



# SAVING HONG KONG'S CULTURAL HERITAGE

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## ABBREVIATIONS

AAB	Antiquities Advisory Board
AFCD	Agriculture, Fisheries and Conservation Department
AMO	Antiquities and Monuments Office
ASD	Architectural Services Department
BURRA CHARTER, THE	The Burra Charter – The Australian ICOMOS Charter for Places of Cultural Significance, 1999
CHC	Culture and Heritage Commission
EIAO	Environmental Impact Assessment Ordinance
EPD	Environmental Protection Department
GPA	Government Property Agent
GOVERNMENT, THE	The Government of the Hong Kong Special Administrative Region
HAB	Home Affairs Bureau
HKSPG	Hong Kong Standards and Planning Guidelines
HKTB	Hong Kong Tourist Board
HTTF	Heritage Tourism Task Force
ICOMOS	International Council on Monuments and Sites
LCSD	Leisure and Cultural Services Department
LDC	Land Development Commission
OZP	Outline Zoning Plan
PLB	Planning and Lands Bureau
SHP	Small House Policy
TDR	Transfer of Development Rights
TPB	Town Planning Board
TPO	Town Planning Ordinance
UNESCO	United Nations Education, Scientific and Cultural Organisation
URA	Urban Renewal Authority
URAO	Urban Renewal Authority Ordinance

## TERMINOLOGY

In Hong Kong, terms relating to heritage conservation are often misunderstood and misused. For this reason, some internationally accepted definitions relating to heritage conservation are outlined below.<sup>100</sup>

<b>Cultural Heritage Assets</b>	can be either tangible or intangible entities. In the context of architectural heritage, these may include tangible structures such as buildings, historic areas, special heritage districts or cultural landscapes. Cultural heritage assets may include intangible assets relating to the traditional lifestyle of a society. This can include daily activities, customs, beliefs, rituals, ways of life and music.
<b>Place</b>	means a site, area, land, landscape, building or other work, group of buildings or other work and may include components, contents, spaces and views.
<b>Heritage Value</b> <sup>101</sup>	means the aesthetic, historic, scientific, social or spiritual value for past, present or future generations. It is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.
<b>Conservation</b>	means all the processes of looking after a place so as to retain its value or cultural significance. Conservation is closely associated with maintenance, which means continuously protecting the fabric and setting of a place. It is to be distinguished from repair, which involves restoration or reconstruction.
<b>Preservation</b>	is the action taken to maintain the fabric of a place in its existing state and retard deterioration.
<b>Restoration</b>	means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.
<b>Reconstruction</b>	means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.
<b>Adaptation</b>	means modifying a place to suit the existing or a proposed use.

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<sup>100</sup> The following terms are extracted from “The Burra Charter” - The Australian ICOMOS Charter for Places of Cultural Significance, 1999. See also section 1.25 of this report for explanation of ICOMOS and other international bodies involved in heritage conservation.

<sup>101</sup> The term “heritage value” is synonymous with “cultural significance” and “heritage significance.” See Article 1 of The Burra Charter.

**Use**

means the functions of a place, as well as the activities and practices that may occur at the place.



## EXECUTIVE SUMMARY

The conservation of cultural heritage is a crucial factor in the long-term prosperity of a city. Not only does cultural heritage ensure the diversity and uniqueness of a city, it also helps to strengthen the residents' sense of place and civic pride. These benefits help support cultural and economic vibrancy. An effective heritage conservation strategy is therefore crucial in sustaining the competitiveness of a city.

The biggest challenges to heritage conservation in Hong Kong are limited developable land, current land policy and a growing population. These are further hampered by a lack of leadership, a lack of long-term design vision and a mismatch of resources and legislation. It is clear that Hong Kong is in critical need of a comprehensive conservation strategy.

This report provides an overview of the existing system of heritage conservation and proposes a number of policy options to enable effective heritage conservation management. The key recommendations are:

**-Establish a dedicated conservation authority** at the highest decision making level to develop and apply consistent heritage conservation principles. This body needs to ensure the efficient cooperation of existing government and non-governmental conservation bodies and the ongoing provision of funds for the implementation of conservation efforts.

**-Formulate and develop a heritage conservation policy.** This legally-backed policy needs to include strategies to alleviate threats to conservation and benchmarks to measure progress.

**-Develop mechanisms that promote private sector participation** in heritage conservation. These mechanisms must recognize existing economic forces in order to develop tools which promote sensitive land development and protection of heritage assets.

**-Push initiatives that encourage general public involvement** in heritage conservation. These initiatives should identify community values, promote education and develop consensus-building processes which involve genuine public contribution to policy formulation and decision making.

**-Improve the effective operation of existing ordinances and administrative bodies.** A number of specific improvements have been identified, including:

-Improvements to existing ordinances such as an extension of protection to incorporate all areas and districts, building types and other intangible heritage assets, creation of zoning categories which provide for the protection of heritage assets, inclusion of heritage conservation as a "public purpose," requirement for housing projects to undergo environmental impact assessments, and inclusion of heritage considerations in the New Territories Small House Policy.

-Improvements to the operation of existing conservation-related bodies, including a revision of existing grading systems to ensure protection of buildings beyond those that are "monument quality," increased resources to reduce the backlog of sites under consideration for protection, creation of mechanisms to identify heritage sites within

the town planning process, proper maintenance of government-owned vacant heritage sites and development of a tourism management system and guidelines.

Decision makers have tended to overlook issues of conservation, especially when conservation is pitted against short-term economic incentives. However, with open debate and a willingness to address concerns, it should be possible to derive an effective strategy that incorporates the needs and concerns of all stakeholders. This report was written in the spirit of constructive cooperation.



## INTRODUCTION

Cultural heritage plays an important role in forming our sense of self and identity. It sustains our values and communities and allows us to share a collective history. For this reason, it is an invaluable public asset that represents the “social capital” of a city. The management of heritage conservation is a vital part of maintaining and enhancing this “social capital.” Well-managed conservation efforts not only enhance the quality of urban life, but also contribute significantly to the international competitiveness of a city.

In Hong Kong, there is a pressing need to cope with the effects of untrammelled development. With limited usable land and a rapidly expanding population, Hong Kong has been under continuous pressure to redevelop its existing structures and neighbourhoods. Driven by this pressure, many of the city’s old buildings and traditional areas have been replaced in the past 30 years. The conservation of the limited remaining heritage assets is becoming an urgent matter.

The urgency of heritage conservation has not been lost on the government. The government is beginning to recognise that buildings, areas and customs that preserve significant aspects of previous lifestyles are important, not only for quality of life and for international competitiveness, but also as a key component of tourism.

In his 1999 Policy Address, the Chief Executive of Hong Kong, Mr. Tung Chee Hwa, pronounced the importance of preservation as an objective for sustainable development and heritage tourism:

*“It is important to rehabilitate and preserve unique buildings as this not only accords with our objective of sustainable development but also facilitates the retention of the inherent characteristics of different districts, and helps promote tourism..Hong Kong possesses a unique cultural history going back several thousand years. This not only helps us to establish our identity but also serves to attract tourists.”<sup>102</sup>*

Along with the government’s renewed interest in conservation, an increasing number of citizens are beginning to express concern about heritage conservation. A growing appreciation of city pursuits and an urge to strengthen a sense of place after Hong Kong’s reunification with China seem to reflect changed urban values and increasing awareness of the quality of life. With a new vision of Hong Kong as a world city, it is time to begin deriving a practical, broad-based and long-term strategy to conserve our cultural heritage.

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<sup>102</sup> See, Paragraphs 133 and 164, 1999 Policy Address of the Chief Executive.

## ABOUT THIS REPORT

Conducted over a six-month period, this report attempts to give an overview of the issue of heritage conservation in Hong Kong, as well as a discussion of mechanisms that may be used to implement conservation objectives. A comprehensive list of recommendations is also provided to serve as a basis for formulating a long-term conservation strategy.

**Part I** of the report examines the issue of heritage conservation from a number of perspectives, including exploring the meaning of cultural heritage as well as identifying the obstacles and potentials of the conservation process in Hong Kong. Part I, section 1.4 examines the current administrative and legal framework and pinpoints areas where improvements or changes are needed to facilitate an effective conservation process.

**Part II** builds on the discussion in the previous section and provides a series of concrete recommendations for improving conservation practices in Hong Kong. **Part III** then reviews two case studies of important heritage sites that are in danger of being destroyed due to existing or proposed development plans. Our discussion of the case studies are intended to illustrate both the constraints of the existing heritage conservation system and to outline how our recommendations could lead to improved conservation outcomes in these and similar situations.

The following report and recommendations represent constructive co-operation in the civic process. We hope that ideas discussed here will serve as a launching pad for vigorous and constructive debate on how to move towards a more successful approach to conservation for Hong Kong.

## PART I: CONSERVING HONG KONG

### 1.1 CONCEPTUAL FRAMEWORK

#### 1.11 WHY CONSERVE?

Places of cultural significance enrich people's lives by providing a deep sense of connection to the past and to lived experiences. Heritage acts as an historical record and tangible expression of a people's identity. It reflects the diversity of our communities, sustains our urban values and allows future generations to connect to the collective history we share as a society. Heritage conservation is a key component in maintaining our "social capital," a product of shared values that acts as an important basis for the common interests and trust that support social and economic life.

"Placelessness" is a common phenomenon felt by many people in modern metropolises. The apathy that often accompanies it imposes significant costs on a city. Conserving heritage can strengthen a sense of place and civic pride for the population. This is also of vital importance on an individual level, as it instills a sense of purpose, connection and meaning in one's daily life.

From an urban planning perspective, the conservation of historical contexts contributes to the diversity and character of our environment, distinguishing it from yet another anonymous urban metropolis. The conservation of cultural heritage also contributes to a city's competitiveness. Differentiation is a key component of competition (economic and otherwise) and cultural and historical features are almost impossible to recreate once lost.

Cultural complexity allows for flexibility and adaptability, which is crucial for broad economic and social stability. In addition, through the process of maintaining and regenerating urban landscapes, conservation has the potential to attract international skilled professionals and visitors who would like to experience a different way of life from their own. The growth of heritage tourism can also bring economic benefits by diversifying the tourism product range and enhancing the variety of experiences offered to potential visitors.

#### 1.12 HERITAGE CONSERVATION MANAGEMENT

The preceding section points towards several important features of successful heritage conservation:

- *The first is that conservation is not simply about preserving buildings or objects. It is about preserving places that embody heritage values so that they retain their cultural significance.*
- *The second is that conservation decisions should balance economic imperatives with preservation.*

In order to achieve these dual goals, conservation decisions require considerable initial research to understand the significance of a place or area. It is only with sensitivity to its contextual meanings that correct decisions can be made to protect its heritage value. Heritage conservation should be based on a respect for the existing fabric, use, associations and meanings of a place.<sup>103</sup> Changes should not distort the physical or other evidence it provides, nor be based on conjecture.

<sup>103</sup> For further explanation of key conservation terms, refer to the terminology section in this report.

This also means that particular attention needs to be paid to balance the need to preserve places without change and the imperative of revitalization, accompanied by new, economically viable uses. This requires a cautious approach<sup>104</sup> with sensitivity, research, and community involvement. The approach should be informed by an underlying commitment to solutions that engage present generations without betraying the spirit of previous generations.

The most beneficial research relating to heritage decisions, as well as the most effective subsequent management of heritage sites, must involve the participation of the people most closely related to the significance of the heritage area. Without this, it is difficult to preserve beyond a mere façade.

The attention to balance is equally important when considering the tourism appeal of potential conservation efforts. It is tempting to showcase sights for tourist consumption, but ultimately this may attract only tourists looking for easy sightseeing. This sort of practice, while appealing in its simplicity, runs the risk of not attracting repeat visitors, of paling in comparison with more holistic cultural experiences in competing tourist destinations and of doing a substantial disservice to Hong Kong society.

### **1.13 CHALLENGES OF HERITAGE CONSERVATION IN HONG KONG**

In Hong Kong, the biggest challenge to heritage conservation undoubtedly lies on the limitation of usable land, the current land policy and a growing population. This creates pressure to continuously redevelop existing urban fabrics to accommodate new structures.

Development has always been given primary consideration because it is seen as a major way to promote economic growth. As a result, many of the city's historic buildings have already surrendered to the prevailing commercial imperative.<sup>105</sup>

In the face of these pressures, successfully undertaking conservation will require a design vision for the city that articulates the role of heritage conservation. To be successful, such a vision must explicitly recognise the social importance of conservation. It must also establish a framework that will allow for an inclusive, flexible and ongoing identification of areas of heritage value. In addition, it requires a means of prioritising competing interests and concerns in the process of achieving this vision.

However, in Hong Kong there are a number of additional factors that pose obstacles to the practice of heritage conservation. These include:

- Lack of understanding of heritage conservation and its potential;
- Lack of a broad-based, long-term conservation policy;
- Fragmented priorities and inadequate coordination of government departments involved in present heritage conservation practice;
- Lack of mechanisms to compensate developers and property owners; and
- Lack of public involvement in decision making.

These issues will be explored in greater detail in section 1.4.

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<sup>104</sup> Further discussion of the principle of “cautious approach” is outlined in Article 2 of The Burra Charter.

<sup>105</sup> See, “Urban Renewal & Regeneration: Making People-friendly Places & Public Spaces” by Peter Cookson Smith in HKIA Journal, Issue No. 24, 2nd quarter, 2000

## 1.14 AN OVERVIEW OF HERITAGE CONSERVATION IN HONG KONG

Heritage conservation was first introduced to Hong Kong in 1976 when the government enacted the Antiquities and Monuments Ordinance<sup>106</sup> with the aim of protecting historical monuments and promoting awareness of heritage values. However, until recently, heritage conservation has neither been considered important by the public nor has fuelled public debate and participation. Efforts and advocacy traditionally arose from local green groups who fought for the protection of Hong Kong's historical and natural environment.

Hong Kong's conservation practice has suffered from a narrow understanding cultural heritage. For example, places and sites with heritage value include vernacular village houses, colonial buildings, tenement buildings<sup>107</sup> as well as other types of places which may not fit into a pre-established category of "antiquities"<sup>108</sup> or "monuments."<sup>109</sup> However, it has been almost exclusively buildings with "monumental quality,"<sup>110</sup> mostly either examples of colonial architecture or Chinese temples that have been preserved at the expense of the more typical architecture and neighbourhoods of Hong Kong's past.

However, criticism of Hong Kong's heritage conservation policies has heightened recently. This has largely arisen because of the loss of important historical buildings and areas such as the old Wan Chai market and the remnants of old walled cities, particularly the Kowloon walled city. These losses have compounded past demolitions of historical landmarks including the Lee Theatre, the former General Post Office, the old Hong Kong Club and Repulse Bay Hotel and the former Kowloon-Canton Railway Station. There is a growing community awareness of the cost of losing the past and a growing desire to strengthen Hong Kong's unique character and identity.

Efforts undertaken by the government to preserve cultural heritage assets have been criticised as being piecemeal and for often resulting in inaccessible museum-type venues that are not in line with the original character of the buildings or the general atmosphere of their surroundings.<sup>111</sup> For example, the flattening of Li Chit Street in Wan Chai, which was replaced by a fake façade of traditional houses and the relocation of Yuen Po Street (known as Bird Street) from a Mongkok back alley to a small garden next to the railway in Prince Edward, have both been criticized as resulting in a loss of character of these original areas.

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<sup>106</sup> Antiquities and Monuments Ordinance, Cap.53 of the laws of Hong Kong.

<sup>107</sup> Tenement buildings, or so-called "Tong Lau" (buildings for the Chinese) are mostly two to three stories buildings built prior to the 1950's in Hong Kong's urban area. They serve both commercial and residential purposes and are typical of working class districts of early Hong Kong. Many can still be found in older districts like Shamshuipo and Yaumatei but are disappearing at an alarming rate due to pressure for redevelopment. For further discussion, see, "Tenement Buildings: In Light of their Origin" by Ferdinand K.H. Cheung in HKIA Journal Issue No. 24, 2<sup>nd</sup> Quarter 2000.

<sup>108</sup> As outlined in Section 2 of the Antiquities and Monuments Ordinance, "antiquity" means (a) relic; and (b) a place, building, site or structure erected, formed or built by human agency before the year 1800 and the ruins or remains of any such place, building, site or structure, whether or not the same has been modified, added to or restored after the year 1799.

<sup>109</sup> As outlined in Section 2 of the Antiquities and Monuments Ordinance, "monument" means a place, building, site or structure which is declared to be a monument, historical building or archaeological or palaeontological site or structure under section 3 of the Ordinance.

<sup>110</sup> "Monumental quality" generally refers to the special architectural or historical merits possessed by historical buildings.

<sup>111</sup> See, South China Morning Post article "Concrete Blots on Our Urban Landscape," 14 April 2001.

Furthermore, government efforts to conserve areas such as Western Market in Sheung Wan have elicited a number of complaints because of the resulting loss of character to the building, in part due to tourist-type shops replacing the formerly lively trade of the market.

It is not only local residents who decry the lack of heritage preservation efforts. In 2001, a Japanese travel association wrote to the government urging it to “preserve its historic urban sites” if it does not want Hong Kong to lose its appeal to visitors.<sup>112</sup> Heritage has also been identified as an area of special interest in ongoing visitor surveys carried out by the Hong Kong Tourist Board (formerly the Hong Kong Tourist Association).

While many argue that it is too late for heritage conservation, a recently completed survey commissioned by the government and facilitated by the Antiquities and Monuments Office (AMO), revealed that Hong Kong still has over 9,000 pre-1950 structures of varying forms and quality.<sup>113</sup>

However, the loss of important heritage assets continues. The absence of a supported heritage conservation policy, an inability to coordinate existing government departments and a shortfall in the statutory mechanisms to implement heritage conservation all contribute to this situation.



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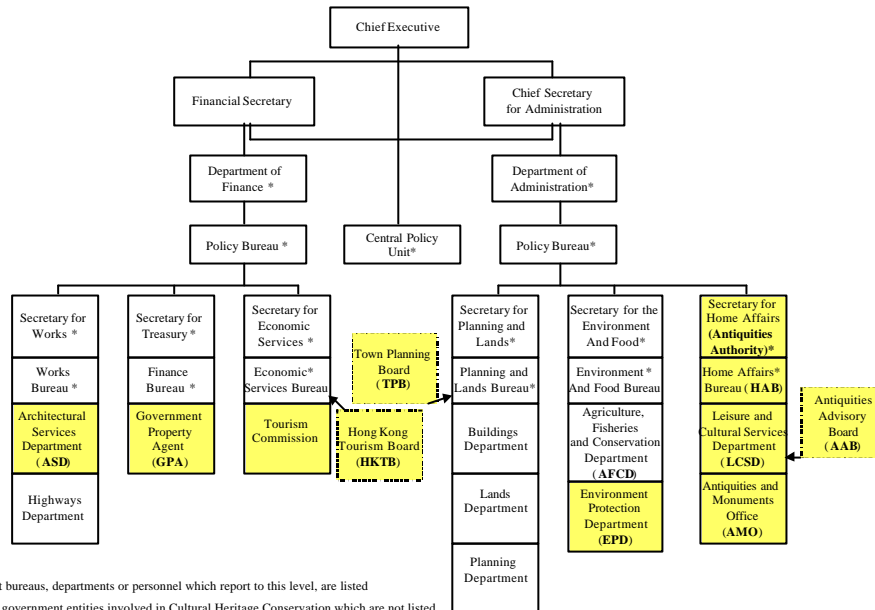
<sup>112</sup> See, South China Morning Post editorial “Preserving the Past” and article “Japanese Urge Tung to Preserve SAR’s Heritage,” 10 August 2001.

<sup>113</sup> A territory-wide historical buildings survey was undertaken in 1997 by eight research teams coordinated by the AMO. The teams, led by university professors and historians, compiled information on over 9,000 buildings that were either built before 1950 or were otherwise noteworthy.

## 1.2 PRACTICAL FRAMEWORK

### 1.21 EXISTING HERITAGE CONSERVATION FRAMEWORK

Figure 1: Organisation Chart of the Government of HKSAR's Bureaus, Boards and Departments Involved in Cultural Heritage Conservation \*\*



\* Not all government bureaus, departments or personnel which report to this level, are listed

\*\* There may be other government entities involved in Cultural Heritage Conservation which are not listed

Source: Summarised from "Organisation Chart of the Government of Hong Kong Special Administrative Region" at [http://www.info.gov.hk.govcht\\_e.htm](http://www.info.gov.hk.govcht_e.htm)

Although the existing cultural heritage conservation administrative and legal framework is officially within the scope of the Antiquities and Monuments Ordinance and administered through the AMO and the Antiquities Advisory Board (AAB), the task of cultural heritage conservation involves many government and non-government bodies and laws in practice.

The AMO operates within the Leisure and Cultural Services Department (LCSD), which is an operational department under the Home Affairs Bureau (HAB). Established under the Antiquities and Monuments Ordinance, the AAB consists of members appointed by the Chief Executive of Hong Kong.<sup>114</sup> The role of the AAB is to provide advice and guidance on any matters relating to antiquities, monuments or proposed monuments to the Antiquities Authority (the Secretary for Home Affairs) and to guide the work of the AMO.<sup>115</sup>

<sup>114</sup> As of 31 December 2001, there were 20 members on the AAB. Meetings of the AAB are not open to the public.

<sup>115</sup> The work of the AMO, as outlined in the "Report of the Antiquities Advisory Board 1992 & 1993" published by the AMO, consists mainly of (1) identifying, recording and researching buildings and items of historical interest; (2) organizing and coordinating surveys and excavations of areas of archaeological significance; (3) maintaining and developing archives of written and photographic material relating to these places and items; (4) organizing the protection, restoration and maintenance of monuments; and (5) fostering public awareness in Hong Kong's heritage through a series of education and publicity programs.

A summary of the government bodies involved in cultural heritage conservation is highlighted above in Figure 1.

## 1.22 LEGAL FRAMEWORK

Four ordinances constitute the primary instruments of cultural heritage protection in Hong Kong. This section outlines these laws and their respective administrative frameworks.

### A. Antiquities and Monuments Ordinance

Enacted in 1976, the Antiquities and Monuments Ordinance was, and is, the most comprehensive statutory protection for cultural heritage in Hong Kong. The AMO, providing support and secretarial services for the AAB, assists the Antiquities Authority (Secretary for Home Affairs) in implementing the Antiquities and Monuments Ordinance. Under the Antiquities and Monuments Ordinance, the “[Antiquities] Authority may, after consultation with the AAB and with the approval of the Chief Executive, declare any place, building, site or structure, which the [Antiquities] Authority considers to be of public interest by reason of its historical, archaeological or palaeontological site or structure.”<sup>116</sup>

Declaration is one of the major means of protecting heritage survival, as government money for rehabilitation, renovation and restoration comes with the declaration of a site as a monument.<sup>117</sup> The AMO facilitates declaration and once declared, no person may undertake acts that are prohibited under the Antiquities and Monuments Ordinance, such as demolition or building, unless a permit is obtained from the Antiquities Authority through the AMO. There are currently seventy two declared monuments in Hong Kong.<sup>118</sup> However, some 9,000 historical buildings have been identified by the AMO as either built before 1950 or exhibiting other cultural value, such as City Hall. Once identified as having potential for conservation, buildings are entered into a record and are ‘graded’ by the AMO to show their relative importance.<sup>119</sup>

To varying degrees, the AMO interacts with government departments and non-government bodies on matters relating to cultural heritage conservation. This is illustrated below in Figure 2.

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<sup>116</sup> Antiquities and Monuments Ordinance (Cap. 53), Section 3(1).

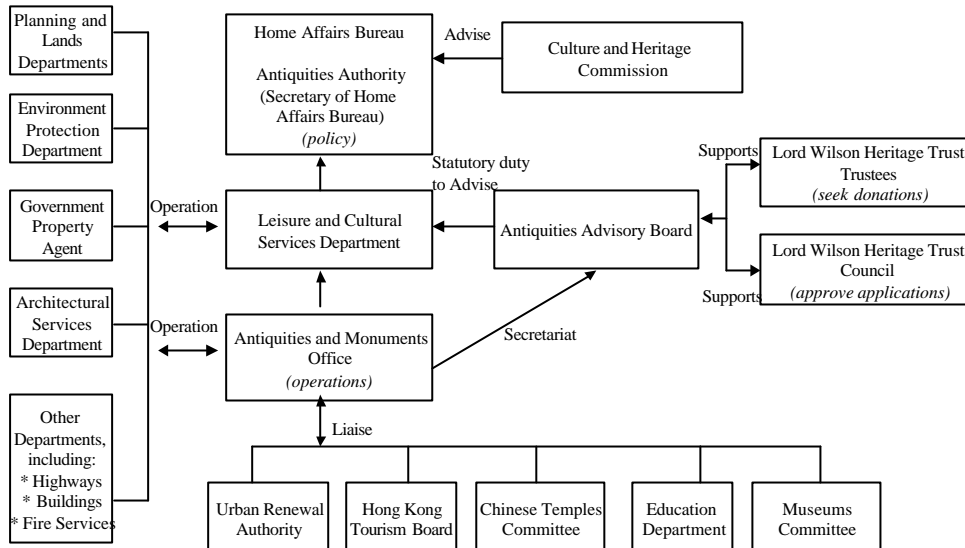
<sup>117</sup> Monument is used as a generic term for monument, historic building, archaeological or palaeontological site or structure.

<sup>118</sup> The Leisure and Cultural Services Department declared 72 monuments in Hong Kong as of 29 December 2000. Further information is located at [http://www.lcds.gov.hk/CE/Museum/Monument/culture\\_e5c\\_1.htm](http://www.lcds.gov.hk/CE/Museum/Monument/culture_e5c_1.htm), accessed on 17 September 2001.

<sup>119</sup> Proposed gradings are submitted to AAB for approval. Agreed gradings are subject to periodic review and revision.



**Figure: 2 Formal and Working Relationships of Antiquities and Monuments Office within the Government**



Source: Hong Kong University, Department of Architecture, Architectural Conservation Programme

To encourage the community's commitment in heritage conservation, the AMO launched a Friends of Heritage scheme in 1999, aiming to recruit heritage enthusiasts for voluntary work and further promote heritage conservation in the community. The AMO also launched a Heritage Awards scheme in 2000, to promote the preservation of Hong Kong's heritage and foster among the public a sense of identity and belonging through community and school groups.

## B. Town Planning Ordinance (TPO)

The Planning and Lands Bureau (PLB) also influences cultural heritage matters through the work of its various departments and advisory boards, particularly the Town Planning Board (TPB), which is responsible for the drafting of statutory zoning plans for all districts in Hong Kong (refer to Appendix One for a summary of the Hong Kong Planning Hierarchy). Zoning categories, as determined by the TPB and as outlined in the TPO,<sup>120</sup> may include: Coastal Protection Areas (CPAs), Sites of Special Scientific Interest (SSSIs), Green Belts (GBs) or other areas that promote conservation or protect the environment. However there are no zoning categories designed to promote heritage and cultural protection.

An amended Town Planning Bill has been proposed which would enhance the protection of heritage areas. One of the new provisions in the Town Planning Bill, which would enhance the protection of heritage areas, is to empower the TPB to designate key areas, where environmental and design considerations are of sufficient importance, as Environmentally Sensitive Areas or Special Design Areas. This will enable areas to be master planned in a more comprehensive manner. It will also require applications, in the case of an Environmentally Sensitive Area, to be accompanied by a report on the key planning and environmental issues, and in the case of a Special Design Area, by an urban design plan, master layout plan and landscape plan. This new provision could be used, for example, to

<sup>120</sup> The Town Planning Board Ordinance, Cap. 131 of the Laws of Hong Kong.

zone a whole street or neighbourhood and ensure that the important characteristics are preserved as an entity. However, the Town Planning Bill, unfortunately, has been shelved due to the complexity of the legislation and the timing of its presentation to the Legislative Council.<sup>121</sup>

The Planning Department also undertakes planning studies involving heritage conservation issues (such as the study of Hong Kong's cultural facilities)<sup>122</sup> and develops the Hong Kong Planning Standards and Guidelines, a policy document that sets out standards of provisions and location guidelines for various land uses and facilities. Chapter 10 of the Hong Kong Standards and Planning Guidelines is dedicated to natural and heritage conservation considerations including the "Conservation of Historic Buildings, Archaeological sites and other Antiquities."<sup>123</sup>

The Planning Department also undertook a study on Sustainable Development for the 21<sup>st</sup> Century and is conducting an ongoing review of the Territorial Development Strategy "Hong Kong 2030: Planning and Vision Strategy," which focuses on developing a land use, transport and environmental framework for Hong Kong to ensure the most efficient use of existing resources.<sup>124</sup> Under the over-arching goal of sustainable development, one of the "Hong Kong 2030: Planning and Vision Strategy" specific objectives is to "conserve significant natural landscape and cultural heritage."<sup>125</sup>

### **C. Environmental Impact Assessment Ordinance (EIAO)**

The EIAO<sup>126</sup> is an additional piece of legislation that provides limited protection to sites of cultural and heritage value which are threatened by certain kinds of development. Instituted in 1997, the authority for the ordinance is the Director of Environmental Protection. The EIAO, requires certain designated projects (generally major infrastructure projects) to undergo an Environmental Impact Assessment before they can be granted an environmental permit for development to proceed. This ensures a measure of control over what was previously a carte blanche for infrastructure developers. For instance, the Environmental Impact Assessment for the West Rail project required the KCRC to mitigate against potential damage to certain heritage sites.

A Technical Memorandum contains guidance on the criteria and guidelines to use for assessment of impact on sites of cultural heritage. The Technical Memorandum generally favours the protection and conservation of all sites of cultural heritage and requires that impacts be kept to the absolute minimum. While there is no quantitative standard in deciding

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<sup>121</sup> After a comprehensive review in 1991, a White paper was published in 1996 and the bill finally gazetted in early 2000. While a Legislative Council bills committee was set up, due to the complexity of the bill and insufficient time, the committee was dissolved in May 2000. The less controversial aspects of the bill will be reintroduced to the Legislative Council in 2003.

<sup>122</sup> "Cultural Facilities – A Study on Their Requirements and the Formulation of New Planning Standards and Guidelines." For further information on this study, see the Planning Studies section of [http://www.info.gov.hk/planning/index\\_e.htm](http://www.info.gov.hk/planning/index_e.htm).

<sup>123</sup> For further information on the Conservation section within the HKSPG see the Technical Documents section of [http://www.info.gov.hk/planning/index\\_e.htm](http://www.info.gov.hk/planning/index_e.htm).

<sup>124</sup> "Hong Kong 2030: Planning Vision and Strategy." For further information on this study, see the Planning Studies section of [http://www.info.gov.hk/planning/index\\_e.htm](http://www.info.gov.hk/planning/index_e.htm).

<sup>125</sup> See, The Planning Department's newsletter (No. 2 of 2000), page 2.

<sup>126</sup> Environmental Impact Assessment Ordinance (Cap. 499) of the laws of Hong Kong, outlines the purpose, requirements and process of the EIA.

the relative importance of these sites, sites of unique archaeological, historical or architectural value are considered highly significant.

#### **D. Urban Renewal Authority Ordinance (URAO)**

While the recently established Urban Renewal Authority (URA)<sup>127</sup> is neither a government body nor agent, the Secretary for Planning and Lands provides the URA with input and may prepare urban renewal strategies for the purposes of carrying out urban renewal.<sup>128</sup>

Unlike the former Land Development Corporation (LDC), the URA is empowered to identify and “preserve buildings, sites and structures of historical, cultural or architectural interest,”<sup>129</sup> including the preservation “as far as practicable of local characteristics.”<sup>130</sup> The URA is also given comprehensive powers to acquire or hold land for development and to “alter, construct, demolish, maintain, repair, preserve or restore and building, premises or structure.”<sup>131</sup>

In order to coordinate heritage conservation with other relevant government bodies, the URA should also “ensure proper interface” with the AAB, CHC, the HAB and the LCSD and the URA board should “consider opening its meetings to the public as far as practicable.”<sup>132</sup>

In an effort to involve public participation, the URA announced it would create a total of seven District Advisory Committees, comprising “residents, district dignitaries, professionals and academics.”<sup>133</sup> The role of these District Advisory Committees is “to advise on issues relating to urban renewal, including redevelopment, preservation, revitalization and rehabilitation, in the districts concerned.”<sup>134</sup> To date, the URA has set up four District Advisory Committees, tying in with its announced development plans for each of these districts.<sup>135</sup>

### **1.23 Administrative Framework**

This section outlines other administrative bodies and policies that affect cultural heritage conservation in Hong Kong.

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<sup>127</sup> The Urban Renewal Authority was established in May 2001 under section 3 of the Urban Renewal Authority Ordinance (URAO), Cap.563. The URA replaces the Land Development Corporation (which was formerly established under the Land Development Corporation Ordinance, Cap. 15), a former government entity operating under the Planning and Lands Department. The URA is an Authority that has powers and duties as are conferred and imposed on it by the URAO.

<sup>128</sup> URAO (Cap. 563), section 20.

<sup>129</sup> URAO, (Cap. 563), Section 5(e) and also outlined in the Urban Renewal Strategy Consultation Paper, published by the Planning and Lands Bureau (July 2001), page 2.

<sup>130</sup> Ibid.

<sup>131</sup> URAO (Cap. 563), Sections 29 and 6(1)(e).

<sup>132</sup> As outlined in the Urban Renewal Strategy Consultation Paper pages 3 and 6.

<sup>133</sup> See, URA press release dated 10 January 2002, “Urban Renewal Authority set up Four District Advisory Committees” <http://www.hkura.org/html/c402000e16.html>, (accessed 27 January 2002).

<sup>134</sup> Ibid.

<sup>135</sup> The first four established District Advisory Committees represent the areas of Wan Chai, Sham Shui Po, Yau Tsim Mong and Central and Western Districts. The remaining three will represent the areas of Kwun Tong, Kowloon City and Tsuen Wan. For further details see <http://www.hkura.org/html/c402000e16.html> (accessed 27 January 2002).

#### **A. Lord Wilson Heritage Trust**

The Lord Wilson Heritage Trust was established in 1992, following the enactment of an Ordinance<sup>136</sup> bearing the same name, to promote the preservation and conservation of Hong Kong's human heritage, including historical, archaeological and palaeontological objects, sites and structures. The trust is currently administered by the HAB. Grants made by the trust have largely been for heritage research and education. For instance, past grants of the trust have funded AMO-organized events such as "Year of Heritage" and the Heritage and Tourism Conference held in 1999. Funding allocated to non-governmental research has included studies such as the contribution of the Indian community to Hong Kong's cultural capital and a study of a new model to assist in planning for sustainable cultural heritage tourism.

#### **B. Government Property Agent (GPA)**

The GPA administers the use of many declared monuments owned by the government. The GPA maintains a list of all government-owned buildings that have been declared under the Antiquities and Monuments Ordinance or which have been graded by the AMO/AAB. The GPA administers and determines the use of these buildings. However, certain buildings such as police stations are effectively administered themselves. With self-administered buildings, the GPA ensures that the needs of the government users are met within the building. If the needs are not met, then the GPA will assist the government user to find more suitable accommodation within the available supply of government-owned buildings. In reality, any government-owned buildings that are not occupied are usually in poor condition and are not attractive to government users.

Guidelines circulated in 1997<sup>137</sup> regularised the process of giving preference for government-owned buildings (inclusive of heritage and non-heritage buildings) to government users. Prior to 1997, the process of allocating uses for government-owned heritage buildings was less regulated. For instance, old military buildings and the British military hospital were granted to charities and non-government organizations, while the Peak Café and Stanley 88 (an old police station) were leased on a commercial basis.

#### **C. Architectural Services Department (ASD)**

The ASD maintains the structure of all government-owned buildings (both in Hong Kong and overseas) while the Electrical Maintenance and Services Department undertake the electrical and mechanical maintenance. The ASD operates a heritage buildings section under its property services management department.

#### **D. Lands Department – New Territories Small House Policy (SHP)**

Although the Lands Department is not directly involved in efforts to conserve cultural heritage, the SHP, which is administered by the Lands Department, has had a far-reaching negative effect on the heritage of New Territories indigenous villages.

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<sup>136</sup> Lord Wilson Heritage Trust Ordinance (Cap. 425) of the laws of Hong Kong.

<sup>137</sup> Accommodation Circular 1, 1997, outlined the process to accommodate government owned buildings. These guidelines outline that first preference for usage of government-owned buildings must be given to government departments. If no department requests the building, it may be offered for commercial use. Finally, if no adequate commercial user is found, the building may be offered to a non-government organization, although this is not common.

The SHP, implemented in 1972, was formulated to “allow an indigenous villager to apply for permission to erect for himself during his lifetime a small house on a suitable site within his own village.”<sup>138</sup> Under this policy, if an indigenous villager owns a piece of land within the village environs, he can erect a 700 square feet, three storey house on it, regardless of what sort of structure or dwelling currently exists on the land. From a heritage standpoint, the failure of this policy rests in the interpretation undertaken by villagers who utilised this policy to build modern residential dwellings that bore no resemblance to the traditional type village housing or to the surrounding agricultural land. Furthermore, these new low-rise dwellings may be exempt from the Buildings Ordinance and sometime pose sewerage, drainage and fire hazard problems.

#### **E. Culture and Heritage Commission (CHC)**

Recent efforts by the government to improve the protection of Hong Kong’s cultural heritage include the establishment of the CHC in November 2000.<sup>139</sup> The CHC is a non-executive body whose role is to advise the government on policy and funding priorities for culture and arts. “A key responsibility of the commission is to formulate a set of principles and strategies to promote the long-term development of culture in Hong Kong.”<sup>140</sup>

To date, the CHC has invited public submissions<sup>141</sup> and developed working groups reviewing culture and arts education, the West Kowloon reclamation, libraries and museums. Future deliberations of the commission include: heritage, cultural facilities, resources and cultural exchange. The CHC has not yet published any findings of these reviews.

### **1.24 TOURISM BODIES**

Cultural heritage is widely recognized as a tourist product with expanding potential. There are a number of government and non-governmental organizations that are involved in the promotion and development of heritage sites as tourist attractions. This section outlines the various bodies involved in the promotion and development of heritage tourism.

#### **A. Tourism Commission**

The first Commissioner for Tourism was appointed in 1999 to promote the development of the tourism industry. Operating under the Economic Services Bureau, the Tourism Commission is tasked with formulating tourism-related policy. A Tourism Strategy Group

<sup>138</sup> As outlined in, “The New Territories Small House Policy – How to Apply for a Small House Grant” produced by the Lands Department – June 2001, page 7.

<sup>139</sup> From the period 1 April 2000, to 31 March 2002, there were eighteen members on the CHC including the chairmen of the AAB, the Board of Governors of the Hong Kong Arts Centre, the Hong Kong Arts Development Council, Council of the Hong Kong Academy of Performing Arts, the Secretary for Home Affairs and the Director of Leisure and Cultural Services and a secretary. Meetings of the CHC are not open to the public, but press releases are usually posted on the CHC website ( see <http://www.chc.org.hk/>) after every meeting.

<sup>140</sup> Further information on the role and objectives of the CHC can be accessed at <http://www.chc.org.hk/>

<sup>141</sup> The CHC published a Consultation Paper in March 2002, entitled "Gathering of Talents for Continual Innovation," with the aim of seeking the public's views on strategies of promoting cultural development in Hong Kong and the future direction of the work of the CHC. The official consultation period ended at the end of June 2001. Details of the consultation paper and summary of public responses can be accessed at <http://www.chc.org.hk/>

(which is chaired by the Commissioner for Tourism) was formed in October 1999 to ‘draw up a strategic plan for the future development of tourism in Hong Kong.’<sup>142</sup> A further sub-group on “Heritage and Culture” was then formed from within the Tourism Strategy Group with the aim of “identifying institutional issues which should be addressed by the government in taking forward heritage tourism projects, such as Wu Yiu Pottery Kiln, Victoria Prison and the Central Police Station Complex. The sub-group will also examine the role of the Heritage Tourism Task Force in promoting heritage for tourism purposes and consider the way forward.”<sup>143</sup>

## **B. Hong Kong Tourist Board (HKTB)**

The HKTB (formerly known as the Hong Kong Tourist Association<sup>144</sup>) acts as the marketing arm of the tourism industry and is involved in a number of heritage initiatives including the ongoing planning and publishing of materials on Hong Kong’s history, monuments, museums, festivals, traditions heritage trails and tours. Events arranged by the HKTB range from the provision of audio equipment for self-guided heritage tours, such as the Central and Western Heritage Trails, to fully guided living history “people and places” tours, such as the New Territories Heritage and Feng Shui Tours.<sup>145</sup> The HKTB is also involved in local museums through the administration of a museum pass that allows visitors to access five of the most prominent museums by shuttle bus.

In certain instances, the HKTB conducts planning studies on the tourism potential of historic buildings and areas, such as the theatre and surrounding area in Yaumatei.<sup>146</sup> The HKTB also undertakes visitor surveys and studies in order to identify future marketing strategies.<sup>147</sup>

In order to promote and implement its activities, the HKTB works with the AMO and AAB and the local District Councils.

## **C. Heritage Tourism Task Force (HTTF)**

The HTTF was established by the government in 1998 to “focus on individual initiatives and on a broader strategy for promoting our heritage sites and developing opportunities for joint promotions with the Mainland and other regional destinations.”<sup>148</sup> The Tourism Strategy

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<sup>142</sup> See, Tourism Strategy Group meeting minutes (13 October 1999) at [http://www.info.gov.hk/tc/tourism\\_sg/index3.htm](http://www.info.gov.hk/tc/tourism_sg/index3.htm) (accessed 22 November 2001).

<sup>143</sup> Ibid.

<sup>144</sup> The Hong Kong Tourist Association (HKTA) was reconstituted as the Hong Kong Tourism Board on 1 April 2001, upon the enactment of amendments to the Hong Kong Tourist Association Ordinance (Cap. 302). This change was a result of recommendations arising from a recent Strategic Organization Review undertaken by the HKTA. The principal tasks now taken on by the HKTB are to promote Hong Kong as a tourist destination, to enrich visitors’ travel experience and to enhance Hong Kong’s attractiveness through improving and developing tourism itineraries in collaboration with the tourism industry.

<sup>145</sup> Recent developments of the HKTB include the franchising of certain tours to professional tour companies.

<sup>146</sup> The Yaumatei Tourism Planning Study was completed in 2000 by the old HKTA. The newly formed HKTB may not be involved in similar planning studies in the future.

<sup>147</sup> HKTB visitor surveys showed that 17% of all tourists surveyed in 2000 had a special interest in heritage; 17% had an interest in art and cultural exhibits and 13% had an interest in traditional Chinese festivals.

<sup>148</sup> As outlined in the 1998 Policy Address of the Chief Executive (paragraph 47) at [www.info.gov.hk/pa98/english/econ2.htm](http://www.info.gov.hk/pa98/english/econ2.htm) (accessed 22 November 2001).

sub-group on Heritage and Culture recommended that the HTTF “should become a permanent body under the HKTB responsible for developing tourism products with particular regard to cultural and heritage tourism.”<sup>149</sup>

## **1.25 INTERNATIONAL BODIES**

In addition to local legal and administrative guidelines, there are a number of international bodies, charters and guidelines on cultural heritage. Principles from these international bodies, charters and guidelines could be incorporated into Hong Kong cultural heritage conservation legislation, such as the Antiquities and Monuments Ordinance, and they could be incorporated and adapted (to suit local requirements and circumstances) into a set of guiding heritage conservation principles for Hong Kong. As guided by international experience, all relevant stakeholders (such as the government, private land owners, heritage conservation organisations and tourism bodies) must endorse any agreed heritage conservation principles or guidelines.

China is in the process of finalising, releasing and disseminating heritage conservation principals, which have been developed with reference to The Burra Charter (see below) and the Australian Heritage Foundation.

### **A. UNESCO**

- Internationally recognized guidelines have been developed by the United Nations and affiliated non-government organisations since the 1960s. The World Heritage Convention, embodied in an international agreement adopted by the United Nations Education, Scientific and Cultural Organisation (UNESCO) in 1972, aims to “define and conserve the world’s heritage, by drawing up a list of sites whose outstanding values should be preserved for all humanity and to ensure their protection through a closer co-operation of nations.”<sup>150</sup> There are currently 690 properties on the World Heritage List and over 160 state parties have signed the convention.
- UNESCO also established the Asia-Pacific Heritage Awards in 1999 to recognise efforts in the conservation of privately owned buildings and structures that are more than 50 years old and have been restored within the last ten years.<sup>151</sup> Hong Kong has been credited by UNESCO’s Asia-Pacific Outstanding Project Awards twice in recent years.<sup>152</sup>
- UNESCO has offered The University of Hong Kong’s Department of Architecture a Chair in Culture Resources Management, which is currently being processed. This provides formal recognition of the university’s “Architectural Conservation Programme” and positions the university in UNESCO’s regional network of conservation bodies.
- UNESCO has nominated 2002 as the “Year of International Heritage.”

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<sup>149</sup> See meeting minutes (31 August 2000) of the Tourism Strategy Sub-Group on “Heritage and Culture” at [http://www.info.gov.hk/tc/tourism\\_sg/index3.htm](http://www.info.gov.hk/tc/tourism_sg/index3.htm) (accessed 22 November 2001).

<sup>150</sup> <http://www.unesco.org/whc/heritage.htm> (accessed 8 November 2001).

<sup>151</sup> [http://www.unescobkk.org/culture/culture\\_press\\_kit/heritage\\_awards.htm](http://www.unescobkk.org/culture/culture_press_kit/heritage_awards.htm) (accessed 8 November 2000).

<sup>152</sup> The century-old Ohel Leah Synagogue (off Robinson Road) and the restoration of the 19<sup>th</sup> century Hung Shing Temple (Kau Sai Chau) have both been credited by UNESCO’s Asia-Pacific Outstanding Project Awards.

## B. ICOMOS

- The International Council on Monuments and Sites (ICOMOS) is UNESCO's principal advisor in matters concerning the conservation and protection of monuments and sites. With IUCN-The World Conservation Union, ICOMOS has an international role under the World Heritage Convention to advise the World Heritage Committee and UNESCO on the nomination of new sites to the World Heritage List.<sup>153</sup>
- Members of the countries belonging to ICOMOS are formed into National Committees, which participate in a range of conservation projects, research work, intercultural exchanges and co-operative activities.
- A Chapter of ICOMOS China is in process of being arranged in Hong Kong and Macau, which will act as a formal link to ICOMOS.<sup>154</sup>

## C. International Charters

- ICOMOS seeks to establish international standards for the preservation, restoration and management of the cultural environment. Many of these standards have been promulgated as Charters by the organization as a result of adoption by the ICOMOS General Assembly.<sup>155</sup>

Examples of Charters adopted by the General Assembly of ICOMOS include:<sup>156</sup>

- International Charter for the Conservation and Restoration of Monuments and Sites (Venice Charter – 1964);
  - Charter for Conservation of Historic Towns and Urban Areas (Washington Charter – 1987);
  - Charter for the Protection and Management of The Archaeological Heritage (1990);
  - International Charter on Cultural Tourism (1999); and
  - Charter on the Built Vernacular Heritage (1999).
- In the years following the international communities adoption of the Venice Charter, many countries have developed their own charter through the ICOMOS National Committees, adapting the conservation principles to their local conditions.

Examples of Charters adopted by the ICOMOS National Committees include:

- Charter for the Conservation of Places of Cultural Heritage Value (1992) (ICOMOS New Zealand);
- A Preservation Charter for the Historic Towns and Areas of the United States of America (1992) (US ICOMOS); and
- The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance, 1999 (The Burra Charter<sup>157</sup>) (Australian ICOMOS).

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<sup>153</sup> <http://www.international.icomos.org/about.htm> (accessed 8 November 2001).

<sup>154</sup> The Hong Kong/Macau ICOMOS National Committee is expected to be formed during 2002.

<sup>155</sup> <http://www.international.icomos.org/about.htm>(accessed 8 November 2001).

<sup>156</sup> For further information on the ICOMOS Charters, see [http://www.international.icomos.org/e\\_charte.htm](http://www.international.icomos.org/e_charte.htm)(accessed 26 November 2001).



### 1.3 PRIVATE SECTOR PARTICIPATION

This section outlines the interest and participation of the private sector in cultural heritage conservation.

#### A. Private Corporations and Funds

Local property developers have been involved in the conservation of cultural heritage sites and the excavation of archaeological sites, such as the 6,000-year-old discoveries from Ma Wan Island in 1993.<sup>158</sup> There are also examples of successful urban heritage conservation efforts which have only been made possible with the assistance of private developers. However, efforts undertaken by developers to conserve heritage have traditionally arose as a form of crisis management rather than from pro-active efforts.

More recent initiatives by private developers, such as the proposal for the conservation and development of the Victoria Prison/Central Police Station and surrounding environs, appear to be more proactive from a conservation perspective, perhaps even balancing the need to maintain heritage value and still be profitable.<sup>159</sup> The developer in this case is willing to take on refurbishment and regeneration of the entire area in return for the grant of a 21-year government lease.

There are also private heritage funds which contribute to the conservation of cultural heritage. For instance, the Hong Kong-based China Heritage Fund raised over HK\$4 million to rebuild the pavilions and walkways of Beijing's Forbidden City, which were destroyed by fire in 1923. Similarly, the Hong Kong Jockey Club, through its Charities Trust, has funded heritage conservation efforts, such as providing a grant for wall restoration at Lo Wai (Fanling) in 1997 and restoring the Hung Shing Temple at Kau Sai Chau, Sai Kung in 1999 (which was granted an Outstanding Project Award in 2001 by UNESCO). Nevertheless, to date, the amount of privately funded conservation in Hong Kong has been minimal.

#### B. Non-profit, Education, Professional Bodies and the Community

There are a number of non-profit conservation groups that fight for both nature and heritage conservation, such as the Conservancy Association and Urban Watch, both of which are dedicated to the protection of the environment and the conservation of natural, urban and cultural heritage. They achieve this by evaluating existing process and frameworks, advocating appropriate policies, monitoring government action, promoting environmental education and taking a lead in community participation.

Intellectual associations, such as the Hong Kong Institute for the Promotion of Chinese Culture and the Hong Kong branch of the Royal Asiatic Society, also take a keen interest in

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<sup>157</sup> The Burra Charter was originally adopted in 1979. It was revised in 1981, 1988 and again in November 1999 (for further information see <http://www.icomos.org/australia/burra.html>, accessed 26 January 2002).

<sup>158</sup> The Ma Wan Island archeological discovery was made on a site planned for large-scale residential development by Sun Hung Kai Properties Ltd., who later funded the resulting excavations. Sun Hung Kai plans to build a museum to house the excavation finds once the residential development is finished.

<sup>159</sup> For further information see, SCMP article "The Key to Tourism," 1 September 2001.

local cultural heritage and often work on a volunteer basis with the AMO to research and record information on cultural heritage assets

The University of Hong Kong offers a post-graduate “Architectural Conservation Programme,” designed with advice from UNESCO, to meet the continuing needs of professionals in Hong Kong, Macau and Mainland China. There is also conservation material within other Hong Kong University faculties such as the Centre of Urban Planning and Environmental Management and the Geography department, reflecting a greater awareness of the importance of heritage conservation across a variety of disciplines. Furthermore, the Hong Kong Polytechnic University is planning to offer a Cultural Tourism course within the next year or so.

Professional bodies such as the Hong Kong Institutes of Planners, Architects, Landscape Architects and Surveyors are often involved in the development of proposals to conserve urban cultural heritage. These proposals are normally submitted to the relevant government authorities as a part of the various public consultations that have been undertaken during recent years.

Increasingly, the general public is becoming involved in heritage conservation issues in Hong Kong. This has been illustrated through cases such as the public victory in preventing the destruction of the Woodside house in 1998, which was originally thought to be a losing battle because the site was zoned for residential housing under the government’s Home Ownership Scheme. The community campaign to preserve the area played a significant part in influencing the TPB’s view that the zoning of this area should be changed to a green belt, a move which protected the Woodside house.

However, it is still more common for public support to be channelled through conservation groups and/or professional organisations.

#### **1.4 CONSTRAINTS WITHIN THE HERITAGE CONSERVATION FRAMEWORK**

This section discusses the constraints of the current heritage conservation framework. This is not meant to be an exhaustive list, but an outline of the types of issues which inhibit the effectiveness of the existing heritage conservation framework.

##### **1.41 OVERALL**

While there are specific issues and constraints within the existing legal and administrative framework, overall conservation efforts are severely hobbled by an absence of an effective overarching heritage management system. The existing reactionary management system lacks the leadership and foresight to create and implement effective long-term conservation strategies, which are supported by both government and the community. In the absence of an effective heritage management system, efforts at the legislative and administrative level are unlikely to achieve effective results. This section highlights the constraints which reduce the overall effectiveness of the existing system.

##### **A. Leadership, Guidance and Authority**

Hong Kong is fortunate in its abundance of legislation and government departmental participation in heritage conservation, as is illustrated in the preceding section. However, many of the government departments involved are horizontally linked bodies, each of which

are tasked with defined responsibilities. There is no encompassing body or authority at a high level that plans the overall objectives and policies for heritage conservation. It is therefore understandable that the existing framework is hobbled by a lack of leadership, guidance and authority.

Lack of leadership, guidance and authority is also witnessed through:

- the absence of a broad-based long-term cultural heritage conservation policy; and
- an absence of a dedicated conservation body/authority that has the leadership and power to push conservation issues within government. This body needs to be able to compete against other policy objectives for funding and other government resources.

## **B. Political Will**

As with any infrastructure changes which require significant investment, such as the creation of a leadership conservation body, there needs to be top management buy-in and support. The changes required will require the full support of the Chief Executive and the government. In previous policy addresses, the Chief Executive has referred to the importance of cultural heritage,<sup>160</sup> but there has been very little follow-up and no significant changes to the existing system to date. Many of changes proposed in this report are not new; they have been advocated for the past decade with little success. Lack of success can only be attributed to the government's lack of political will to implement change.

Lack of political will to implement change is also witnessed through:

- the low value attributed to cultural heritage conservation. Hong Kong has witnessed a long history of economic development at the cost of heritage losses;
- a lack of understanding of the principles of heritage. The government believes heritage conservation should be driven by tourism and economics and not treated in the same way as other social and education services;
- economic interest to keep property values high. Owning almost 100% of land in Hong Kong, the government has incentive to maximise returns on developable land; and
- lack of reliable and independent funding. Existing funding, which is largely allocated as a proportion of departmental funding, relies on market forces and the political mood of the day.

## **C. Coordination and Integration of Existing Government Departments**

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<sup>160</sup> In the 1998 Policy Address (paragraph 47) the Chief Executive announced the creation of the Heritage Tourism Task Force to “focus on initiatives and on a broader strategy for promoting heritage sites.” In the 1999 Policy Address (paragraph 133), the Chief Executive stressed the “importance to rehabilitate and preserve unique buildings...the concept of preserving our heritage should be incorporated into all projects for redeveloping old areas.” Furthermore, in the 2001 Policy Address (paragraph 94), the Chief Executive stated, “urban development and long-term planning for Hong Kong must take into account our cultural heritage.”

However, our review of the existing legal and administrative heritage conservation framework shows that there are many positive conservation initiatives being undertaken by various bodies. It also shows that more recent legislative changes, both proposed and implemented, are both informed and empathetic to the issue of heritage conservation. Nevertheless, our review has also revealed that there are a number of common constraints among existing legislation and administrative bodies, which reduce the overall effectiveness of the heritage conservation system. Overall, there appears to be an inability to coordinate and integrate existing government departments and legislation.

Inability to coordinate and integrate existing government departments and legislation is illustrated by:

- inconsistency of definitions, terminology and objectives in existing policy and legislation;<sup>161</sup>
- duplication of efforts. Heritage conservation involves antiquities, planning and land economics, environmental issues and tourism, each of which has developed departments, legislation, boards, committees and resources to review and undertake cultural heritage conservation;
- a lack of coordination between existing bodies. Each body pushes their own agenda with very limited horizontal coordination and co-operation. No one department is responsible for the overall coordination of cultural heritage, leading to piecemeal results. This also results in a slow cumbersome decision making process which more often than not results in an inability to make overriding decisions;
- absence of a system of consultation. There is no process whereby all relevant departments and non-governmental bodies are consulted on heritage issues;
- confusion of the existing system. With many departments responsible for different areas within a heritage project (e.g. antiquities, highways, planning and land, tourism, finance), it is confusing and time consuming to deal with heritage issues;
- the fragmentation of conservation priorities. Conservation is of varying importance in each department, which leads to inconsistent objective and policies. Heritage conservation objectives are often overlooked or compromised by competing departmental responsibilities;
- an absence of active management of sites. Sites which are not either declared or included in existing country parks are not actively managed or even maintained in their existing conditions; and
- lack of expertise. Apart from the AMO, there are very few people with any heritage conservation experience, or indeed expertise, within government.

#### **D. Private Sector and General Public Involvement**

Ultimately, heritage conservation needs to be advocated by the people for the enjoyment of present and future generations. While the government should provide a framework, both the private sector and the general public need to actively participate in heritage conservation. For a variety of reasons, further discussed below, there is an absence of private sector participation in heritage preservation and a lack of general public involvement in the decision making process.

<sup>161</sup> For further information on the comparison of existing conservation related documents and legislation as of 15 February 2001, refer to "Index of Conservation Related Documents and Legislation of Hong Kong," prepared by the Faculty of Architecture, University of Hong Kong.

**Absence of private sector involvement** in undertaking conservation has arisen due to:

- the need to maximize investment returns. The opportunity cost of development is high because private land owners expect a high return on investments;
- the absence of private land owner compensation mechanisms. There are no land swap mechanisms currently available to compensate private land owners for the conservation of heritage sites. However, the government has recently begun to explore the possibility of transferring development rights as a means of “employing market forces to pay for the preservation of (these) historical buildings,”<sup>162</sup> and
- the lack of financial incentives to conserve heritage. Without reasonable financial incentives, either in the form of direct funding assistance or reductions in premiums and taxes, private owners have generally been unwilling to offer their properties for conservation, as far higher incentives exist in the form of property development, which usually involves the demolition of the potential heritage asset.

Lack of public involvement in the decision-making process, which has arisen due to:

- an absence of a decision making process which incorporates the public opinion and
- a lack of grassroots support for heritage conservation.

While many of the problems noted above are detrimental to the effective operation of the overall heritage conservation management system, there are also constraints within specific ordinances and administrative bodies, briefly summarised below.

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<sup>162</sup> For further information on the government’s recent exploration of Transfer of Development rights, see the speech of the Secretary of Planning and Lands, Mr. John C Tsang, at the annual general meeting of the Hong Kong Institute of Architects (18 December 2001) “Transfer of Development Rights for the Preservation of Historical Buildings in Hong Kong.”

### A. Antiquities and Monuments Ordinance

<b>Definition of Cultural Heritage</b>	While the Antiquities and Monuments Ordinance defines “antiquity” <sup>163</sup> and “monument,” <sup>164</sup> both aspects of cultural heritage, it does not include any definition of “cultural heritage,” “cultural significance” or “heritage value.” Without a comprehensive definition and understanding of cultural heritage, it is impossible to create a system to protect it.
<b>Conservation Principles</b>	There is an absence of stated conservation principles. <sup>165</sup> In the absence of developing their own conservation principles, countries often follow or adopt international best practices, such as those outlined in international charters such as the Venice or Burra Charter. These are then adapted to suit the particular characteristics of the local conservation efforts.
<b>Conservation Terminology</b>	The Antiquities and Monuments Ordinance does not define terminology related to conservation, the practice of conservation, or indeed the word “conservation” itself.
<b>Ordinance Name</b>	“Antiquities” and “monuments” are both colonial terms which are no longer representative of cultural heritage assets in Hong Kong. It is therefore necessary to change the name of the existing ordinance to one that is more understandable and appropriate such as the “Heritage Conservation Ordinance.”
<b>Heritage Areas and Districts – Group Heritage Value</b>	The Antiquities and Monuments Ordinance provides only for the declaration of individual structures. While it allows for the inclusion of areas or land required for fencing, covering or protecting a declared monument or for providing access to a monument, there is no capacity to designate areas which incorporate groups of heritage assets or supporting scenic landscapes and environments. For instance, in the case of walled villages, the outer walls, street patterns, water channels, street signs and public amenities cannot be collectively protected. <sup>166</sup>
<b>Intangible Assets</b>	The Antiquities and Monuments Ordinance does not provide for the protection of cultural heritage in intangible (non-physical) forms, such as customs, festivals, beliefs, rituals, trade crafts and music etc.

<sup>163</sup> As outlined in Section 2 of the Antiquities and Monuments Ordinance: “antiquity” means (a) a relic; and (b) a place, building, site or structure erected, formed or built by human agency before the year 1800 and the ruins or remains of any such place, building, site or structure, whether or not the same has been modified, added to or restored after the year 1799.

<sup>164</sup> As outlined in Section 2 of the Antiquities and Monuments Ordinance: “monument” means a place, building, site or structure which is declared to be a monument, historical building or archaeological or palaeontological site or structure under section 3.

<sup>165</sup> Conservation principals involve the consideration of the philosophy, terminology, methodology and techniques of cultural heritage conservation.

<sup>166</sup> Although group heritage value recognition is notably absent in the Antiquities and Monuments Ordinance, the AAB recently graded Tai Long Wan village as a whole. The AAB gave the highest grading to the village based on the group value of the village houses.

<b>Natural Environment And Zones</b>	The Antiquities and Monuments Ordinance is not able to properly protect areas that combine natural landscapes with heritage sites of historic local villages, such as Sha Lo Tung and Tai Long Wan. The Antiquities and Monuments Ordinance also lacks the power to create heritage zones around declared monuments to restrain development within the zone. Furthermore, there is no ability to control non-conforming developments that may threaten nearby declared monuments.
<b>Private Owners Approval</b>	Private owners have the right to petition the Chief Executive against the protection of a monument or a proposed monument. This has led to the AMO adopting a policy of gaining the prior approval of private owners before declaring or proposing to declare a monument. As a result, very few privately owned heritage assets are protected. Most monuments declared to date were already owned by the government prior to their declaration.
<b>Compliance with other Ordinances</b>	Even after a heritage site is declared, it is still affected by all of Hong Kong's planning and construction ordinances. For instance, in the case of a walled village, the declaration is usually restricted to the wall and its complementary structures such as watchtowers and gates. The space within the wall comes under the jurisdiction of other governmental bodies, including the Planning and Lands Bureau (PLB) and the Lands Department's Small House Policy. These bodies often do not share the heritage conservation objectives stated in the Antiquities and Monuments Ordinance.

## **B. Town Planning Ordinance**

<b>Zoning Categories</b>	There are no existing statutory zoning categories that specifically provide for the protection of cultural heritage areas or structures. While existing zones such as Sites of Specific Scientific Interest theoretically <sup>167</sup> protect areas of fauna and flora and other natural features with special scientific value, the existing legislation does not protect areas or assets of high cultural heritage value. Furthermore, the existing system does not protect areas of high cultural value that are located under areas zoned for non-conservation purposes. For instance, walled villages that are included in zones designated for agriculture or development cannot be individually protected. Similarly, village or residential zones may include heritage streets and neighbourhoods that cannot be protected.
	A review undertaken by the Conservancy Association <sup>168</sup> suggested that land use categories such as "sites of significant historical value," "sites of significant rural character" and "sites of significant cultural value" could be

<sup>167</sup> Protection is theoretical in that there is currently no management of such areas. Furthermore, Sites of Special Scientific Interest that are not identified or included in an Outline Zoning Plan have no real protection. However, even if an area is identified in a statutory plan, the only recourse for unauthorized land usage is enforcement of the Town Planning Ordinance which only allows for a response to an unauthorized development. See, Mary Felley, *A Biodiversity Conservation Policy and Legal Framework for Hong Kong*, (Centre of Urban Planning and Environmental Management, University of Hong Kong; MSc Thesis 1996).

<sup>168</sup> See, "Achieving Conservation – A Positive Conservation Policy for Hong Kong." The Conservancy Association – August 2000.

incorporated into the town planning framework to allow for the identification and protection of individual sites or extended areas of cultural heritage importance.

- Public Purpose** As heritage conservation is not considered to be of “public interest” or for a “public purpose,” the existing rules available to the TPB relating to land resumption<sup>169</sup> and compensation are not applicable.<sup>170</sup>
- Identification of Cultural Heritage** Although the HKPSG provides guidelines for cultural heritage considerations, there is no clear mechanism for the systematic identification and review of cultural heritage assets within the planning system. Perhaps a simple legislative mechanism (which could be administered through the TPB) forcing developers to obtain a licence before any pre-1950’ s building can be demolished could act as a form of control.
- Town Planning Bill** An amended Town Planning Bill has been proposed for some years to overhaul and modernise the planning system, make it more transparent, enhance public participation in the planning process and improve enforcement powers. However, this still is several years away from enactment. Such complicated legislation should be presented for review at the beginning of the next Legislative Council election cycle in order to provide enough time to fully review the bill.

### C. Environmental Impact Assessment Ordinance

- Heritage Definition** The EIAO does provide for heritage impact assessment. However, “heritage” is not defined precisely so the application of the EIAO is a matter of administrative judgment. As a result, the EPD is unwilling to take responsibility for judgment over heritage value and relies almost entirely on heritage that has been declared under the Antiquities and Monuments Ordinance. This means that only declared assets have heritage value. One solution to this would be for EPD to rely on the combined advice of the AMO and the Antiquities and Monuments Ordinance.
- Absolute Authority** There is no absolute guard against destruction of sites that are unique. For instance, archaeological sites at Penny’ s Bay will be destroyed as a result of the development of the Walt Disney theme park.
- Scope of EIAO** The EIAO does not apply to housing projects, often the main cause of loss of heritage sites in urban areas.

### D. Urban Renewal Authority Ordinance

- Mechanism** There is no stated mechanism for the identification and preservation of heritage sites.<sup>171</sup>

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<sup>169</sup> See, Lands Resumption Ordinance (Cap. 124) Section 3 “Whenever the Chief Executive in Council decides that the resumption of any land is required for a public purpose, the Chief Executive may order the resumption thereof under this Ordinance.”

<sup>170</sup> See, SCMP article by Nicholas Brooke, “Urban Renewal Stalls as Thinking Caps Cool,” 14 November 2001.



<b>Timing of Conservation</b>	Heritage conservation proposals are only included in the URA's agenda if and when the areas where they are located are incorporated into a proposed urban renewal project. In the interim, sites which require conservation remain open to development proposals and do not receive proper and preventative maintenance.
<b>Competing Objectives</b>	The URA will need to find a balance between upgrading current building conditions and retaining their character.
<b>Economic Viability</b>	Although "prudent commercial principles" are no longer a statutory requirement of the URA in relation to its proposed urban renewal strategy, as it was with the LDC, there is still pressure to ensure that proposed strategies are "economically viable." <sup>172</sup>

## 1.43 Deficiencies in the Administrative Framework

### A. AMO and AAB

<b>Inter-Departmental Cooperation</b>	As can be shown in Figure 2 in Section 1.22, the AMO is a relatively low level body within the organization of the government. As a result, the AMO lacks the power to lead and influence other departments in the government bureaucracy.
<b>AAB Authority</b>	Although the Antiquities Authority must consult the AAB on matters of antiquities under statutory provision, there is no assurance that views and proposals of the AAB will be implemented.
<b>AMO Structure</b>	In order to be assured the efficient allocation of available resources, an audit of the structure and existing resource use of the AMO/AAB is necessary. This will be even more important after the Antiquities and Monuments Ordinance is revised to reflect necessary changes (as outlined above).
<b>Grading System:</b>	<p>Although the AMO has developed a system to grade potential monuments, this system is inadequate. There are a number of issues which could be improved in the current grading system, including:</p> <p><i>Monumental Quality:</i> The current grading system protects only monumental quality buildings (i.e. those which great architectural or historical significance). Therefore, the grassroots history of Hong Kong is not captured under current grading system. For instance, many of the tenement buildings which capture the typical working class neighbourhoods of the early 20<sup>th</sup> century have been demolished.</p> <p><i>Misuse of Grading Level:</i> There are many misunderstandings with the current grading descriptions. Although the current grading levels are widely recognized by other government departments, developers and the</p>

<sup>171</sup> Concerns raised by the Hong Kong Institute of Architects and Hong Kong University as noted in the Bills Committee on Urban Renewal Authority Bill "Summary of Major Concerns/Views Raised by Deputations and in Submissions on the Urban Renewal Authority Bill" (Position as of 15 April 2000).

<sup>172</sup> Comments made by URA representatives.

community, there is a lack of understanding and consequently a lack of consistent treatment by the various users. Different stakeholders have made their own interpretations of the AMO grading structure leading to misuse of the existing grading structure. For instance, stakeholders often consider that only grade 1 buildings are intended to be ‘declared’ while grade 3 buildings can be demolished. The AMO emphasizes that this is incorrect. Grade 3 means that the building or site deserves to be protected but is not necessarily a priority to be ‘declared’ in its present physical condition.

### **Inventory of Heritage**

*Inventory Definition:* The 1997 Historical Buildings survey mainly identified pre-1950s buildings, along with a few other notable buildings. By focusing on pre-1950s buildings, the inventory ignores the importance of post-1950’s buildings which form a crucial part of the history of Hong Kong. For instance, buildings such as early 1960s public housing estates are “microcosm(s) of Hong Kong history since the 1960s.”<sup>173</sup> Other buildings, such as the Bank of China building, form a critical part of the urban fabric of Hong Kong, yet they are not accredited for their heritage value under the existing inventory system.

*Computerised Inventory:* Although the AMO undertook a territory-wide survey of all historical buildings in 1997, the necessary computerized recording of this inventory is not yet complete.

*Regular Review:* There is no regular review mechanism in place to ensure the continual updating of the database. The database should include: details of buildings already on the list, identification of buildings that have been demolished (and reasons why) and listings of any new buildings identified since the survey. Even by the survey definition, buildings built before 1955 should be included in the inventory because it is five years since the survey was completed.

### **Resources**

Of the 9,000 sites of historical interest identified in the 1997 survey, there are currently over 500 structures that are being considered by the AMO/AAB for declaration. However, the process of declaration is slow and only 3 structures were declared in 2000. Indeed, most of the 9,000 structures have not yet been graded and will likely be demolished before they are even reviewed by the AMO/AAB. This backlog of sites and structures which may be worthy of conservation efforts is largely as a result of the lack of resources available to the AAB/AMO including manpower, expertise and funds available for maintenance and acquisition of privately-owned heritage sites.

## **B. Government Property Agent**

**Public Use** Any declared government-owned building must be used for public purpose regardless of its former use or most suitable continuing use.

## **C. Architectural Services Department**

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<sup>173</sup> See SCMP 28 January 2002, “Residents Gather Their Memories of Life in Condemned Housing Estate.”

**Maintenance of Vacant Buildings** Government-owned heritage buildings are only actively maintained by the ASD when they are occupied. Unoccupied heritage buildings (such as the old mental hospital in Western District) often suffer from structural neglect. This leads to the destruction of heritage features and the inability to use heritage buildings for any viable purpose.

#### **D. Lands Department – Small House Policy**

**Heritage Considerations** The current policy allows indigenous village land owners to develop their land regardless of historic or cultural value. The failure of this policy rests in the interpretation undertaken by villagers who utilized this policy to build modern residential dwellings that bore no resemblance to traditional village housing or to the surrounding agricultural land

**Exemption from Buildings Ordinance** A New Territories building is exempt from the Buildings Ordinance (Cap. 123) if it meets certain criteria relating to the dimensions of the building.<sup>174</sup> As a result, these villages houses often pose sewerage, drainage and fire hazard problems because emergency vehicle access is not a requirement.

**Traditional Contexts** In sanctioning the kinds of new construction or improvements on village-type structures made by landowners, a height limit of 25 feet and volume of no more than 700 square feet was stipulated in the SHP. However, this policy was interpreted by property owners and builders differently, who shaped the 700 square feet in form of extruded box, usually clad with shiny tiles. The result is a new form of residential vernacular, which bears no relationship and compatibility with traditional contexts. Many historic homes within walled villages continued to be demolished and replaced by these ad hoc new constructions.<sup>175</sup>

**Villager's Rights** After an indigenous villager sells his land to other people (principally developers accumulating land), the villager still retains his right to build a house. Under normal circumstances, an owner has no claim on his land after he sells it. However, some indigenous villagers still claiming rights after selling their land, on the grounds that they have not executed their right to build a house. This happened in Sha Lo Tung where villagers sold their land to developers, but are still claiming compensation for the loss of their right to build a house.

#### **E. Culture and Heritage Commission (CHC)<sup>176</sup>**

**Definition of Cultural Heritage** The Commission's definition of cultural heritage is not consistent with international best practice descriptions of "cultural significance," such as those outlined in The Burra Charter.

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<sup>174</sup> For further details see, "The Purchase of a Village House in the New Territories" produced by the Lands Department – September 1998, page 10.

<sup>175</sup> For further discussion of the effects of the SHP see Jeffrey Cody's article "Wai Not?: The Largely Unprotected Heritage of Hong Kong's Walled Villages," September, 2000.

<sup>176</sup> Concerns (as outlined in the table) in relation to the role and strategies of the CHC have been extracted from the summary of public responses to the CHC consultation paper, which can be accessed at:

[http://www.chc.org.hk/eng\\_consultation\\_papers2](http://www.chc.org.hk/eng_consultation_papers2) (accessed on 19 November 2001).

<b>Role of the Commission</b>	As the CHC is a non-statutory body with no executive power, there is a risk that it will become a "talking shop."
<b>Vision</b>	Cultural enhancement and the strengthening of social cohesion are long-term goals, only achievable over a long time.
<b>People Oriented</b>	In relation to the people orientated strategy outlined by the CHC, some suggest that the "inclination towards short-term interests and utilitarianism" as mentioned in the Consultation Paper is the prevailing social ethos in Hong Kong, which is difficult to change (or should not be changed).
<b>Pluralism</b>	In relation to building a "cultural environment that is grounded in Chinese culture but pluralistic and open to the world," <sup>177</sup> some say that Chinese culture was given too little emphasis in the past, and this should be rectified. On the other hand, some caution that putting too much emphasis on Chinese culture will jeopardise Hong Kong's reputation as an open and culturally pluralistic city.
<b>Holistic Approach</b>	In outlining the areas that influence cultural heritage development (also the areas in which the government should take cultural development as an important consideration in formulating policies and enacting legislation), the CHC consultation paper mentions education, urban planning, tourism, creative industries, and trade and economic development. However, the media was omitted.
<b>Partnership</b>	In response to the strategy that the "government must allocate adequate resources on culture, encourage community participation and establish partnership among the Government, the business community and the cultural sector," <sup>178</sup> some point out that the Commission should put more emphasis on the significance of the business sectors and district bodies, particularly the District Councils, as partners.
<b>Community Driven</b>	The CHC says that "in the long run, non-government organisations should take the lead in cultural development and the government should gradually reduce its direct involvement and management in cultural facilities and activities." <sup>179</sup> However, a considerable number of respondents caution that the private sector may not be ready to take the lead yet. If the private sector assumes a leading role, problems such as conflict of interests and mismatch of resources may arise. Some also caution that market forces may dominate in a complete private sector-led scenario. There is also concern that this emphasis on NGO activism may be a pretext for the government to cut subsidies.

## **1.44 DEFICIENCIES IN THE TOURISM BODIES**

### **A. Tourism Commission**

<sup>177</sup> CHC consultation paper, which can be accessed at:  
[http://www.chc.org.hk/eng\\_consultation\\_comments.html](http://www.chc.org.hk/eng_consultation_comments.html)

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

**Heritage Tourism Management System** There is a need for an integrated management system to ensure the long-term growth of heritage tourism and the protection of the tourist related heritage assets. Existing heritage sites are not being managed in a way that makes them attractive to tourists. For instance, tourists are unable to fully appreciate the heritage value of the Victoria Barracks buildings because they are inaccessible. One is being used as an orphanage and the other is a hospital.

**Principles and Guidelines** There is a need for the development of principles and guidelines to outline best practices for individual tourist operators. Adoption of principles in ICOMOS International Charters such as those outlined in the “International Charter of Cultural Tourism (1999)” could act as a point of reference.

## **B. Hong Kong Tourist Board**

**Involvement In Heritage** Although culture and heritage is being promoted by the HKTB as a tourist feature, the HKTB is not involved in the protection and maintenance of heritage sites.

**Utilisation of Heritage** The HKTB generally does not review or monitor usage and popularity of heritage sites. As a result, there is very little information available on utilization (and resulting “value”) of heritage sites by the Hong Kong public and tourists.

**Quality Control** The HKTB has recently outsourced the management and facilitation of certain heritage tours to an industry tour company. This highlights concerns of quality control and concern for the care and maintenance of heritage sites.

**District Council Support** There is a lack of District Council support for the implementation of HKTB heritage tourism promotions, particularly in the New Territories.

## **C. Heritage Tourism Task Force**

**Findings** To date, there have been very few recommendations proposed by the task force, which critics have blamed on lack of leadership and lack of influence in the government bureaucracy.<sup>180</sup>

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<sup>180</sup> See, “All Talk but Little Action on ‘Vision’ for Heritage Tourism,” by Kevin Sinclair in the South China Morning Post, 5 September 2001.

## PART II: ACHIEVING CONSERVATION

### 2.1 RECOMMENDATIONS

There is little doubt that the current legal and administrative heritage conservation structure inadequately serves heritage conservation requirements. Many of the changes that would help to strengthen conservation practice in Hong Kong have already been outlined implicitly in Part I. However, Part II introduces explicit recommendations for improvement. The recommendations should not be thought of as an exhaustive list, but rather should serve as a starting point.

While we have attempted to provide recommendations for practical and workable conservation strategies, we expect that some of the recommendations proposed in this section will be difficult to implement and will require the full backing of the Chief Executive and government. Other recommendations are more straightforward and should be possible to implement within the existing conservation framework. Accordingly, we have first outlined recommendations which would require changes to the structure of the existing heritage conservation system, followed by a number of recommendations which focus on specific legislative and administrative constraints within the existing framework.

### 2.11 OVERALL RECOMMENDATIONS

There is no effective heritage management system in Hong Kong. All recommendations are made within the context of the need to create a heritage management system which clarifies the allocation of heritage conservation responsibilities such as long-term planning, strategy, facilitation, monitoring and day-to-day operations.

Recommendations which require changes to the structure of the existing heritage conservation system in order to formulate an effective heritage management system, include:

1. Creation of a dedicated, conservation authority with responsibility for nature and heritage conservation;
2. Establishment of a heritage conservation policy;
3. Creation of mechanisms to promote private sector participation in heritage conservation; and
4. Creation of initiatives to provide for and encourage general public involvement in heritage conservation.

These recommendations are discussed in further detail below.

#### **A. Creation of a Dedicated Conservation Authority**

There clearly needs to be an authority dedicated to all forms of conservation at the highest decision making level, such as the policy or bureau level. This will ensure that heritage conservation principles are understood and applied consistently by all relevant departments within government. This will also serve as a clear message about the value placed on heritage by decision making authorities.

While the HAB strives to administer existing heritage conservation efforts, it fails to display the necessary leadership and direction required for the comprehensive protection of heritage assets. This may largely be due to the extensive policy responsibilities of the HAB, which include human rights, youth development, gambling, religion and sport. A more focused bureau is required to deal with conservation issues. Furthermore, as many issues facing the conservation of natural heritage appear similar to those facing cultural heritage, it may be effective to combine these efforts under one bureau head.<sup>181</sup>

Considerations in creating a dedicated conservation authority may include:

- Consideration of the most effective form of conservation authority, including considerations of the creation of ministerial positions, advisory committees or statutorily backed authorities;
- Consideration of the merits of amalgamating heritage conservation and natural conservation under one policy head;
- A review of each government department's working practices and their impact on heritage conservation;
- Establishment of regular inter-bureau and inter-departmental meetings aimed at coordinating matters of heritage conservation; and
- Creation of funding sources that are not linked to the political will of the government, such as a Conservation Trust Fund.

## **B. Establish a Long Term Heritage Conservation Policy**

There is currently no stated government cultural heritage conservation policy.<sup>182</sup> The lack of coordination between bureaus and departments is heightened by the absence of a conservation policy.

Considerations in creating a long-term heritage conservation policy may include:

- Definitions of Hong Kong's heritage conservation principles and values, perhaps through the endorsement of ICOMOS;
- Protection of all facets of cultural heritage, not only structures and monuments;
- The creation of a Master Conservation Plan establishing guiding criteria and prioritisation as well as the development of strategies to alleviate threats to conservation and benchmarks to measure progress;<sup>183</sup>
- The creation of appropriate legislative backing to support the policy; and
- Re-definition of "public purpose" to include conservation objectives.

## **C. Mechanisms to Promote Private Sector Participation in Heritage Conservation**

<sup>181</sup> For a full discussion on the issues constraining natural conservation efforts in Hong Kong, see Civic Exchange's research report "Creating Opportunities: Saving Hong Kong's Natural Heritage," the first paper in this series.

<sup>182</sup> The HAB is currently reviewing cultural heritage conservation issues within Hong Kong. The review is expected to be released for public comment during 2002. However, it is not clear what the scope of the HAB review is and whether the review will result in the adoption of a cultural heritage conservation policy for Hong Kong.

<sup>183</sup> For discussion on the planning process for nature conservation, see William Weeks, *Beyond the Ark: Tools for an Ecosystem Approach to Conservation*, Island Press, Washington D.C., 1997.

In Hong Kong, economics are a paramount driving force. Land owners' desire to maximize returns on their properties and government land policies aimed at maintaining high property values create a high opportunity cost for conservation. Effective conservation strategies need to recognize existing economic forces in order to develop tools that promote sensitive land development and protection of heritage assets. Existing legislation and administration does not encourage private sector participation in the heritage conservation process. This could be remedied, at least partially, with the development of mechanisms to provide financial incentives for private land owners to conserve heritage.

Potential mechanisms include:<sup>184</sup>

### ***1. Transfer of plot ratios (i.e. Transfer of Development Rights)***

The Planning and Lands Bureau recently proposed a Transfer of Development Rights scheme with the aim that "owners of historical buildings of value will be able to keep their existing buildings and use or sell the unused development rights as they see fit."<sup>185</sup> At present, "transfer" of development rights or permissible gross floor area is only allowed between different parts of the same development site. This method should actually be more accurately referred to as clustering of gross floor area.

The options of plot ratio/ transfer of development rights being explored include:

- a. amalgamating an owner's development rights from a group of associated but non-adjacent parcels into one larger site of the same land use category and in the same statutory town plan;\*
- b. amalgamating an owner's development rights from contiguous sites (i.e. those sharing common borders) into one larger site of the same land use category and in the same statutory town plan;\* forming a Comprehensive Development Area;
- c. surrendering ownership of a constellation of sites to the government and then having the government re-grant ownership for a new, larger parcel with more development rights (usually within the same district).

*\* In exceptional cases, the unused development rights could also be transferred to a contiguous Outline Zoning Plan.*

### ***2. Granting of further plot ratio in exchange for the creation of public amenities or the conservation of heritage sites.***

For instance, in 1994/1995 Hutchison Whampoa purchased the old Hilton Hotel site in Central. It also requested that the government sell two other sites adjacent to this site (Beaconsfield House and a car park) for redevelopment of a 60-story tower. Two Grade I buildings were affected by this project: St. John's Cathedral (1849-72) and the former French Mission Building (1874-1915, now Hong Kong's Court of Final Appeal). The TPB agreed to grant a higher plot ratio for Cheung Kong in exchange for providing a public park

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<sup>184</sup> For further discussion of alternative mechanisms to compensate private land owners, see "Transfer of Development Rights as an Incentive for Historic Preservation: the Hong Kong Case," by Jeffrey W. Cody, Associate Professor, Department of Architecture, the Chinese University of Hong Kong.

<sup>185</sup> For further information on the government's recent exploration of Transfer of Development rights, see the speech of the Secretary of Planning and Lands, Mr. John C Tsang, at the annual general meeting of the Hong Kong Institute of Architects (18 December 2001) "Transfer of Development Rights for the Preservation of Historical Buildings in Hong Kong."



at ground level and for paying maintenance costs for St. John's and the Court of Final Appeal, both of which are declared monuments under the Antiquities and Monuments Ordinance.<sup>186</sup> In the TPB's view, opening up views of St. John's and the former French Mission Building from Queens Road Central was also a positive benefit to the public.

### **3. Land Swaps**

Land swaps involve the swapping of land proposed for development, but which have a high conservation value for land with a high development value. To some extent, land swaps for heritage conservation have already occurred. A developer secured additional redevelopment area at its Tiger Balm Gardens residential development (in exchange for the conservation of Haw Par Mansion and its private garden) by applying for a land exchange to combine neighbouring developable government land in its project.

### **4. Tradable development rights**

Tradable development rights might take the form of tradable certificates, such as the Letter A/B system, used in Hong Kong the early 1960s.<sup>187</sup>

### **5. Reduction of land premium payable to the government in return for the preservation of heritage sites.**

In one example, a developer obtained a concession in land premium in a deal with the government by surrendering the Haw Par Mansion and its private garden, part of the Tiger Balm Gardens. The 66 year old mansion and the private garden were preserved and declared a monument under the AMO.

### **6. Contracts for the preservation and maintenance of heritage sites in return for development rights on adjacent sites.**

This is effectively a variation of the transfer of development rights as discussed above.

In the instance of Pun UK, near Yuen Long New Town in the New Territories, the developer retained Pun UK and mitigated against damage to the historic property in exchange for the right to develop a certain number of units on an adjoining parcel of land (1994). In a similar intervention in 1994, a developer proposed building two 30 storey residential blocks adjacent to two historic sites: Hop Yat Church and the former London Mission Building. After a number of proposals, which included the demolition of the London Mission Building, the TPB called for the renovation of the London Mission structure, which "not only saves the historical building from demolition but also allows the retention of more trees."

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<sup>186</sup> See, "Cheung Kong's Soothing Deal," [www.scmp.com/ZZZKAL8YHPC.html](http://www.scmp.com/ZZZKAL8YHPC.html), 25 July 2001, site accessed 17 September 2001.

<sup>187</sup> The Letter B system was a mechanism for land resumption initiated by the government in 1960 (restricted for use only in the New Territories and allowed to expire in 1997. For further discussions of the Letters A/B system see Civic Exchange's research report "Creating Opportunities: Saving Hong Kong's Natural Heritage", the first paper in this series.

### **7. Extension of land resumption to cover heritage sites.**

By including heritage conservation as a “public purpose,” the government may resume land for conservation purposes. Compensation for the land would be in accordance with compensation stipulated by the Lands Resumption Ordinance (Cap. 124). The Tourism Strategy Sub-Group on “Heritage and Culture,” concluded that “the simple approach of resumption with cash compensation was preferred to various means of non-cash compensation including land exchange and transfer of plot ratio in most cases.”<sup>188</sup>

### **8. Conservation easements in return for cash compensation.**

A less heavy-handed approach than land resumption is a conservation easement. A conservation easement is a voluntary agreement between a private conservation trust or government agency and a land owner, which permanently restricts the redevelopment rights of land in return for cash compensation.<sup>189</sup> Requirements to maintain specific heritage features can be included in such agreements. Although this approach has been successful internationally, the particular nature of Hong Kong’s property system, the generally high land values, and the absence of large-scale private conservation bodies means that the government would have to take a leading role in making conservation easements practical.

### **D. Initiatives to encourage general public involvement in heritage conservation**

There is a two-fold problem in relation to general public involvement in heritage conservation. The first is the lack of public grassroots support of heritage conservation and the second is the absence of an avenue for the general public to be involved in the government’s decision making processes. These problems feed on each other as a lack of ability to actively participate leads to lethargy and a general lack of awareness and support. Conversely, a lack of awareness and support results in a lack of pressure to become involved in decision making. Although the government has increasingly conducted consultation exercises to stimulate public comment and debate, this falls short of genuine public involvement in the development of policies, as public consultation rarely results in radical change of the government’s initial position.

Considerations in providing for increased general public involvement in heritage conservation may include:

- The incorporation of a consensus building processes that engages the public in the formulation of policies and decision making;
- Enhanced education on heritage conservation values and objectives;
- Promotion of community effort and support. For instance the initiation of community awareness projects could help identify areas within communities that are in need of protection.<sup>190</sup>

<sup>188</sup> See Tourism Strategy Group meeting minutes of 31 August 2000 at [http://www.info.gov.hk/tc/tourism\\_sg/index3.htm](http://www.info.gov.hk/tc/tourism_sg/index3.htm) (accessed 22 November 2001).

<sup>189</sup> For further discussions of conservation easements see Civic Exchange’s research report “Creating Opportunities: Saving Hong Kong’s Natural Heritage,” the first paper in this series.

<sup>190</sup> For example, in an effort to improve grassroots involvement, the Canadian government set up committees at the village/town level in the 1980s. These committees, which were made up of people of all ages, ethnic and socio-economic backgrounds, were given limited funding and asked to think about

- Review and recognition of the individual needs and values of different district localities, including an understanding of the existing community efforts in heritage conservation. For instance, certain districts within Hong Kong have integrated oral history programs into the programs of local museums. These initiatives illustrate the importance of living history as opposed to structural history.
- The involvement of voluntary or charitable organizations and other non-governmental bodies connected with preservation. These may have a significant role in raising public consciousness and in educating the public on conservation issues.

## **2.12 LEGAL AND ADMINISTRATIVE RECOMMENDATIONS**

As discussed in section 1.4, there are problems with every ordinance and administrative body. However, the following are the most significant recommendations:

1. Extension of heritage protection to incorporate all building types, areas and districts, intangible assets and the surrounding environment (see Antiquities and Monuments Ordinance, section 1.42);
2. Revision of current grading system to ensure a consistent understanding of the grading system and to include more than just monumental quality heritage assets (see Antiquities and Monuments Ordinance, section 1.42);
3. Increased resources to reduce the backlog of sites under consideration for protection;
4. Inclusion of zoning categories which specifically provide for the protection of heritage assets (see TPO, section 1.42);
5. Inclusion of cultural heritage as a “public purpose” (see TPO, section 1.42);
6. Mechanism for identification of cultural heritage sites in town planning process (see TPO, Section 2.42);
7. Extension of the EIAO to include housing projects (see EIAO, section 1.42);
8. Provision for active maintenance of vacant buildings and sites (see ASD, section 1.43);
9. Inclusion of heritage considerations in the New Territories Small House Policy (see SHP, section 1.43); and
10. Development of a Tourism Management System and guidelines (See Tourism Commission, section 1.44).

Adoption of even a few of the legal and administrative modifications listed above would be a significant move towards heritage conservation in Hong Kong.

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what they valued in their community, including both tangible and non-tangible aspects. These efforts initiated stronger levels of community interest and generated community activities.

## PART III: CASE STUDIES

### 3.1 NGA TSIN WAI VILLAGE

#### 3.11 INTRODUCTION

Although not a “declared monument,” Nga Tsin Wai Village is important in the history of Hong Kong. Built in 1352 during the rise of Ming Dynasty by Hakka immigrants, it is one of the oldest walled villages in the region and the last remaining in Hong Kong’s urban area.<sup>191</sup> Once a major agricultural centre of a large clan network, the walled village is closely related to the social, cultural and economical development of its surrounding region.<sup>192</sup>

Built according to a typical “wai” format, Nga Tsin Wai is a variation on a form of vernacular architecture in the Pearl River Delta where the “wai”, or wall, results from the need for protection and clan unity.<sup>193</sup> The fixed geometry of the “wai” not only serves a defensive function but helps to ensure the village can not grow beyond a sustainable level economically and administratively. In this way, walled cities represent the ecological, economic and social unit of traditional Chinese society. Walled cities are also an important link to the social history of pre-colonial Hong Kong, which generally receives little attention.

Once a prosperous village, Nga Tsin Wai has experienced a series of crises over the past century. With the opening of the Tai Po Road and the railway in the beginning of the century, many of the businesses closed. Starting in the 1920s, the city declined. Decline accelerated during the Japanese occupation when many fortifications were damaged. After the war, some original inhabitants moved out to find new jobs and many new immigrants from Mainland China moved in as tenants. After the demolition of Kowloon City, the surrounding area of Nga Tsin Wai was almost all redeveloped, leaving the village dwarfed by a sea of high-rises.

But despite this somewhat awkward contrast, the village still holds its original form and setting: the gate, the street layout and much of the wall still stands intact. Within the walls still stands a Tin Hau Temple, 650 years old, with a history of miraculous interventions by the deity.<sup>194</sup> Some original houses survive while others have either been demolished or redeveloped. In recent years, encroachment problems have intensified, with increasing number of squatter huts built adjacent to the wall, making the village invisible from outside.

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<sup>191</sup> See, “Battle for Priceless Village” in South China Morning Post, 13 June 1999.

<sup>192</sup> See, “Beside the Yamen: Nga Tsin Wai Village” by Patrick Hase in the Journal of the Hong Kong Branch of the Royal Asiatic Society, 2001.

<sup>193</sup> For details of the layout of Nga Tsin Wai Village, see “Nga Tsin Wai – The Last Urban Village” by Lin Li in HKIA Journal Issue No. 27, 1<sup>st</sup> Quarter 2001.

<sup>194</sup> See, “Beside the Yamen: Nga Tsin Wai Village” by Patrick Hase in the Journal of the Hong Kong Branch of the Royal Asiatic Society, 2001.

### 3.12 THREATS

#### **Pressure to demolish**

The most serious threat to Nga Tsin Wai is redevelopment. Starting in 1982, a property developer began to acquire individual properties within the village. The plan is to ultimately redevelop the entire site into a new high-rise residential complex, which would greatly raise the property value of the site.

Right now, about 50-60 percent of the houses have been acquired.<sup>195</sup> Earlier this year, the developer decided to demolish all the old houses it had acquired to date, presumably to make management easier and to increase pressure to speed up redevelopment.

#### **Lack of Protection**

In 1960, the government included all the remaining houses within Nga Tsin Wai's walls in its squatter survey. The survey gave each house the squatter survey number it still shows painted on its outer walls. In such a way, the ancient houses of Nga Tsin Wai were classified, ironically, as squatter structures subject to future demolishment.

Despite local politicians' and village elders' efforts to call for conservation of the ancient village, the Antiquities and Monuments Office decided in 1994 that the village possessed no "monumental quality," leaving it open to redevelopment.

#### **Continuous Neglect**

Like other walled villages in Hong Kong, there is no effective way to stop individual owners from rebuilding or demolishing their houses. Similarly, there is also no way to stop the encroachment of structures within and outside the wall. This leads to inevitable transformation of the village, leaving it with the appearance of a large squatter settlement.

In 1992, the former Land Development Corporation (LDC) conducted a study on the village and concluded that it was imperative to redevelop Nga Tsin Wai:

*"Nga Tsin Wai Village is the last remaining walled village in urban Hong Kong. Renewal of the area is imperative because existing living conditions in the village, which comprises one and two-storey stone structures, are far from satisfactory with inadequate sanitation facilities."*<sup>196</sup>

#### **Lack of Coordination**

Until six months ago, the government had not considered preserving Nga Tsin Wai. Recently, it had second thoughts. Preservation of Nga Tsin Wai is supported by the Hong Kong Tourist Board as well as many members of the Antiquities and Monument Advisory Board.<sup>197</sup> Despite this sudden show of concern, conservation efforts continue to be largely

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<sup>195</sup> See, "Learning from Nga Tsin Wai: Deriving a Design Strategy for Preservation in Hong Kong" – Project for Culture III: Materializing Culture, MA in Design, Hong Kong Polytechnic University, 2000

<sup>196</sup> Quote from record of Land Development Corporation (Ref: X:\PRD\WILLA\CR-Enquiry\000425-K01.doc), 25 April 2000.

<sup>197</sup> See, South China Morning Post editorial "Preserving the Past," 13 June 1999.

uncoordinated. According to the original plan of the LDC, the site is scheduled to be demolished by 2004.

### **3.13 IMPACTS**

#### **Cultural Significance of Nga Tsin Wai**

Although not strictly a monument, Nga Tsin Wai Village provides an understanding of the grassroots history of Hong Kong, which has been generally ignored. Nga Tsin Wai's "typicalness" and "ordinariness," contrary to the common understanding of what is worth preservation, is exactly why it possesses heritage value.<sup>198</sup> Embedded within the ancient village are not only physical structures, but tremendous intangible assets that embody associations and relations with the past and are not possible to re-create.

As one of the few remaining points of contact between pre-British Hong Kong and post-colonial era, Nga Tsin Wai Village marks the transformation from past to present. Its conservation could ultimately play an important role in strengthening Hong Kong identity and developing a greater awareness of and interest in Hong Kong's history and Chinese culture.<sup>199</sup>

#### **Diversity in Urban Context**

For a city so bereft of historical buildings, there is also a value to having a more diverse urban landscape. If Nga Tsin Wai is redeveloped into a high-rise complex, there will be no differentiation between this once historic area and any of the other apartment blocks in the area. A monoculture of city spaces not only erases any trace of history, but detracts from the liveability of the city.

#### **Potential for Heritage Tourism**

A large percentage of local and foreign tourists have interest in heritage sites, or at least are interested in a range and mix of tourism options. It is easy to build modern attractions, such as shopping areas and amusement parks, but heritage sites are impossible to "build" once lost. Destroying Nga Tsin Wai is an irrevocable decision that eliminates what could become an important factor in the tourism industry.<sup>200</sup>

### **3.14 APPLICATION OF RECOMMENDATIONS**

Given Nga Tsin Wai's considerable heritage value, it is tragic that it is on the verge of erasure. If the recommendations described in Part II were already in place, it is unlikely that the situation would have deteriorated to this point. The case of Nga Tsin Wai Village illustrates two key problem areas: Without considerable political will, there is essentially no way to protect a diffuse but important site, like a village. In addition, there are no established mechanisms to compensate owners and investors for any development shortfall that may result from conservation efforts.

<sup>198</sup> See, South China Morning Post article "Battle for Priceless Village," 13 June 1999.

<sup>199</sup> Comments made by Dr. Patrick Hase in interview with Civic Exchange in October 2001.

<sup>200</sup> See, South China Morning Post article "Japanese Urge Tung to Preserve SAR's Heritage," 10 August 2001. A Japanese travel association that brings a million visitors to Hong Kong specifically requested that the government overrule the decision to pull down Nga Tsin Wai Village, a unique cultural heritage site in the eyes of Japanese tourists.

The recommendations presented in Part II would address the situation in Nga Tsin Wai in the following ways:

- A dedicated conservation authority would have the power and mandate to organize the disparate voices discussing the village's heritage value.
- A long-term heritage conservation policy would provide the guiding principles for the conservation authority to make decisions about the role of the village in Hong Kong's future and to balance competing interests and goals.
- The outlined mechanisms would provide financial incentives for private sector participation in the conservation process and reduce pressure for development by giving villagers other economically attractive options besides selling out.
- Initiatives to encourage public involvement in heritage would allow a stronger community voice in determining the heritage value of the village. This "third voice" would balance the perspectives of developers and the government.
- The legal and administrative recommendations listed would provide significantly more points of leverage for the government and community groups to influence the fate of Nga Tsin Wai. Particularly significant in this regard would be suggestions 1 (extension of Antiquities and Monuments Ordinance protection to incorporate areas and districts), 2 (revision of current Antiquities and Monuments Ordinance grading scheme) and 9 (inclusion of heritage considerations in the New Territories Small House Policy).

However, given Nga Tsin Wai's precarious position, it is also relevant to consider what can be done in the immediate future to preserve the village. Three options are noted below:

- One option proposed by the former Land Development Corporation and the developer of the site is to retain the gate of the wall and the Tin Hau Temple alone.<sup>201</sup> Although this seems better than complete destruction, it clearly fails to conserve any meaningful portion of Nga Tsin Wai's character or ambience. The result would be another isolated relic disconnected from its context.
- A second option put forward by the village elders and local politicians is to simply restore the village with the possibility of turning it into some kind of museum.<sup>202</sup> The problem with this option, as with many other existing heritage sites in Hong Kong, is that the proposed new use is not in line with the original character of the place and will fail to enhance and protect its heritage value. Without a clear vision of an economically viable future, the preservation of the site will only result in stagnation and isolation.

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<sup>201</sup> This proposal was documented in the former LDC pamphlet (April 2000). The same pamphlet pictured the ancient Tin Hau Temple of Nga Tsin Wai sandwiched between two high-rise residential towers.

<sup>202</sup> This proposal was introduced by Mr. Leung Sik Lun of the East Kowloon District Residents' Committee in an interview with students from the Hong Kong Polytechnic University on a research project on Hong Kong's cultural heritage (April 2000).

- A third option would involve preserving the village with a comprehensive plan that will allow for some changes in the uses of the site to allow it to become economically viable. It may make sense for the remaining authentic features to be preserved and for some features to be restored or reconstructed if needed (the site has been significantly transformed and damaged in its more recent history). A small museum could be constructed in part of the village area and act as a cornerstone for developing cultural tourism, including heritage trails around the village.<sup>203</sup> Another part of the village could be used as a youth hostel, which would generate income for the project and bring more tourists into the area. The remaining half of the area could be retained for commercial use with the possibility of promoting it as a “historic products and food” area. This would allow for viable but diverse business activities which would attract both local and foreign visitors. With the involvement of the villagers, an authority could be established to oversee the preservation and development process.

In this case, the developer would clearly need to be compensated. The most appropriate mechanisms would be either a transfer of plot ratios or a land swap. The conservation easement approach might be best suited to dealing with the holdings of the remaining villagers. It would allow the villagers to retain ownership rights and be financially compensated while protecting the conservation features of the area. By retaining the presence and involvement of the local residents, non-physical components of the area’s heritage, such as local festivals, customs and community bonds, can be partially retained. With input from the villagers, conservation experts, the government, entrepreneurs and tourism groups and operators, Nga Tsin Wai has the potential to become a unique multi-use heritage zone, enjoyed by tourists and Hong Kong people alike.

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<sup>203</sup> This proposal was suggested by an anonymous government official who expressed an interest in the conservation of Nga Tsin Wai Village.



## 3.2 YAUMATEI DISTRICT

### 3.21 INTRODUCTION

One of Hong Kong's oldest urban districts, Yaumatei has historically been characterized by its diverse and varied makeup. It is at once metropolitan and suburban, industrial, commercial and residential, seafaring and land-based. This juxtaposition of diverse elements reflects the profound transformations at the core of the history and culture of the Kowloon Peninsula.<sup>204</sup>

Originally a narrow anchorage used by fisherman, Yaumatei grew to become a prosperous market town in the late 19<sup>th</sup> century. In 1904, the government reclaimed a large piece of land in the coastal area and created a typhoon shelter for the boat people. As Hong Kong began its rapid expansion in the early 1900s, Yaumatai was incorporated into the city and became one of the busiest residential and commercial districts. Rows of shop-houses and tenement buildings sprang up. The area soon became the centre of entertainment in Kowloon, with plenty of cinemas, theatres, and bustling street performances. It was also in this period that it adopted the name “the poor men's nightclub,” which is still widely used today.

Primarily a working class district, Yaumatei's built structures resemble an old, typical urban street block pattern in early Hong Kong. The pattern bears Anglo-Chinese influences and is not uniform. Characteristic features, such as clustering of businesses engaged in related trades, demonstrates the traditions and human richness of the area. The traditional and newer business clusters continue to display a symbiotic relationship that is unusual in the standardized commercial areas of modern Hong Kong. Perhaps because of this historical tradition, the Yaumatei district still retains many street activities, such as the popular Cantonese opera which relies on the interactive relationship between performers, audience and the immediate physical context.

Unfortunately, Yaumatei's richness is under threat, partially because few of its buildings possess “monumental qualities.” But it is exactly this “typicalness” and “ordinariness” that grants the area its heritage value, for it embodies the social-cultural heritage of Hong Kong's grassroots population.

### 3.22 THREATS

#### The Rebuilding Process

High property values have constantly presented opportunities for owners to redevelop properties. However, rebuilding can negatively affect traditional business tenants. Redevelopment deprives tenants of their business premises for the period of building work and also results in the construction of properties which are usually much more expensive to rent than the original.

Due to this rise in rents, tenants do not usually return to the same address after rebuilding. If the business owner is elderly, he/she often decides to exit the business. Business clusters are under constant pressure of this kind, but the natural synergy of the cluster and the fact that

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<sup>204</sup> See, “Yaumatei and Old Kowloon” in *Street Studies in Hong Kong: Localities in a Chinese City* by Frank Leeming, Oxford University Press, 1977.

rebuilding is usually done on an individual property basis allows some traditional clusters to persist.

### **Lack of Maintenance of Old Buildings**

Most old buildings, especially tenement buildings, suffer from a lack of maintenance. This accelerates the rate by which buildings becoming dilapidated and primed for redevelopment.

### **Urban Renewal and Redevelopment**

Conservation has not generally been considered in urban renewal projects in the past. For example, the area bounded by Tung Kun Street, Reclamation Street, Ching Ping Street and Public Square Street (now known as Prosperous Garden), was completely bulldozed in 1995 for redevelopment under the former Land Development Corporation (LDC).<sup>205</sup> None of the old buildings nor street patterns were conserved and it is impossible to relate the new development to old Yaumatei.

Other areas in the Yaumatei district have also been identified by LDC for redevelopment in the near future. (The work is to be taken over by the newly established URA). Although for the first time “heritage preservation” was mentioned in the URA consultation paper<sup>206</sup> as a criteria in future urban renewal projects, no mechanisms have been put forward.

### **Multiple Ownership**

Many properties are owned by multiple owners. This complicates the process of conservation as owners may have disparate wishes. In many cases, the buildings are allowed to deteriorate until new construction seems like the only reasonable solution.

### **Lack of Awareness and Support**

Yaumatei is still primarily a working-class area, and people generally lack awareness of cultural heritage. Many people consider improved living conditions a priority and tend to respond positively to new development in the area without considering heritage loss.

## **3.23 IMPACTS**

### **Cultural Significance of Yaumatei**

Yaumatei represents a vital specimen of the unique Hong Kong city form that evolved through the rapid industrialization and population increases of the 20th century. It lacks “showcase” buildings, but is still recognizable as having a special link to the past. For Hong Kong to maintain living links to the story of its struggles and successes, areas such as Yaumatei need to retain their traditional character.

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<sup>205</sup> See, Case Study Report – “In the Heart of the Metropolis: Yau Ma Tei and its Cultural Heritage,” Urban Planning Workshop II: Cultural Heritage in the Urban Area “Good Practice,” University of Hong Kong.

<sup>206</sup> See, Section 16-18, Urban Renewal Strategy Consultation Paper by the Planning and Lands Bureau, July 2001.

## **Diversity in Urban Context**

Hong Kong's shopping and living experiences increasingly take place in large shopping centres and linked apartment block complexes. Yaumatei represents a more textured and human scale historical version of the Hong Kong way of life. It is increasingly recognized that having a variety of urban settings and spaces has significant value for enriching people's encounters with their city.

## **Component of Hong Kong's Heritage Tourism**

Some areas in Yaumatei are already established tourist destinations, most notably Temple Street and the jade market. Additionally, HKTB is also promoting Shanghai Street as a tourist walking area. If Yaumatei loses its remaining historical quality, there are few areas of Hong Kong that can replace it. Although tourists are not drawn to the area by any individual sight, many have enhanced trips to Hong Kong with time spent in the Yaumatei area.

### **3.24 APPLICATION OF RECOMMENDATIONS**

Yaumatei's distinctive ambience is in danger of being eroded by continuing redevelopment. It is already recognized as an area with heritage and tourism value, but current conservation practice lacks the scope to preserve its cultural value. As in the case of Nga Tsin Wai, there are two key problem areas. The first is that, aside from piecemeal championing at high levels of government, there is essentially no way to protect neighbourhoods that have significant heritage value, but lack monumental structures. The second issue is the lack of established mechanisms to compensate owners and investors for any development shortfall that may result from conservation efforts.

The recommendations presented in Part II would address the situation in Yaumatei in the following ways:

- A dedicated conservation authority would have the visibility and clout to organize disparate conservation efforts. To preserve Yaumatei's character, while also allowing it to modernize and be economically vital requires creative, integrated planning. A high-level conservation authority would be positioned to coordinate the private and public sector initiatives that would make this heritage area contribute best to Hong Kong's future.
- An overall heritage conservation policy for Hong Kong would provide a framework to make decisions about the preservation of neighbourhoods such as Yaumatei. A clear articulation of the overarching heritage vision would help guide long-term decisions.
- The outlined mechanisms to provide financial incentives for private sector participation in the conservation process would make the redevelopment of historical buildings and areas one of several options, rather than inevitable.
- Initiatives to provide for and encourage public involvement would allow a greater public role in determining the districts that should be conserved in Hong Kong. On a local level, community involvement would help to guide conservation planning in a way that would be sensitive to local feelings.

- The legal and administrative recommendations outlined on p89 would make it much easier to implement conservation measures in the Yaumatei area. Particularly important in this regard would be recommendations 1 (extension of Antiquities and Monuments Ordinance protection to incorporate areas and districts), 2 (revision of the current grading system) and 4 (inclusion of zoning categories that include specific conservation considerations).

There have been some efforts to conserve Yaumatei, but most focus on land use planning for the territory or on the architectural design of individual buildings. Recently, a number of buildings have been declared as heritage buildings, notably the Yaumatei Theatre, the Tin Hau Temple, the Old Yaumatei Post office and the Yaumatei Police Station.<sup>207</sup> Both the AAB and the TPB have initiated a number of proposals for a conservation programme including suggestions for the new usage of certain sites. Unfortunately, proposals are done in a piecemeal manner and remain unimplemented.

One suggestion which would remedy this tendency towards fragmented efforts would be to identify and designate a ‘Special Design Area’(SDA)<sup>208</sup> in the district. All developments that fall within an SDA area would require the submission of an urban design plan, a master layout plan, as well as a master landscape plan for the approval of the TPB in order to ensure the compatible neighbourhood use surrounding a building with special value (e.g. Waterloo Street/Yunnan Lane in Yaumatei were designated in this way in 1996). The SDA designation would aid heritage conservation by controlling the design and layout of surrounding environment.<sup>209</sup>

<sup>207</sup> See, Case Study Report – “In the Heart of the Metropolis: Yau Ma Tei and its Cultural Heritage”, Urban Planning Workshop II: Cultural Heritage in the Urban Area “Good Practice,” University of Hong Kong.

<sup>208</sup> The proposal of “SDA” was stated in the White Bill on Town Planning Ordinance in 1996 which implies that “any area of architectural, historical and special urban design interest” should be encouraged.

<sup>209</sup> See, Case Study Report – “In the Heart of the Metropolis: Yau Ma Tei and its Cultural Heritage,” Urban Planning Workshop II: Cultural Heritage in the Urban Area “Good Practice,” University of Hong Kong.

## CONCLUSION

The underlying tragedy of heritage conservation in Hong Kong is that, despite the involvement of large numbers of well-intentioned government and affiliated bodies, extraordinarily little has been achieved. Outside of a few showcase sites, which are largely government-owned, the destruction of Hong Kong's cultural heritage continues. The aim of this paper is to promote a broadened understanding of the scope of heritage conservation, a reappraisal of its importance, and to attempt to show some of the underlying causes for the difficulties that have hindered conservation efforts in Hong Kong for generations. We have also suggested recommendations that may help to reduce these difficulties.

There continues to be widespread misunderstanding about the importance of cultural heritage. This lack of understanding may be the heart of Hong Kong's conservation predicament. As "social capital," cultural heritage is one of the most important factors in civic stability and is ultimately a critical determinant of long-term economic prosperity. The power of sharing a sense of place and history cannot be replicated, yet ironically, its significance and value may only be understood once it is gone.

As with all forms of social capital, it can be difficult to precisely quantify benefits and devise mechanisms to protect heritage. However, even when allowing for these difficulties, it is clear that decision makers throughout the years have systematically overlooked issues of conservation. When it is championed, it has too often been limited to playing a part of tourism promotion schemes. Heritage conservation is difficult given the short-term economic incentives of redevelopment. However, we still have a choice, as there are a multitude of heritage assets that can still be saved. By leveraging worldwide experiences and addressing bureaucratic and development issues, it is possible to charter a more balanced path to success.

It is hoped that, at a minimum, the perspective presented in this report will generate discussion and stimulate efforts to move towards a more comprehensive approach to heritage conservation.

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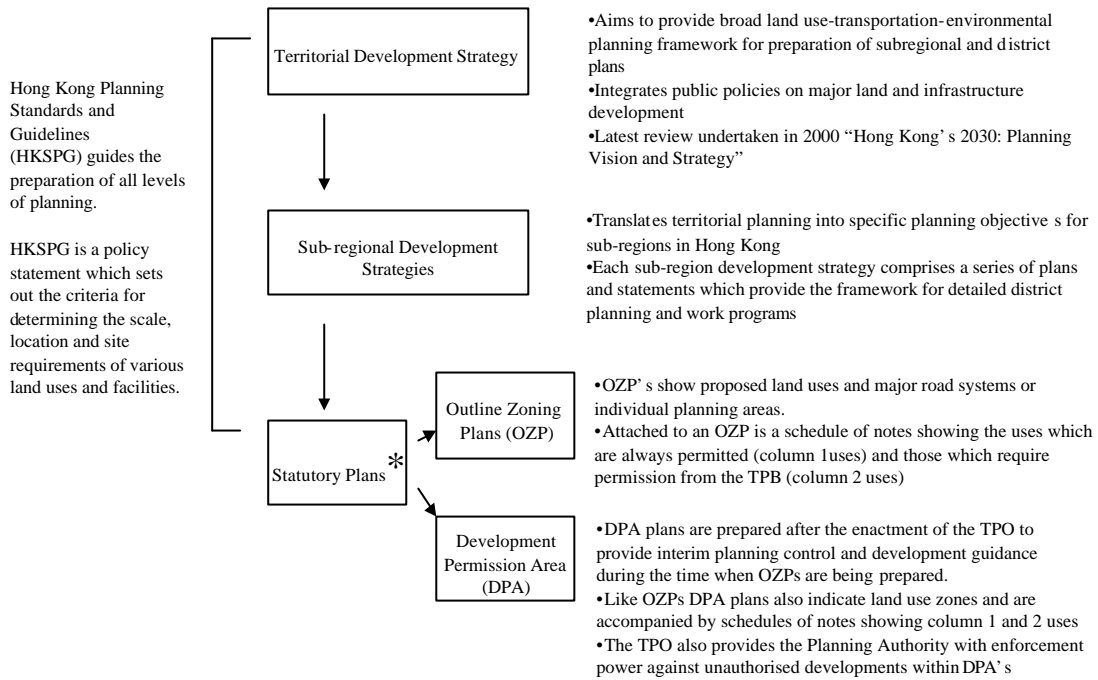
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# Hong Kong's Planning

# Appendix One



\* Statutory Plans are prepared and published by the Town Planning Board under the provisions of the Town Planning Ordinance

