

Heritage Conservation in Hong Kong (Policy and Planning Context Review)

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ABSTRACT: Since the enactment of the Antiquities and Monuments Ordinance in 1971 and the establishment of Antiquities and Monuments Office in 1976, the Hong Kong Government has set up several institutions with particular ordinances and schemes for Heritage Conservation. With the set-up of government initiatives, yet the protection of physical and cultural heritage is still limited due to the ambiguity of policy and planning. So, the main aim of this paper is to identify the loopholes of existing policy and planning of heritage conservation and to suggest revised policy framework. After a thorough review towards the existing policy framework of heritage conservation in Hong Kong, together with the lessons learnt from international case studies (Singapore, Australia and Macao), it is found that six major deficiencies affecting the different aspects within the process of heritage conservation in Hong Kong. They are: Insufficient coverage of heritage's context; inadequate institutional capacity; limited conservation approaches for privately-owned buildings; inadequate incentives; shortage of funding sources; and lack of transparency. After the identification of deficiencies from the existing heritage conservation policies and institutional arrangement, a new set of recommended policy is suggested to improve the deficiencies. The recommended policy framework contains four aspects: Revision of political system; provision of integrated conservation approaches and incentives; diversification of funding sources and widening of public participation.

Keywords: Heritage Conservation, Hong Kong, Policy and Planning, Context Review

INTRODUCTION

Heritage conservation has become a catchword in recent years and it has acknowledged as a "retention of the inherent characteristics of different districts" and a "key component of a quality life" by the Chief Executives of the HKSAR (Tung, 1999; Tsang, 2007). Since the enactment of the Antiquities and Monuments Ordinance in 1971 and the establishment of Antiquities and Monuments Office in 1976, the Hong Kong Government has set up several institutions with particular ordinances and schemes to practice the concept of Heritage Conservation. (Fig.1)

There are five ordinances regarding heritage conservation in Hong Kong; Antiquities & Monuments (A&M) Ordinance (Cap. 53), Environmental Impact Assessment Ordinance (EIAO) (Cap.499), Urban Renewal Authority Ordinance (URAO) (Cap. 563), Town Planning Ordinance (TPO) (Cap. 131) and Building Ordinance (BO) (Cap. 123). Moreover, There are four guidelines for heritage conservation in Hong Kong which are; Ch.10 of Hong Kong Planning Standards and Guidelines by Planning Department (PlanD), Technical Circular on Heritage Impact Assessment Mechanism for Capital Works Projects by Development Bureau (DevB), Practice Note for Authorized

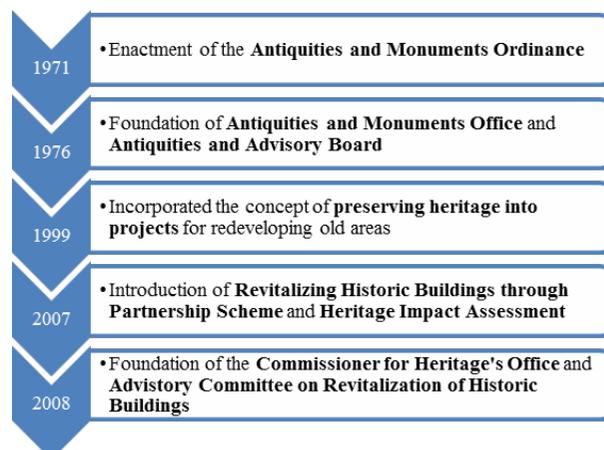


Fig. 1: Major government initiatives on heritage conservation

Person on Conservation of Historical Buildings by BD and Technical Memorandum on EIA Process Annex 10 and 19. (Planning Department (PlanD), 2010)

The Commissioner for Heritage Office (CHO) and the Antiquities and Monument Office (AMO) are the main governmental authorities to govern heritage conservation in

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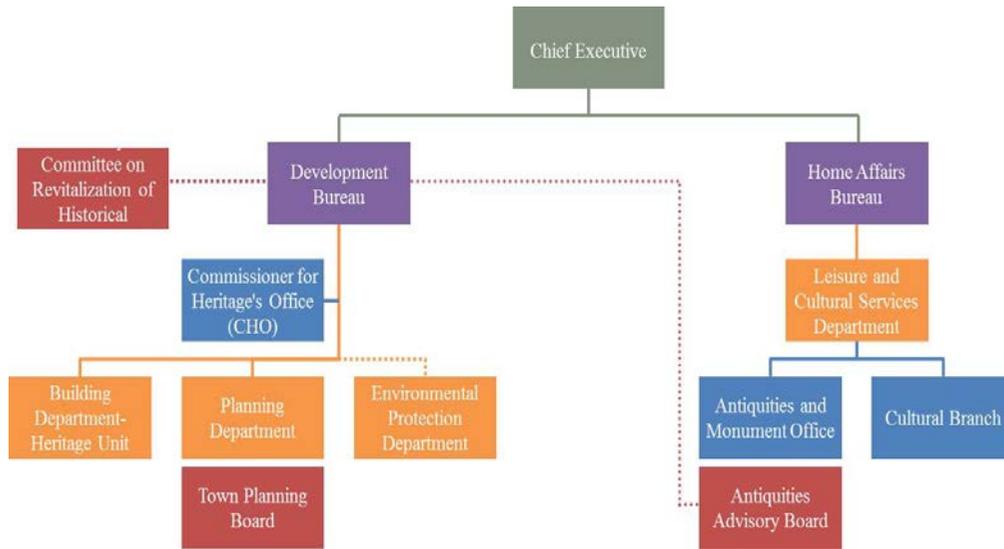


Fig.2: Institution Arrangement for Heritage Conservation in Hong Kong

Hong Kong. As shown from Fig. 2, other authorities are also engaged in the process of heritage conservation.

The major assessment criteria for declaring a historic building as a declared monument concern with historical, archaeological or paleontological significance of the property. Beside monuments, historic Building are identified and classified into Grade 1, Grade 2 and Grade 3 in accordance to its merits as illustrated in Fig.3. (AMO (Antiquities and Monuments Office), 2010)

Heritage conservation in Hong Kong is integrated with Urban Regeneration projects which are led by Urban Renewal Authority (URA). Strategies of URA include redevelopment, rehabilitation, preservation and revitalization. Revitalization or preservation of site or building is adopted by URA if

site/building with merits is located in the site of the urban regeneration (URA, 2005). Moreover, From Feb 2008, the Government has launched the scheme of “Revitalizing Historic Building through Partnership Scheme.” This scheme allows NGOs to apply for adaptive reuse for governmentally-owned heritages.

With the set-up of government initiatives, yet the protection for local cultural heritage is still limited. Since the 1970s, there has been a growing volume of discussion in the society on the matter in a variety of scale and practice. These include the protests against the demolitions of Star Ferry Pier and Queen’s Pier which represented the collective memory of the Hong Kong residents. (Fig 4-5)

MATERIALS AND METHODS

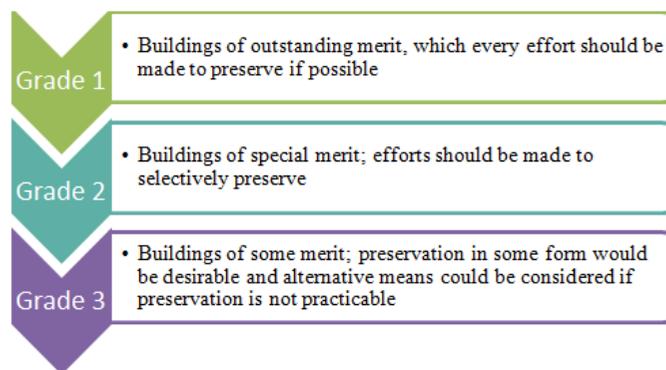


Fig.3: Three Tier Grading System of AMO
(Source: AMO (Antiquities and Monuments Office), 2010)



Fig.4: Public protest against the demolition of Star Ferry Pier (Source: Anson Mak, 2006)



Fig.5: Public protest against the demolition of Queen's Pier (Source: Ohconfucius, 2007)

The loopholes of existing policy and planning of heritage conservation are identified and revised policy framework is suggested. After a thorough review towards the existing policy framework of heritage conservation in Hong Kong, together with the lessons learnt from international case studies (Singapore, Australia and Macao), it is found that six major deficiencies affecting the different aspects within the process of heritage conservation in Hong Kong.

RESULTS AND DISCUSSION

Deficiencies Affecting the Process of Heritage Conservation in Hong Kong

After a thorough review towards the existing policy framework of heritage conservation in Hong Kong, together with the lessons learnt from international case studies (Singapore, Australia and Macao), it is found that six major deficiencies affecting the different aspects within the process of heritage conservation in Hong Kong. They are: Insufficient coverage of heritage's context; inadequate institutional capacity; limited conservation approaches for privately-owned buildings; inadequate incentives; shortage of funding sources; and lack of transparency.

Insufficient Coverage of Heritage's Context

Firstly, it is noticed that heritages in Hong Kong usually refer to individual buildings only, while the physical setting of the heritage, such as the landscape and streetscape, is not considered within the conservation boundary. At often times, the physical setting adds extra aesthetic or social values to the monument as a whole so that the historic building does not look like an isolated building standing in an incompatible environment. In the case of Haw Par Mansion of Wan-Chai district of Hong Kong, the

coverage of protection did not include the Tiger Balm Garden, which was built together with the Mansion in 1935. Without the garden, Haw Par Mansion is just an individual historic building that looks incompatible to the surrounding area.

Secondly, the scope of heritage does not cover intangible heritage. As a result, the Government has little mechanisms to conserve the intangible heritages in Hong Kong. The development of protecting intangible heritage in Hong Kong did not start until the Convention of Safeguarding of the Intangible Cultural Heritage in 2006. In 2011, preliminary results of intangible heritage in Hong Kong have been released; including Tai Hang Fire Dragon Dance (Fig. 6) and Villain Hitting (Fig.7). However, detailed protection measures or ordinances on intangible heritages are yet to be formulated.

The heritage conservation experience in Singapore takes a



Fig. 6: Tai Hang Fire Dragon (Source: Foreman, 2010)



Fig. 7: Villain Hitting at Canal Road Flyover (Source: Lewis, 2011)

very different approach than Hong Kong under the context of heritage scope. Instead of protecting individual building, they also conserve the history, architectural style and the ambience of the entire district. The conservation project in the Chinatown is a very successful example (Fig. 8 and Fig. 9). By protecting the surrounding environment in addition to the physical buildings, it also preserves the intangible heritage presented in the area.

Inadequate Institutional Capacity

The second identified issue is the unclear job division among institutional bodies and incomprehensive ordinance that launch the failure of heritage conservation implementation. In addition to the Leisure and Cultural Services Department (LCSD), the Home Affairs Bureau (HAB) and the Development Bureau (DevB), there are a number of different institutional bodies in Hong Kong to execute heritage conservation works. For example,

Antiquities and Monument Office (AMO), Commissioner for Heritage Office (CHO), Urban Renewal Authority (URA) and Architectural Service Department (ASD) are responsible for heritage conservation promotion and education. Both URA and CHO are responsible for revitalization projects. It is observed that many of the job divisions do not have a concrete boundary among the institutional bodies; leading to the overlapping of roles that add to inefficiencies while carrying out heritage conservation works.

In addition to the unclear roles and duties, loopholes are also found in certain ordinances. Declared monuments are protected under the Antiquities and Monument ordinance, while graded heritages are just for administration purposes. This loophole may lead to the losing of valuable heritages in Hong Kong. A classic example will be the Queen's Pier in Central; it was a Grade-I Heritage before demolition. In the annual report '09-'10' of the Conservancy Association of Hong Kong, it states that "the grading system is merely an administrative tool, but not a better arrangement" (The Conservancy Association, 2011). So, grading a building is merely a tokenization, and it is not appropriate mechanism to protect this asset of the city.

Another inadequacy of the ordinance can also be reflected in The Pawn in Wan Chai. In order to cope with the Building Ordinance, the railing at the veranda of the Pawn has to increase to 1.2 m instead of its original height. For URA Ordinance, we found that most of the ordinance focuses on the strategy of redevelopment instead of a balance among the four urban regeneration strategies¹. As a result of an over-concentration of redevelopment, preservation of historic buildings or sites is often neglected.

In the institutional framework of Singapore, there are only two major institutional bodies: the Urban Redevelopment Authority and the National Heritage Board contributing to the effort of heritage conservation. Instead of having a complicated institutional framework, like Hong Kong, the Singaporean



Fig.8: China Town in Singapore (Source: Planet Ware, 2012)



Fig.9: Street Food in China Town (Source: Travel grove.2012)

Government has relatively simple institutional set up to oversee heritage conservation works.(National Heritage Board, 2009)

Limited Conservation Approaches for Privately-owned Heritages

Conservation approaches are only available solely for governmental heritages; there are no established conservation approaches available for privately-owned buildings. The Government has no rights to carry out any conservation works for privately-owned heritages unless it is declared as monuments or buying it from the owner.

In Australia, there are a lot of conservation approaches available for private. As for example, the exertion in conserving Broken Hill was awarded by the Asia-Pacific Heritage Awards for Culture Heritage Conservation of UNESCO. This project used an integrated approach to conserve the significant buildings, and renovate the streetscape, including residential properties of the town. The Government has provided charge-less technical support, financial assistance, residential paint schemes and veranda restoration program to preserve the historical areas. (UNESCO, 2010)

both governments have provided some seductive economic and planning incentives to promote heritage conservation (Table 1).

The Shortage of Funding Sources

The initial capital injection to conserve heritages is very limited. It mainly relies on government appropriations and the Jockey Club Charity Trust. According to the Budget Plan for 2011/12, the Government has allocated 500 million dollars for public-private partnership revitalization scheme (Tsang, 2011). The URA has also taken the responsibility for numerous of revitalization projects, such as The Central Market with 500 million dollars. However, Hong Kong currently does not have a concrete funding system to support heritage conservation.

In the case of Macao, all gambling operators are required to pay 1.6% of their gross revenue to the Macao Foundation for the promotion of social, cultural and economic developments in Macao. One of the major responsibilities of the Macao Foundation is to promote the preservation of historic buildings. The sum of money that the gambling operators have paid to the Macao Foundation in 2010 is expected to be 2,800 million Pataccas (calculated from the data collected from Statistics and Census Service of the Macao SAR Government, 2011). Since

Table 1: Summary of economic and planning incentives in Macao and Australia

	Macao	Australia
Economic incentives	Economic incentives Tax exemption from • Building tax • Conveyance tax • Property tax • Tax deduction from • Industrial tax • Income tax	Tax exemption from • Property tax • Tax deduction from • After donating to the National Trust
Planning incentive	Land exchange	Relaxed of planning controls; and the transfer of development rights.

Inadequate Incentives

Planning incentives is actually available in Hong Kong, yet without a well-established set of policies to support. Moreover, most of them have resulted in strong criticisms on the uncertainty of value estimation. There are only few monuments that are protected via planning incentive: they are KYL with land exchange, Haw Par Mansion with premium reduction, Jess-ville with special land lease condition and No. 179 Prince Edward Road West by the relaxation of planning control. Though economic incentives are available in Hong Kong, the Government has only provided some financial assistance for maintenance of privately-owned heritage buildings. The heritage policy review in 2004 indicated that economic incentive is the major mechanism to protect privately-owned heritages. In the case of Macao and Australia,

the revenue from the gaming sector in Macao is the biggest profit, this funding mechanism will be able to finance heritage conservation work in Macao in a sustainable manner. In the case of Australia, the Australian government has established the Sydney Harbor Federation Trust to conserve land around the Sydney Harbor which contains features of natural and historic significance.

The Lacking of Transparency

In most of the times, the general public does not know anything during the decision making process until the decision has been made. In short, the transparency while implementing heritage conservation is very vague. The related legislation bodies seldom seek consents from the citizens on the adaptive reuse options for the monuments. For example, the Central

Police Station Compound was proposed to be revitalized via commercial tendering in 2004. In view of a strong public objection to the details of proposal, the Government withdrew the tender and finally entrusted the Hong Kong Jockey Club to carry out the project in 2007. Such action has been criticized by The Robert H. N. Ho Family Foundation, who had to participate in tendering, that there was no transparency in the decision making process.

CONCLUSION

After the identification of deficiencies from the existing heritage conservation policies and institutional arrangement, a new set of recommended policy is suggested to improve the deficiencies in the field. The recommended policy framework contains four aspects: Revision of political system; provision of integrated conservation approaches and incentives; diversification of funding sources and widening of public participation.

Revision of Political System: The first aspect of recommendation is formulated to tackle the issues of inadequate institutional capacity and the insufficient coverage of heritage context. Strategies to address these issues are compiled with two main components. The first component focuses on the institutional arrangement while the second component indicates on the amendments of the heritage’s context.

The current institutional arrangement in Hong Kong is very ineffective, the same responsibilities are found to be overlapped among different institutional bodies. For instance, Antiquities and Monument Office (AMO), Antiquities Advisory Board (AAB) and Commissioner for Heritage Office (CHO) share the same responsible of carrying out Heritage Impact Assessment (HIA) in the current institutional arrangement. The overlapping of responsibility leads to the waste of inefficient and ineffective working capacity. Yet, under the new arrangement of the proposed recommendation, it is proposed to strengthen the

role of CHO as the major coordinator of heritage conservation works in Hong Kong. CHO will be responsible for the communication with other governmental departments on the topic of heritage conservation. Major tasks that CHO will be responsible for include the safeguarding of heritage funding, the managing of heritage projects, liaising and negotiating with private owners, constituting guidelines and regulations for heritages, provision of technical support and consultation advice, evaluation of HIA, and the implementation of heritage-related policies.

Moreover, CHO will also serves as the bridge between the government and the general public. CHO will be the major channel for communication between the government and the public for the context of heritage conservation. For instance, general public can consult CHO for any queries on the subject of heritage conservation, such as conservation approaches and incentives of their historic buildings.

In addition to the role consolidation of CHO, it is also proposed to transfer AMO to be directly governed by CHO. After the transfer, AMO will be mainly responsible to administer the built heritage and declare monuments. However, existing duties, such as cultural heritage promotion, research and education will be carried out by the Cultural Branch under Leisure and Cultural Service Department (LCSD). This alteration allows conservation work of graded buildings and monuments to be carried out in a more effective and efficient manners.

On top of this, it is also advised to merge Antiquities Advisory Board (AAB) and Revitalization Committee (RC) as a single advisory body under Development Bureau (DevB). The new body will be responsible for the assessment and revitalization plans for both tangible and intangible heritage. Professional advices will be provided by the new body in order to carry out heritage conservation works. To sum up our recommendation on the re-arrangement of institutional arrangement, the role of

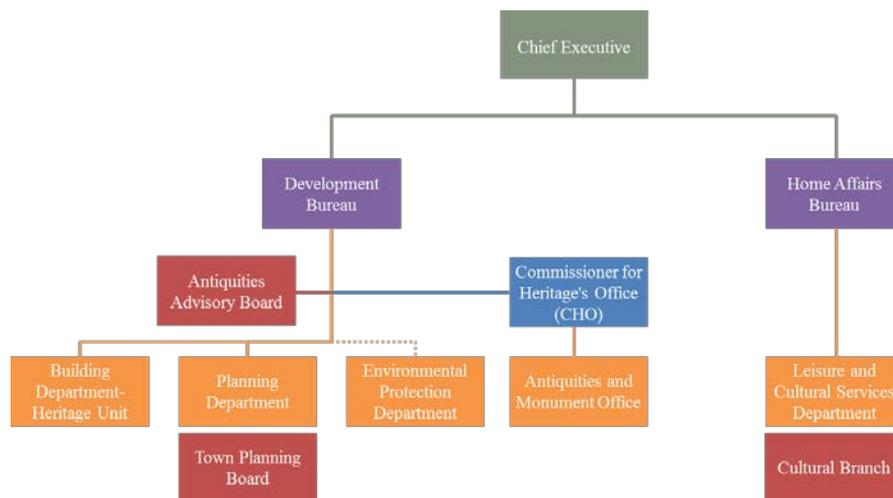


Fig. 10: Proposed institutional arrangement for heritage conservation in Hong Kong.

CHO is now enhanced to lead heritage conservation works in Hong Kong. AMO will be transferred to the DevB under CHO so as to save the time and processes incurred in the process of heritage conservation. Fig. 10 shows the revised institutional arrangement for heritage conservation in Hong Kong.

In the second component of the recommendation one, five revisions on the heritage's context are proposed. Currently, the coverage or protection on cultural heritages is very limited. This often leads to the losing or disappearance of cultural heritages in Hong Kong.

Firstly, we are proposing to launch Heritage Impact Assessment (HIA) as a statutory procedure through legislation, targeting to developments next to declared monuments, graded buildings, areas within 50 meters from the historic buildings and the conservation area. The HIA report will be submitted to CHO as one of the criteria for development application. If ever any development falls into the boundary of the four areas, DevB will transfer the case to CHO for the examination and approval of HIA prior the issuing of development permit by DevB. This recommendation minimizes the disturbances of urban development to the cultural heritage.

Secondly, it is proposed to include intangible heritage as part of cultural heritage. The CHO will impose HIA, guidelines and regulations for protecting intangible heritage in Hong Kong. Moreover, conservation approaches will also be formulated to conserve the intangible heritage of the city. This recommendation aims to protect the essence of intangible heritage in Hong Kong.

Thirdly, it is proposed to adopt an area conservation approach for cultural heritage with the tool of conservation zone and buffer zone. Conservation zone is used to forbid the demolition of any settings, buildings or environments within the zone. Buffer zone is used to avoid incompatible buildings to be constructed within the zone. CHO will be responsible for the formulation of guidelines and requirements of the conservation and buffer zones. After the guidelines and regulations are set, the Planning Department will be incorporating them as the explanatory notes into the outline zoning plan so that land use and development of these zones could be controlled. This recommendation targets to preserve the entire setting and environment of cultural heritages.

Fourthly, we advise to establish protection on the graded historic buildings. CHO should constitute some conservation guidelines and regulations, such as alteration methods, internal decoration, structural change, and revitalization methods, to the graded buildings in accordance to its respective grading. The Building Department will also incorporate the conservation requirements into the building requirements of the graded buildings. This recommendation intends to avoid the demolition or improper conservation methods of the valuable graded heritages.

Fifthly, it is proposed to establish an appropriate set of ordinance for built heritage, such as the Building or Fire Safety Ordinances. CHO should study the ordinances with the

corresponding departments that will facilitate the establishment of a tailor-made planning, structural and building emergency services regulations for the built heritage. This recommendation attempts to avoid the destruction of the architectural and aesthetic features of the built heritages.

Provision of Integrated Conservation Approaches and Incentives

The second aspect of recommendation is formulated to tackle the issues of limited conservation approaches and incentives for privately-owned heritages. With the provision of integrated approaches, owners are encouraged to conserve their buildings in various ways. A list of proposed incentives that will facilitate the owners to carry out heritage conservation with their properties is presented in Table 2 CHO will be responsible on the provision, execution and approval of the incentive kits. At the same time, the criteria and selection process of the incentives should also be open to the public so as to facilitate the transparency within the process.

Diversification of Funding Sources

The third aspect of recommendation is formulated to tackle the issues of shortage in funding sources. Strategies to address these issues are compiled with two items. The first item focuses on the partial allocation of land sale revenue to support heritage conservation works while the second item indicates the setting up of the Hong Kong Heritage (HKH) Trust Fund.

In the financial year 2009 – 2010, statistics from the Inland Revenue Department (2010) and the Lands Department (2010) shows that the land sale profit is amounted to \$14.5 billion, which is 5.59% of the total income of the Hong Kong Government. The government should study the suitable percentage amount of the land sale profit that should be used to support heritage conservation.

In addition to the land sale revenue, it is also proposed to set up the HKH Trust Fund. The trust fund is set up to promote heritage conservation in Hong Kong. The trust fund will be used to fund the conservation of historic buildings of privately-owned heritages. The running body will be a committee, that includes the heritage conservation concerned group and professional bodies. As this running body will be a non-profit organization, and the annual tax of the organization will be exempted. Initial capital of the trust fund will be a one-time injection by the Government. The on-going capital accumulation will be managed by the NGO through fund raising activities, member subscription and donation. CHO will identify potential running body of the trust fund through competition. The most creative group will be the winner, who will be the running body of the Hong Kong Heritage Trust Fund.

Widening of Public Participation: The fourth aspect of recommendation is formulated to tackle the issues of the narrow public participation channels on heritage conservation work in Hong Kong. Strategies to address these issues are compiled with two items. The first item aims to advance the transparency

Table 2: Proposed incentives and its corresponding criteria to provide such incentives

	Types of incentives or approaches
1. To provide charge-less technical advice (architectural, structural and maintenance) and conservation strategies ²	- Owner who needs technical advice to conserve their properties - Owner who does not know the available conservation strategies
2. To provide charge-less technical advice (architectural, structural and maintenance) and strategies	- Owner who needs technical advice to conserve their properties - Owner who does not know the available conservation strategies
3. Application of maintenance/ modification grant ³ to fund heritage conservation projects	- Owner who lacks capital for modifying the heritage for adaptive-reuse purpose
4. Application of operation fund ⁴	- Owner who has attractive and sustainable conservation plans for their heritage - The proposal will benefit the community and open for public access
5. Assistance for the application of statutory licenses (e.g. food license) and approvals for operation	- Owner who is inexperienced with the application procedure for the operation of his historic buildings
6. Assistance to apply for rezoning or planning permission to the historic buildings	- Owner who is inexperienced with the application procedure for the operation of his historic buildings
7. Platform to encourage partnership with NGOs, corporate, professional bodies and etc.	- Owner who is looking for organizations to operate in his heritage
8. Tax incentives	- Property tax will be exempted for owners to run businesses in a heritage - Profit tax will be returned to owners on the costs spent on maintenance
9. Seminar or workshops to share the successful conservation cases of privately-owned heritages	- Owner who is uncertain on the benefit and feasibility of carrying out heritage conservation in his heritag
10. Relaxation on planning control (GFA, plot ratio, and etc.)	- When the revitalization plan requires the accommodation of relaxation on development control, provided that the relaxation will not impose adverse impact to the heritage and its surrounding environment
11. Transfer of development rights	- Owners who insist to demolish the building for economic return
12. Non-in-situ and in-situ land exchange	- Owners who insist to demolish the building for economic fund if there is governmentally-owned land of similar value for exchange

level within the decision making process while the second item indicates ways that different sectors in a community could participate in heritage conservation in Hong Kong.

The existing decision making process in Hong Kong is non-transparent at all. The general public basically has no idea on the basic criteria of any decisions. The general public should have the right to select and propose monument or graded historic buildings. It is recommend that CHO to develop the guideline for public representation. In terms of implementation, a commentary form for public representation should be drafted by CHO. This form can be downloaded from CHO website. General public can also acquire the form from district office of the Home Affairs Department and other government facilities. Therefore, the general public will be able to express their opinion through internet or mail easily. The Government should also consult the public upon regular review of Heritage Conservation Policy by CHO so as to remain updated with the changing societal needs.

Other than creating channels to collect opinions from the

general public, participations of schools, Non-Government Organizations (NGOs), district councils and businesses are strongly encouraged. In order to raise the awareness of youngsters on the importance of heritage conservation, students should learn to appreciate cultural heritage by different learning experiences in addition to the existing curriculum of Liberal Studies. The Cultural Branch will develop some learning and teaching materials, and will provide training to teachers accordingly. The Cultural Branch can also help educational bodies to introduce cultural heritage element into different subjects, such as cookery, home economics, music, visual arts, and etc.

As for the NGOs and District Councils, it is recommend that the Government to fund NGOs and District Councils to promote community involvement on a district level through partnership scheme. Under the scheme, the Government needs to provide the funding for eligible NGOs. Then, the NGOs may liaise with district council and professional bodies to organize district heritage conservation activities which encourage the

involvement of the community.

On top of the contribution of NGOs and District Councils, the role of commercial sector for conserving heritage conservation can never be neglected. The Cultural Branch is suggested to organize heritage award with the collaboration of commercial sector. It is observed that the Business Award held by Hong Kong Shanghai Banking Corporation (HSBC) is so popular and successful every year. It attracts many young entrepreneurs and students to submit their creative business plans every year. Base on this example, the Cultural Branch can also collaborate with the corporate, such as the HSBC to organize similar competition with the concept of heritage conservation into business plans.

ENDNOTES

1. Redevelopment, preservation, rehabilitation and revitalization
2. Conservation strategies include preservation, rehabilitation, restoration and reconstruction.
3. The maximum allowance for modification is HK\$2 million dollars. Similar to the existing maintenance scheme, owners are required to open the heritages for public access at certain level and not for sale into the market for a certain period, agreed with the Government.
4. Operation fund is similar to the one-off grant offering to social enterprise under the current revitalization scheme. However, we suggest the maximum grant should not exceed 6 months of operation cost since it is not run as the social enterprise model.

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