaration and other statutory responsibilities under the Antiquities and Monument Ordinance. With increased interest of our community in heritage conservation, the number of enquiries and proposals regarding heritage conservation has also increased significantly.

## **Provision of Staff Resources**

### **Existing Position**

6. Consequent to the transfer of heritage policy responsibility from Home Affairs Bureau to DEVB on 1 July 2007, five officers (comprising 1 Chief Executive Officer, 1 Management Services Officer I, 1 Executive Officer I, 1 Assistant Clerical Officer and 1 Clerical Assistant) have been transferred to WB for taking on the additional tasks. WB has also internally deployed its resources to meet the workload on this very important front as follows –

- (a) Both Permanent Secretary for Development (Works) and Deputy Secretary (Works)1 [heading the Programme and Resources Division in WB] have taken on heritage conservation duties on top of their existing duties;
- (b) Principal Assistant Secretary (Works)1, the only AOSG‘C’ working under Deputy Secretary (Works)1, has taken on heritage conservation duties on top of his existing schedule of work including handling of matters relating to the implementation of the recommendations of the Construction Industry Review Committee Report, liaison with and providing support to the statutory Construction Industry Council, overseeing the amalgamation of the Construction Industry Training Authority and CIC and acting as an overall coordinator on various cross-bureaux/departmental matters;
- (c) Chief Assistant Secretary (Works)3, one of the three Chief Assistant Secretaries in the Programme and Resources Division, has on a temporary basis diverted a significant portion of his attention to heritage conservation work. However, in the light of the extremely tight resources within WB, and the equal emphasis placed on expediting capital works projects, he has to continue to attend to some of his original duties; and
- (d) Apart from the above, we have also made some reshuffling at the support level.

The redeployment of duties among the above-mentioned four directorate officers has been reported in Establishment Subcommittee (ESC) Paper No. EC(2007-08)2 entitled “Proposed Re-organisation of Policy Bureaux With Effect From 1 July 2007”.

7. While the above arrangements have enabled WB to cope with the significant increase in workload on heritage conservation since 1 July 2007, they would not be sufficient to achieve the desired results on a sustainable basis due to the following reasons –

- (a) The workload on heritage conservation is mammoth. The Revitalisation Scheme alone is almost a full time job in terms of preparing invitations for proposals, liaising with interested Non-profit-making Organisations, assessing proposals, securing funding and monitoring their implementation. Without considerable enhancement in staff resources, it will be difficult to deliver the desired outcome within a reasonable time-frame;
- (b) There is at present no dedicated officer at the directorate level to take charge of heritage conservation duties. Officers are undertaking these duties on top of their existing portfolios. While they have tried their best to cope, it is undeniable that effort is not as focused and sufficient as desired; and
- (c) As the duties concerning heritage conservation are scattered among various officers in the Bureau, there is a lack of focal point of contact resulting in inadequate profile and visibility on heritage conservation.

### **Proposal**

8. In light of the above, to improve the situation, we propose to set up a Commissioner for Heritage's Office (CHO) and re-align the duties of officers within WB such that –

- (a) more resources will be devoted to heritage conservation;
- (b) more officers will be working on a full time basis on the subject; and
- (c) the division of work amongst officers will be more clear-cut and tidy.

This will to a large extent be achieved by internal redeployment as follows –

- (a) To make available resources for heritage conservation, the Programme and Resources Division under Deputy Secretary (Works)<sup>1</sup> will transfer its house-keeping duties of all works

departments as well as the monitoring of individual mega infrastructural projects to Works Policies Division under the charge of Deputy Secretary (Works)2. As a result of this, Principal Assistant Secretary (Works)2 now working under Deputy Secretary (Works)1 will be transferred to work under Deputy Secretary (Works)2. This arrangement is particularly desirable following the announcement of the implementation of the ten major infrastructural projects in the 2007-08 Policy Address which will render workload on this front heavier. Upon the transfer of Principal Assistant Secretary (Works)2 to Works Policies Division, Chief Assistant Secretary (Works)4, who is currently working under Principal Assistant Secretary (Works)3, will be redeployed to assist him (however, he will still continue to work to Principal Assistant Secretary (Works)3 on a number of subjects);

- (b) Chief Assistant Secretary (Works)3 will pass non-heritage related duties to Principal Assistant Secretary (Works)2; and
- (c) Apart from the above, there will be various internal reshuffling of duties. The aims are to release officers to staff the CHO to be created as well as achieve the best possible distribution of workload.

### **Establishment of the Commissioner for Heritage's Office**

9. With the above, we will be able to largely make available resources for the setting up a new CHO. The proposed structure of the CHO is at **Annex 1**. To head this office, we propose the creation of a new C for H post.

### **Need for the Creation of the Commissioner for Heritage (C for H) Post**

10. The C for H post, if created, will have to deal with a wide range of matters including implementation and monitoring of policy on heritage conservation, implementation of a wide range of improvement measures, commissioning and overseeing research, liaising with the civic society especially those with a particular interest in heritage as well as engaging the public.

11. Apart from the above, the CHO will, at the policy level, provide support and guidance to the Antiquities and Monument Office (AMO) of the Leisure and Cultural Services Department. The AMO will continue to be the executive arm in the implementation of heritage conservation policies, in particular it will:

- identify buildings of historical interest and provide professional advice to the Antiquities Authority (i.e. SDEV) in handling cases of monument declaration;
- organise the protection, restoration and maintenance of monuments and historic buildings;
- assess and evaluate the impact of development projects on heritage ;
- conduct historical research and draw up conservation guidelines to support the Revitalisation Scheme; and
- provide services to the Antiquities Advisory Board.

12. With reference to the range of initiatives on heritage conservation as announced in the 2007-08 Policy Address, we would like to elaborate on the key tasks ahead of the C for H post–

(a) Conducting of Heritage Impact Assessments (HIA)

The HIA mechanism will be implemented in end 2007 in full swing. However, as this is a new initiative, there can be problems which will need to be sorted out. The mechanism will be reviewed after one year's time to see if there is room for improvement;

(b) Revitalising Historic Buildings Through Partnership Scheme

As mentioned in a separate Home Affairs Panel paper, we intend to launch the Scheme in early 2008, i.e. inviting applications for the first batch of seven buildings. To implement the Scheme effectively, a series of tasks will need to be carried out including –

- setting up and providing secretarial support to the Vetting Committee;
- examining proposals from applicants and making recommendations to the Vetting Committee;
- drafting agreements on tenancy and other administrative matters and ensuring compliance;
- handling applications for grants;

- inspecting the conditions of the historic buildings;
- overseeing the performance of the social enterprises;
- examining/evaluating progress reports submitted by the successful applicants during the lease period; and
- answering enquiries and undertaking publicity activities, etc.;

(c) Economic Incentives on Conservation of Privately-owned Historic Buildings

Devising economic incentives to facilitate the conservation of privately-owned historic buildings is an extremely complicated endeavour as mentioned in paragraph 4(c) above. We have already made a start in the context of 128 Pok Fu Lam Road (Jessville) and 45 Stubbs Road ( King Yin Lei). However, much work remains to be done. We will separately report progress on this front in due course;

(d) Extending Financial Assistance on Maintenance to Privately-owned Graded Historic Buildings

As this is a new area of work, it will be necessary to assess the magnitude of demand, how the demand can be best met within resources available, and how works can be implemented in the most efficient manner. This will be done in the coming few months;

(e) Conducting Public Engagement and Publicity

As we have undertaken previously, we will more actively engage the public. In the coming months, we will –

- (i) work with the Antiquities Advisory Board to enhance its transparency and increase public engagement in its work in the classification of heritage buildings;
- (ii) engage the public in formulating the details of the proposed administrative measures;
- (iii) release information on heritage buildings to make it as transparent as possible; and
- (iv) conduct publicity to promote Government's heritage policies and measures.



In particular, we will seek the views of District Councils on the initiatives on heritage conservation after the new term of the District Councils has started and logistical matters have been settled; and

(f) Research Into Heritage Trust and Other Overseas Practices

Many overseas countries have valuable and successful experiences on heritage conservation. We will study their practices and consider their appropriateness and applicability to our local situation. We will in particular examine the issue of setting up a heritage trust in the longer term.

13. In the light of the anticipated workload as well as the importance and complexity of duties in connection with heritage conservation, we consider it appropriate to create an AOSG‘C’ (D2) post to head the CHO. The job description of the proposed C for H post is at **Annex 2**.

14. Following the creation of the C for H post, there will be changes in the duties of other officers in WB. The Programme and Resources Division will also be re-titled “Heritage, Programme and Resources Division” while the Works Policies Division will be re-titled “Works Policies and Infrastructural Projects Division” to reflect the changes in responsibilities. A comparison showing the existing organisation of WB versus the proposed one is at **Annex 3**. The revised job descriptions of the directorate officers who will be affected by the current exercise are at **Annex 4**.

## **FINANCIAL IMPLICATIONS**

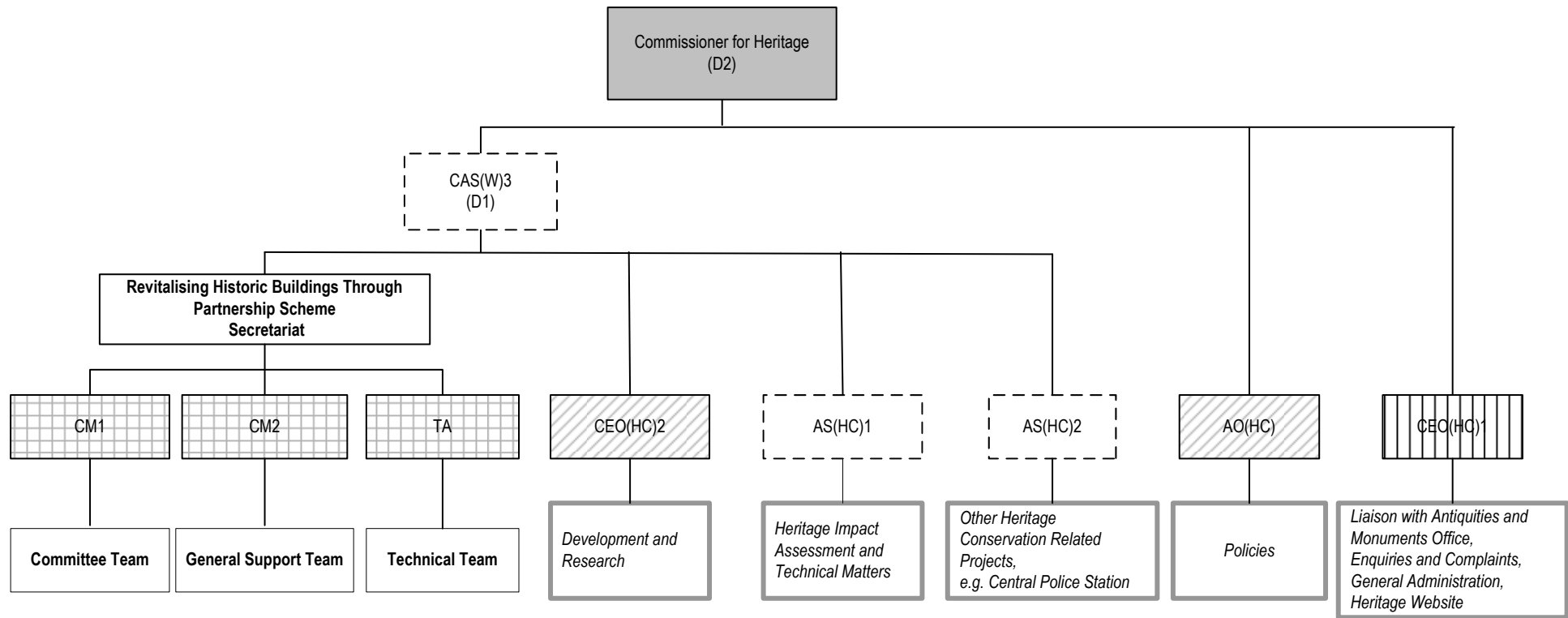
15. The proposed creation of the C for H post will bring about an additional notional annual salary cost at mid-point of \$1,428,000. The full annual average staff cost, including salaries and on-cost, is \$2,038,000.


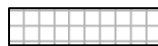

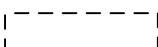

## **ADVICE SOUGHT**

16. Members are requested to comment on the proposal. Subject to Members’ support, we will proceed to seek the approval of ESC/FC.

**Development Bureau**  
**December 2007**

# Proposed Organisation Chart of the Commissioner for Heritage's Office



-  Proposed Administrative Officer Staff Grade C Post
-  NCSC staff to be funded under Works Branch's Operating Expenditure envelope
-  Post transferred from Home Affairs Bureau (apart from this post, there are 4 other posts at lower ranks transferred to DEVB to provide support to heritage conservation)
-  Posts to be provided through internal redeployment
-  Non-directorate posts to be created under delegated authority

- | Duties | Duties of officers                |
|--------|-----------------------------------|
| HC     | Heritage Conservation             |
| CAS(W) | Chief Assistant Secretary (Works) |
| CM     | Chief Manager                     |
| TA     | Technical Advisor                 |
| CEO    | Chief Executive Officer           |
| AS     | Assistant Secretary               |
| AO     | Administrative Officer            |

**Proposed Job Description  
Commissioner for Heritage**

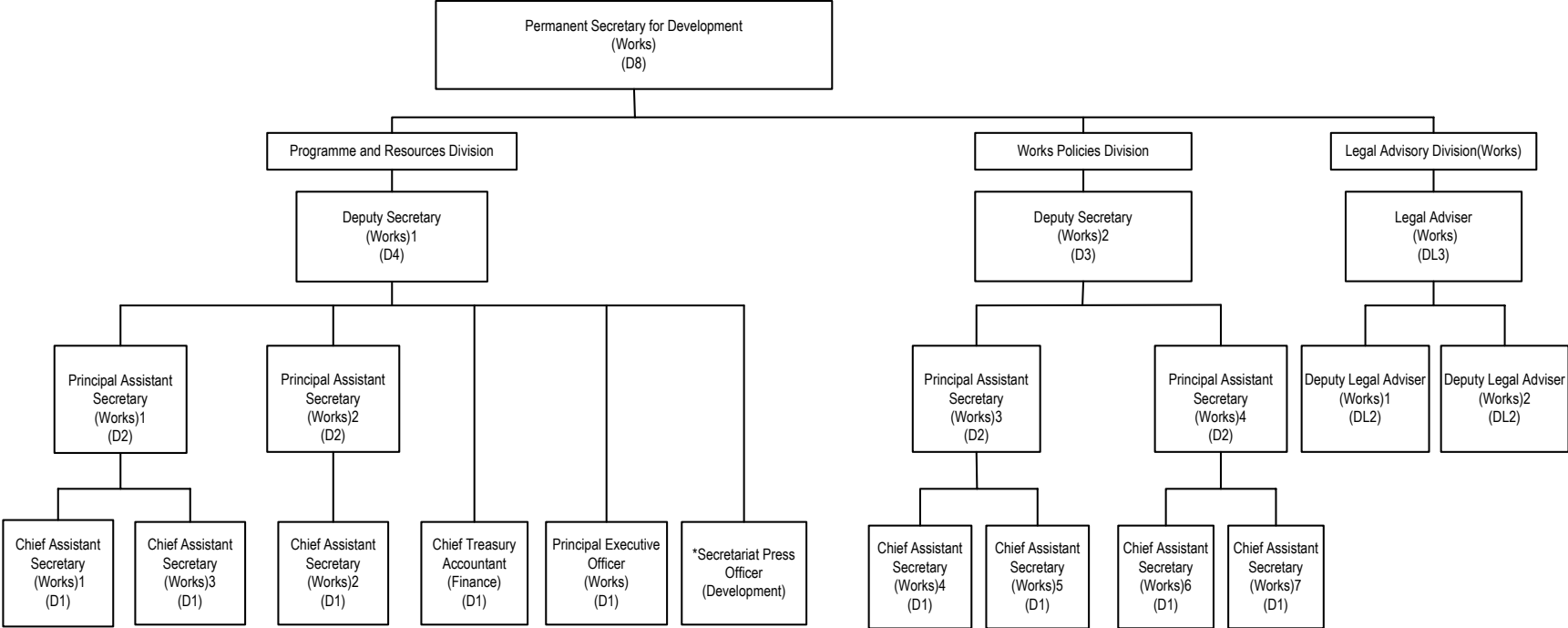
**Rank** : Administrative Officer Staff Grade C (D2)

**Responsible to** : Deputy Secretary for Development (Works) 1 (DS(W)1)

**Main Duties and Responsibilities –**

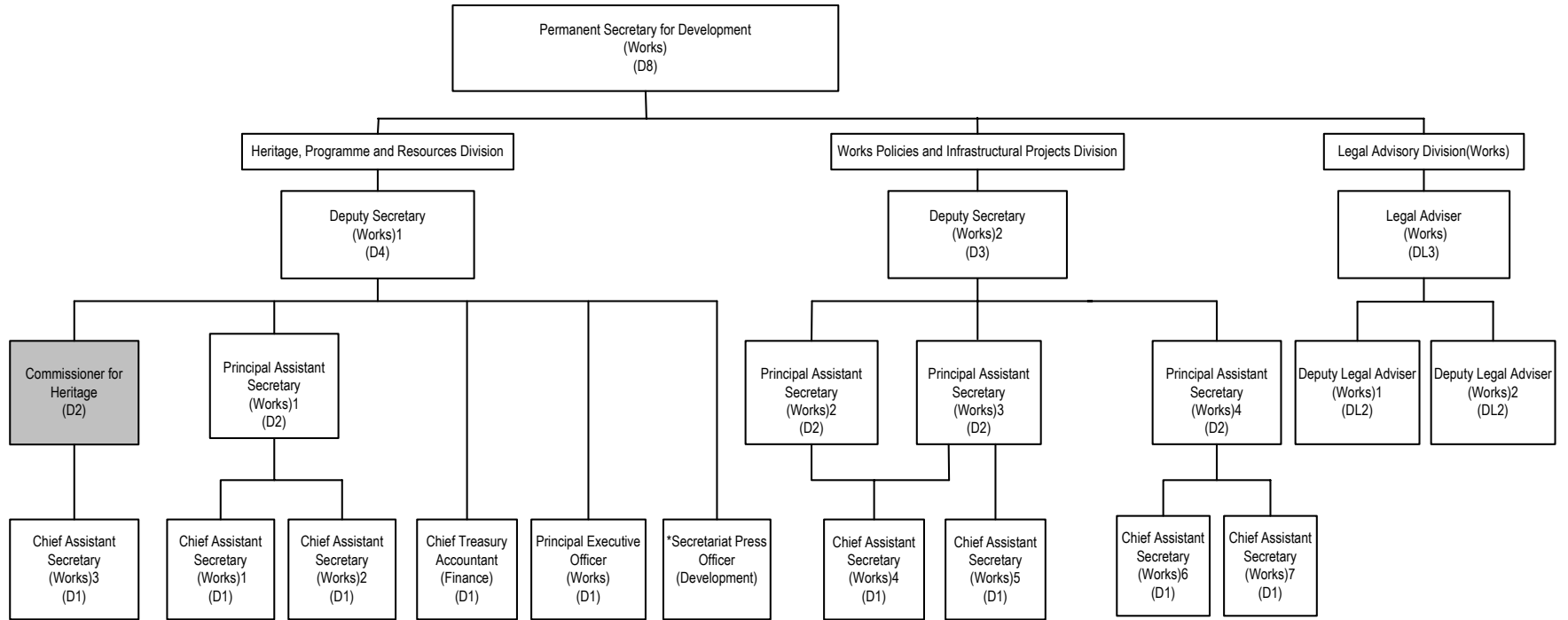
1. To assist DS(W)1 in the implementation and monitoring of policies on heritage conservation and to devise and take forward new initiatives on heritage conservation, including but not limited to
  - implementation of the “Revitalising Historic Buildings Through Partnership Scheme”;
  - implementation of the Heritage Impact Assessment mechanism for new capital works projects;
  - devising economic incentives for conservation of privately-owned historic buildings; and
  - extending financial assistance on maintenance to privately-owned graded historic buildings.
2. To serve as the focal point of contact on heritage conservation matters both locally and overseas.
3. To spearhead the engagement of stakeholders and the public in the implementation of heritage conservation initiatives and to liaise with concerned organisations.
4. To provide policy support and guidance to the Antiquities and Monuments Office of the Leisure and Cultural Services Department.
5. To conduct research on policies, legislation and practices on heritage conservation both locally and overseas.
6. To oversee the handling of enquiries, complaints and suggestions from the public and media on heritage conservation matters.

Existing Organisation Chart of the Works Branch of the Development Bureau



\* Secretariat Press Officer (Development) serves both PLB and WB

Proposed Organisation Chart of the Works Branch of the Development Bureau



Proposed Administrative Officer Staff Grade C Post

\* Secretariat Press Officer (Development) serves both PLB and WB

**Job Description**  
**Deputy Secretary for Development (Works) 1**

**Rank** : Administrative Officer Staff Grade B1 (D4)  
**Responsible to** : Permanent Secretary for Development (Works) (PS(W))

**Main Duties and Responsibilities –**

1. To assist PS(W) in the formulation of policies on heritage conservation, devise new initiatives on heritage conservation, oversee the work of the Commissioner for Heritage's Office as well as provide policy support and guidance to the Antiquities and Monuments Office of the Leisure and Cultural Services Department.
2. To assist PS(W) in overseeing the implementation of the Public Works Programme by reviewing and updating procedures and practices; as well as monitoring the overall spending on public works projects.
3. To oversee the provision of support to and liaison with the statutory Construction Industry Council (CIC), in particular in regard to the amalgamation of the Construction Industry Training Authority with CIC.
4. To draw up an overall strategy on greening and oversee its implementation.
5. To oversee branch administration, resource planning, media relations and publicity matters as well as financial management of bureau resources.
6. To monitor financial management, manpower and PR matters of the Works Group of Departments.

**Job Description**

**Deputy Secretary for Development (Works) 2**

**Rank** : Principal Government Engineer (D3), Multi-disciplinary  
**Responsible to** : Permanent Secretary for Development (Works) (PS(W))

**Main Duties and Responsibilities –**

1. To assist in devising and implementing policies in regard to procurement, administration of contracts and consultancies, construction safety, environmental management and construction standards.
2. To assist in devising and implementing policies on slope safety, flood prevention and water supply.
3. To oversee the implementation of the Kai Tak Development and other infrastructural projects.
4. To devise policies in regard to the education and training of professionals in the construction industry, promotion of local professional services outside Hong Kong and facilitation of mutual recognition of Mainland/Hong Kong professional qualifications.
5. To oversee the implementation of the construction workers registration system in conjunction with the Construction Workers Registration Authority.
6. To assist PS(W) in directing, co-ordinating and determining the need for supporting services to the Works Group of Departments and assume housekeeping responsibilities in respect of these departments.

## **Job Description**

### **Principle Assistant Secretary for Development (Works) 1**

**Rank** : Administrative Officer Staff Grade C (D2)

**Responsible to** : Deputy Secretary for Development (Works) 1 (DS(W)1)

#### **Main Duties and Responsibilities –**

1. To liaise and provide support to the operation of the statutory Construction Industry Council.
2. To assist DS(W)1 in handling matters relating to the implementation of the recommendations of the Report of the Construction Industry Review Committee.
3. To provide support to the Construction Industry Training Board (CITB) upon its formation and act as a coordinator between CITB and Government.
4. To assist DS(W)1 in overseeing the implementation of the Public Works Programme by reviewing and updating procedures and practices.
5. To monitor the overall spending on public works projects.
6. To assist in formulating an overall strategy on greening and overseeing its implementation.
7. To act as the overall coordinator within the Works Branch (e.g. in the preparation of the Policy Address, Budget, Estimates, etc.) as well as be responsible for handling cross-bureaux/departmental matters.



**Job Description**

**Principal Assistant Secretary for Development (Works) 2**

**Rank** : Government Engineer (D2)

**Responsible to** : Deputy Secretary for Development (Works) 2 (DS(W)2)

**Main Duties and Responsibilities -**

1. To provide high-level technical input in the implementation of major infrastructure development projects. To coordinate input from works departments and resolve problems to ensure the best possible support be provided to various client bureaux.
2. To co-ordinate technical input on works aspects of planning and development issues and feasibility studies, e.g. Lantau Logistics Park, Lok Ma Chau Loop, New Development Areas, etc
3. To assist in overseeing the implementation of the Kai Tak Development and in resolving cross-bureaux issues. To service the Supervisory Team on Kai Tak Development chaired by the Secretary for Development.
4. To assist in the monitoring of Leisure and Cultural Services Department projects and development of cycle track networks in the New Territories.
5. To assess district-wide demand on infrastructural facilities to dovetail housing developments, monitor the implementation of such facilities and resolve interface problems.
6. To provide support to PS(W) in handling technical matters in regard to Ocean Park Re-development project and Hong Kong Disneyland project.

**Job Description**  
**Chief Assistant Secretary for Development (Works) 3**

**Rank** : Chief Engineer (D1)  
**Responsible to** : Commissioner for Heritage (C for H)

**Main Duties and Responsibilities –**

1. To assist C for H in the implementation and monitoring of policies on heritage conservation.
2. To assist C for H in taking forward the “Revitalising Historic Buildings Through Partnership Scheme” including
  - setting up and overseeing the operation of the Secretariat;
  - examining proposals from applicants and making recommendations to the vetting committee;
  - drafting agreements on tenancy and other administrative arrangements;
  - handling applications for grants;
  - overseeing the operation of successful applications and ensuring compliance of tenancy and other conditions;
  - monitoring the physical conditions of the historic buildings through regular inspection; and
  - conducting publicity activities.
3. To handle other heritage conservation related projects, e.g. Central Police Station Project.
4. To ensure the smooth implementation of the Heritage Impact Assessment mechanism in new capital works projects.
5. To liaise with Works Departments on the technical front in handling problems related to heritage conservation in the pursuit of new capital works projects.
6. To assist C for H in engaging the public and stakeholders in the implementation of heritage conservation initiatives.

7. To assist C for H in conducting research on policies, legislation and practices on heritage conservation both locally and overseas.

## Job Description

### Chief Assistant Secretary for Development (Works) 4

**Rank** : Chief Engineer (D1), Multi-disciplinary  
**Responsible to** : Principal Assistant Secretary for Development (Works) 2 and  
Principal Assistant Secretary for Development (Works) 3

#### Main Duties and Responsibilities –

1. To assist in handling matters relating to policies on contract administration, alternative dispute resolution and conditions of contract under different procurement methods.
2. To assist in house-keeping of the Drainage Services Department and Water Supplies Department.
3. To assist in liaising with Mainland authorities on the supply of Dongjiang Water.
4. To provide support in the liaison with Mainland authorities on regulation, maintenance and pollution abatement of Shenzhen River.
5. To assist in the formulation of water supply policy including Total Water Management, delivery of waterworks projects, evaluation of waterworks accounts and water tariff.
6. To assist in the formulation of flood prevention policy and monitor the delivery of flood prevention and drainage projects.
7. To assist in overseeing the implementation of the Kai Tak Development.
8. To provide support in the provision of cycle track networks in the New Territories.