

*Heritage Preservation:
Hong Kong &
Overseas Experiences*



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Chapter 1

Introduction

1.1 Background

Hong Kong's history can be dated back to 6,000 years ago. In the past hundreds of year, Hong Kong has been transformed from a small fishing village to one of the most important financial centers in Asia. Given such a long period of time, many historical legacies are left behind. Therefore, historical buildings can be found in nearly every district in Hong Kong. However, in light of the peculiar rugged landscape and large population in Hong Kong, land for development is extremely limited. The high population density prompts the exploration of more land and development of more high-rise buildings. There is a strong socio-economic demand for rapid and intense urban development. Regrettably, many old buildings occupying potential sites of commercial development are regarded as barriers and have to be demolished, despite the historical significance and architectural beauty.

1.2 Obstacles in Preservation of historical buildings:

Due to intense pressure for urban development in light of scarce land, there are many obstacles in preserving historical buildings in Hong Kong.

(1) Constraints of Institutional Framework:

Although there is a mechanism dealing with preservation of monuments and historical buildings, there are various shortcomings in the existing practice. In Hong Kong, the Antiquities and Monuments Office (AMO) and the Home Affairs Bureau are mainly responsible for the works of heritage preservation. However, it has been criticized that the AMO has no real power in stopping demolition of built heritage. There is inadequate funding for heritage maintenance. The administrative measures adopted by the AMO, such as grading historical buildings into three tiers, consulting with and obtaining consent from private owners of heritage are impractical and give ineffective protection to the buildings in questions. Besides, the existing legislation concerning heritage preservation is commented as "piecemeal" and separated from each other. Under the existing institutional framework, heritage conservation and land planning are separate issue. One clear example is that there is no reference to protection of historical buildings in the Town Planning Ordinance. Government decisions towards land use are departmentalized.

(2) Constraints in Preserving Privately Owned Buildings:

In order to preserve a historical building effectively, the most direct way is for the AMO to declare the building in question as monument. When the building is privately owned, the declaration of monument requires the owner's consent. However, not every owner is willing to surrender his property rights. In most cases, the owner would like to sell or demolish the property for redevelopment. Preservation of such privately owned old building is costly. The government may have to allocate large sum of money to purchase and convert it to other uses.

(3) Opposition of Developers or Businessmen

Historical buildings are susceptible to urban development. The site occupied can be developed into profitable buildings. Bearing in mind the concept of maximizing profit, developers would certainly oppose the historical buildings grading system and heritage preservation. Heritage conservation is subordinated to commercial development. For instance, the Murray House, which was originally situated at where the Bank of China now stands, was dismantled due to developers' opposition.

(4) Lack of Public Awareness of Heritage Conservation:

They are more concerned about facility provisions such as housing, medical, school, recreation and other basic utilities. People without much educational attainment have little sense of heritage conservation. Heritage conservation matter seems to be the aesthetic luxury among minorities (professional elites and interested societies)

As a result, Conservation matter is succumbed to redevelopment and construction projects in many ways. Considering the conflict between urban development and heritage preservation, we understand it is too idealistic to demand every old building to be preserved. However, basically speaking, urban development and heritage conservation can be in harmony with one another in light of their respective aims, because both of them fit in the long term and basic interests of the general public.

The importance of heritage preservation can be summarized as follows.

1.3 Reasons for Heritage Preservation

(a) Historical and Cultural Value:

Heritage is an evidence displaying history, reflecting people behaviours and culture in the past. It can educate people about evolution of a city. Landmark building can not only symbolizes the image of a city, but also allow people to trace historical origin of the city.

(b) Social Value:

Heritage provides us with tangible and visible contact with history. Rezoning, conservation and conversion to other land use can be of high recreational and educational values. Heritage can tell the people how the past looked like as it records some significant historical events. People would be proud of their unique social roots by appreciating the evidence of human activity. A sense of belonging to the place can be fostered. Their cultural identities can be cultivated because heritage represents people's collective memories in a society.

(c) Economic Value:

Historical buildings with great historical and architectural importance can become assets of a place after successful restoration. By revitalizing and converting them to tourists' spots such as museum, their value can rise substantially because it can attract visitors and boosts tourism industry, which is an important economic pulse of Hong Kong. Hong Kong reputation as an international modern city with its long and distinctive history can be enhanced.

(d) Sustainable Development:

The United Nation Conference on Environment and Development introduced the concept of sustainable development in 1992. It is defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." Heritage belongs to the present and also the future generation so it should be protected for the benefits of future generation.

1.4 Objective:

This report aims at exploring the existing problems of heritage preservation in Hong Kong as mentioned above. In Chapter 2, Hong Kong's existing institutional mechanism, legal framework and funding in heritage preservation will be discussed in greater details. Then, in

chapter 3, problems of heritage preservation and development in Hong Kong will be explained with illustration of case studies.

In the second part (Chapter 4), a comparative approach is adopted. We will look at the international standard in heritage preservation established in the World Heritage Convention by the United Nation Educational, Scientific and Cultural Organization (UNESCO). Some overseas experiences in heritage preservation will be illustrated. The focus will be put on the institutional framework and charitable fund of the overseas countries. It aims at showing how Hong Kong is left behind from the international trend in heritage preservation.

In the last part (Chapter 5), we will recommend Hong Kong administrative mechanism should be brought in compliance with international standard. Some possible solutions to the existing obstacles in heritage preservation will be suggested.

Chapter 2
Hong Kong's Institutional and Legal Framework
In Heritage Preservation

2.1 Introduction

In Hong Kong, preservation of built heritage is a recent trend. The enactment of Antiquities and Monuments Ordinance in 1976 marked the first concrete step taken by Hong Kong Government in heritage preservation. The Antiquities and Monuments Office was established in the same year to implement the provisions of the Ordinance.

2.2 Institutional Framework

2.2.1 Antiquities and Monuments Office (AMO)

It was established in 1976 to implement the provisions of the Antiquities and Monuments Ordinance, which came into effect in the same year.

The Office comprises professional staff organized into four sections dealing with archaeology, historical buildings, administration, and education and publicity. The Office provides secretariat and policy support to both the Antiquities Authority and the Antiquities Advisory Board in preserving places of historical and archaeological interest.

The Office has pursued active programme of identifying, recording, protecting and displaying many facets of Hong Kong's heritage. Over 5,000 buildings have been surveyed and a record of heritage items is compiled.

Recorded buildings are either declared as monument, proposed monument or classified into grade I, II and III to indicate their relative importance. Generally speaking, buildings are graded according to their age and historical significance.

2.2.1.1 Monuments

In Hong Kong, there is a total of 77 pieces of heritage declared as monuments, among which 61 are built heritage. They are legally protected under the Antiquities and Monuments Ordinance. Demolition of these buildings is strictly prohibited. According to section 3, after a building is listed as monument, it is an offence to damage, destroy and alter it without permission granted from the Authority. A permit under section 6 is required before any restoration or conversion work is carried out. It is noted that declaration of private buildings as Monuments does not necessarily affect the original ownership. Owners are allowed to manage and maintain the declared buildings in most cases, though Government funding and

technical assistance may be offered in some cases when the owners are unable to afford the restoration and maintenance cost of the buildings. The Authority may, with the prior approval of the Chief Executive, pay to the affected owner compensation in respect of the financial loss he suffered. If the declared property is privately owned, the owner may object and apply to the Authority for withdrawal of declaration and petition to the Chief Executive.

2.2.1.2 Proposed Monuments

Once a building is declared as proposed monument, it is an offence to damage, destroy and alter it under section 2A of the Ordinance. The declaration made in relation to proposed monument shall have effect for a period of 12 months. (Section 2B) If the proposed monument is private property, the Government will consult and negotiate with the owner matters concerning preservation and conservation, in order to come with a win-win decision. The owner may at any time apply to the Authority for withdrawal of the declaration or petition to the Chief Executive. (Section 2C)

2.2.1.3 Graded Buildings

Apart from formal declaration of Monument, a three-tier grading system is adopted to record buildings of considerable historical and architectural significance. It is an administrative measure without legal force because the record is kept merely as internal administrative reference for the government. To date, over 550 historical buildings have been assessed and graded by the AAB. The list of graded buildings is distributed to all relevant Government departments, which are asked to alert the AMO in case there is any proposal threatening the existence of historical buildings. This internal alarming measure allows the AMO have early notice of proposals which would threaten graded buildings. The definitions of different gradings are as follows:

The Definitions of the Three-Tier Grading System of Historical Building

- Grade I Representing buildings of outstanding merit, which should be preserved at all costs
- Grade II Representing buildings of special merit. Efforts should be made to preserve these, but discretion is needed.
- Grade III Representing buildings of some merit, but not yet qualified for consideration as possible monuments. They should be recorded and used as a pool from which future monuments may be selected.

Source: AMO Website, <http://www.lcsd.gov.hk/CE/Museum/Monument>

Yet, the grading system could only be regarded as a reserve list from which buildings could be selected for declaration as Monuments. To offer real protection to the graded buildings, their cases are recommended to the Historical Buildings and Structures Committee of AAB, who look at the site and consider its historical and archaeological significance. Once AAB has agreed on its merits, it must seek approval from the Chief Executive in Council in order to obtain formal protection. Upon approval, the decision will be published in the Government Gazette as monument or proposed monument. At present, only buildings being declared as monument can enjoy better legal protection.

With assistance from the Antiquities and Advisory Board, the Office also monitors development proposals which have an impact on historical buildings, participates in the town planning process and initiates restoration and excavation projects. The Antiquities Section of the Architectural Services Department also works closely with the Office on various maintenance and restoration projects.

2.2.2 Antiquities Advisory Board (AAB)

It was established under the Antiquities and Monuments Ordinance to advise the Secretary for Home Affairs, on matters relating to antiquities and monuments. As a statutory body, the Board contributes greatly to the work of the Antiquities and Monuments Office. The Board members currently comprises 21 members who are professionals from various disciplines including archaeologists, historians, architects and planners. All of them are appointed by the Chief Executive. With expertise in different aspects of heritage conservation, the Board plays an important role in supporting and guiding the Antiquities and Monuments Office.

The Board is assisted by three expert committees, namely the Archaeological Committee, the Historical Buildings and Structures Committee, and the Education and Publicity Committee.

Upon the advice of the Board, an inventory of important historical buildings has been drawn up; including over 200 graded historical buildings. Some of them have been declared as monuments under the Ordinance.

2.2.3 Home Affairs Bureau

At the policy level, the Home Affairs Bureau is the central authority which oversees heritage policies and strategies. The Secretary for Home Affairs is designated as the Antiquities

Authority, to assume executive responsibility over AMO and Culture Division. Apart from devising policy on preservation and conservation of Hong Kong's cultural heritage, it works closely with its executive department, the Leisure and Cultural Services Department, in particular the AMO in monitoring heritage preservation and promoting heritage education. Under Section 2A of the Antiquities and Monuments Ordinance, the Authority is empowered to prevent alterations, or to impose conditions upon any proposed alterations in order to protect a monument. Besides, the Authority is empowered to regulate the search for and excavation of relics through a licensing system. Without the permit, any person excavates, search for antiquities or demolish, deface or carry out any work on a declared monument commits a criminal offence.

2.2.4 Urban Renewal Authority (URA)

The URA is responsible to implement the Government's urban renewal strategy. The strategy will require urban renewal to incorporate preservation of heritage buildings and the historical characteristics of older neighbourhood. The Government has now recognized that preservation of historical buildings is one of the mandates of the Authority. The function of the Planning, Development and Conservation Committee (PDCC) under the Authority is to assess, review and recommend proposals for conserving buildings and sites with historical, architectural and cultural interests. The Committee has set up a Conservation Advisory Panel to advise on matters related to preservation. The Authority works closely with the Antiquities and Monuments Office on the criteria to assess conservation merits of historical buildings in order to work out redevelopment and conservation projects.

2.2.5 Architectural Services Department

A special group of professional and technical staff under the Antiquities Section was assigned to work closely with the AMO on a wide range of maintenance and restoration programme. The Department has extensive experience in repairing historical buildings, retaining the original form of construction and material.

2.2.6 Town Planning Board

The Board is a statutory body appointed by the Chief Executive under the Town Planning Ordinance. The Board is responsible for preparing and publishing statutory plans. A schedule of notes is attached to these plans. In the schedule, it specifies that for certain land uses Board's permission must be sought. It can approve development scheme on conditions

that heritage preservation be carried out. In preparing plans, the Board will consult the Antiquities Advisory Board if the area has any declared monuments or relics on the AMO record. If the proposed development will pose a threat to the existing heritage, the Board may reject planning applications.

2.2.7 The Culture and Heritage Commission

The Commission has been established since May 2000 to advise the Government on the policies and funding priorities on culture and arts. The major responsibility of the Commission is to formulate a set of principles and strategies to promote the long-term development of culture, including heritage, in Hong Kong. Besides, it is tasked to strengthen coordination among government departments and public bodies involved in heritage preservation, to incorporate a cultural perspective, including heritage preservation, in town planning and urban renewal.

2.3 Legal Framework

2.3.1 Antiquities and Monuments Ordinance (Cap 53) (A&M Ordinance)

The Ordinance is the only piece of legislation directly relates to heritage preservation in Hong Kong. It is enacted in 1976 to ensure that the best examples of Hong Kong's heritage are protected. Monuments of historical value have been declared in the gazette so that they are legally protected. Under the Ordinance, the Antiquities and Monuments Office may declare antiquities and historical buildings into monuments or proposed monuments so that they can be saved from damage and demolition. The Ordinance provides for the establishment of the Antiquities Advisory Board, which is primarily responsible for advising the Antiquities and Monuments Authority on matters concerning heritage preservation. There are provisions dealing with compensation to owners of monuments or proposed monuments.

2.3.2 Town Planning Ordinance (Cap 131)

Town Planning Ordinance takes little note in protecting historical buildings and other items of antiquities. Historical buildings, archaeological sites and other antiquities are protected under the Antiquities and Monuments Ordinance through AMO. Since not all the historical buildings are listed under the Antiquities and Monuments Ordinance, in many situations planning can only encourage the owners to conserve the whole or part of a historical building through administrative means. In the latest White Bill, it was suggested that any area of architectural, historical and special urban design interests may be designated as Special

Design Area, within which all developments will require planning permission from the Town Planning Board. It serves as a kind of planning control on the development that may cause irreparable damage to the existing heritage. However, this suggestion has not been incorporated into the existing Ordinance.

2.3.3 Lord Wilson Heritage Trust Ordinance (Cap 425)

Enacted in December 1992, the Ordinance established the Lord Wilson Heritage Trust with the aims to preserve and conserve the human heritage of Hong Kong. The trust is funded entirely by donations. Under sections 4 and 7 of the Ordinance, a Board of Trustees and a Council have been established. The Board of Trustees gives direction to how the objects of the Trust should be met and manages the investment of Trust fund; whereas the Council executes the Board's decisions and implement activities to promote Hong Kong heritage.

Since its establishment, the Trust has provided financial support to heritage-related projects. Press advertisements are posted twice a year to invite the public to apply for grants. During 2000-2001, the Trust awarded five heritage-related activities and research projects totaling \$1.11 million. For instance, the historical research on Sheung Wan by Dr. Chung Po-yin and Dr. Choi Chi-cheung and the publication of four volumes of documentary history of Hong Kong by Dr. David Faure and Dr. Steve Tsang are sponsored by the Trust. Besides, with the Trust's sponsorship, the renovation of the Church building of the First Church of Christ Scientist, Hong Kong was carried out.

2.3.4 Environmental Impact Assessment Ordinance (Cap 499)

The Ordinance was enacted in 1997 and came into effect in April 1998. Under the Ordinance, development projects affecting "Sites of Cultural Heritage" may become Designated Projects and are subject to the statutory requirement to provide AMO with environmental impact assessment report. The report should predict and evaluate the nature and magnitude of impact arising from their planning proposals on cultural heritage. Developers are required to consider appropriate mitigation measures to eliminate any negative impacts. The AMO would seek expert opinion from AAB where necessary and then make recommendations to the Environmental Protection Department. The decision-maker will finally decide which what action should be taken and monitor the actual impacts of the development projects. Despite the EIQA requires the project proponents to assess possible impact and propose mitigation measures in designated projects which affect "Site of Cultural Heritage," the

Ordinance does not cover unregistered recorded sites. Therefore, the mitigation measures proposed may not help.

2.3.5 Country Park Ordinance (Cap 208)

Under the Ordinance, the Country Park Authority is empowered to “preserve and maintain buildings and sites of historical and cultural significance within country parks and special areas but without prejudice to the AMO”. (Section 4C)

Chapter 3

Problems of Heritage Preservation and Development in Hong Kong

Historical buildings are protected under the Antiquities and Monuments Ordinance (Cap. 53). However, both private and government properties are threatened by demolition or improper usage due to the multi-faceted and interwoven problems exist in the present heritage preservation system.

3.1 The declaration of monuments and grading system of historical buildings

The grading system includes declared monuments, three-tier grading system for historical buildings, proposed monuments and deemed monuments. Some of them may not be preserved accordingly under the present grading system of historical buildings.

3.1.1 Declared monuments

The historical buildings that have existed before 1800 can be the declared monuments automatically. Others have to be judged case by case. Whether one single year can determine the value of historical buildings has been questioned. Under Section 3 of Antiquities and Monuments Ordinance, tangible heritage such as place, building, site or structure is considered. Public interest, historical, archeological and palaeontological significance are the factors to be considered in the declaration of monuments. At present, nearly half of the 77 declared monuments are privately-owned.

3.1.2 Three-tier grading system

In 1980, the executive secretary of AMO visited the Department of the environment, UK to examine their heritage preservation system. A similar grading system of historical buildings to British's was then adopted in Hong Kong.

In the past, AMO directly declared the valuable building as monument. With the establishment of grading system in 1980s, the AMO transforms graded building to monuments. The AMO and AAB use the definitions of grades as internal guidelines for the preservation of historical buildings. Higher priorities of subsequent selection of declaration are given and government resources are allocated according to the grades. The grade can also be a justification of negotiation. The grades are given according to the age and architectural merits, association with local historical events and figures and group value of the historical buildings.

The graded building is not under protection because the grading system carries no statutory status. The alert system is an administrative mitigation measure. The AMO will notify the owners his property has been graded. The information of the graded historical buildings will be forwarded to the relevant government departments such as the Planning department. When the government department receives the notice of demolition of graded building or other valuable historical building from the owner, it will inform AMO for comments.

CASE STUDY

The Murray House is one of the oldest colonial landmarks in Hong Kong. It was classified as a Grade I building due to its Victorian architectural design. It was in Central and relocated in Stanley after demolition. The three-storey Murray House was constructed by the British Garrison with granite stone in 1844 in Central. It was first used as a British Army Office and became an officers' canteen later. During World War II, the Japanese used the building as Imperial Japanese Army Headquarters. After the war, it was used as a canteen again. It functioned as the office of the Rating and Valuation Department from 1961. It was dismantled in 1982 to make way for the Bank of China Building. More than 4000 pieces of stones and columns were dismantled, numbered and later stored in Tai Tam. In 1988, the Housing Department took up the reconstruction process in Stanley and the Murray House was relocated there. It opened in 2000.

It was the first relocation project in Hong Kong and failed to meet the international standard of heritage preservation. The chimneys on the rooftop of the Murray House were lost. The eight chimneys taken from the former mental hospital of High Street, Sai Ying Pun were used to fill the blanks. Rock marks from strafing during World War II and mortises left by the original railing can still be found on the stone of Murray House. A replica roof was made to simulate the original timber roof trusses.

There are some stone columns and a flagpole beside Murray House. The stone columns of the pawnbroker business were moved from Shanghai street, Yaumatei to Stanley because of redevelopment. The flagpole was from the original flagstaff of Tamar, a Royal Navy deport ship stationed in Hong Kong during Japanese invasion.

The relocation failed to reflect the historical development and architectural significance in 18th century. It was rebuilt with steel and cement inside. More than 4000 original stones were then allocated outside. The AAB finally removed the grade of Murray House after visiting the place. The example shows that although a historical building is graded, it cannot be protected due to economic factors.

3.1.3 Proposed monuments

The system of the proposed monument is established as grading system has no statutory force and AMO do not have enough time to declare a historical building as monument. The declaration gives a temporary statutory protection from demolition. Within 12 months, it is treated as declared monument. The use of building and the property ownership are not affected. The Authority has declared two historical buildings as proposed monuments under Section 2A since the enactment of Antiquities and Monuments Ordinance in 1976. The first one was the Jewish Church in 1980s and the Morrison Building in Hoh Fok Tong Centre recently.

The declaration of proposed monument offered a cooling off period for the AMO to negotiate with the owner. The status of proposed monument gives us a justification to put the matter on the negotiation table in order to reach owner's consensus. The difficulty faced by AMO is that it has to compromise with the owner to declare the building as monument in 12 month. If the building is privately-owned like Hoh Fok Tong Centre, the duration of declaration of proposed monument cannot be extended.

CASE STUDY

Hoh Fok Tong Centre located at 28 Castle Peak Road, Tuen Mun is owned by the Hong Kong Council of the Church of Christ in China.

General Cai Tingkai, who was a commander in the Anti-Japanese War built the Morrison Building in 1936. The centre was a part of the campus of the Dade Institute, a tertiary institution with strong association with the Chinese Communist Party from 1946 to 1949. The Dade Institute was closed in 1949 and sold to the London Missionary Society in the 1950s. The ownership was transferred to the Church in 1961. The Church applied for demolition and redevelopment of the center in 1999. The AMO was notified by the Buildings Department about the demolition application. Then, they consulted the AAB and the Tuen Mun District Council (TMDC). The AAB and TMDC strongly recommended the Morrison Building in the Hoh Fuk Tong Centre to be preserved in-situ and urged the compensation schema for the owner. Preservation is required as the Dade Institute played a significant role in the development of modern Chinese history and its unique architectural characteristics. Finally, the Morrison Building was declared to be a propose monument for a period of 12 months from 11 April 2003.

3.1.4 Deemed monuments

In 1980s, owners of historical buildings did not have much understanding towards declaration of monuments. They were reluctant to let the government declare their properties into monuments. Finally, the Government signed mutual agreements with the owners. The owners agreed not to demolish their buildings, whereas the Government promised to undertake the responsibility of maintenance for a certain period of time. With time lapsed, the agreement has come to an expiry, AMO has to persuade the owners to allow the buildings be declared as monument. As the measure of deemed monument does not serve the function of long-term preservation but waste government resources, the AMO has abandoned this system nowadays and stopped to declare deemed monuments. At present, there are still five deemed monuments. Although several factors are considered in the declaration of monuments and grading system, the criteria of selecting heritages are unclear. They are largely determined by the values of people of AAB. No guideline is formulated on the devising uses or specific policy of declared monuments and graded historical buildings.

3.2 Town planning and heritage preservation

Promotion of health, safety, convenience and general welfare of the community is the essence of Town Planning Ordinance enacted in 1939. Under sections 2 and 3 of the Town Planning Ordinance, the Chief Executive may direct a Town Planning Board to prepare draft plans for the layout of urban areas and the types of building suitable for construction. The draft plans will become outlined zoning plans once gazetted. Plans and future developments which are out of the permitted uses described in the plans should be applied to Town Planning Board for permission.

As the three-tier grading of historical buildings by the AMO has no statutory protection, the only effective protection is by using land policy and town planning. However, the existing Town Planning Ordinance does not provide protections of historical buildings. Under the present outline zoning plans, the area of historical building for heritage preservation is not included in any categories. Town planners are not responsible to preserve the heritage in legal terms. Heritage preservation is separated from the strategic land use planning as the Antiquities and Monuments Ordinance is not under the Town Planning Ordinance. In many situations, planning can encourage the owners to conserve the whole or part of a historical building by using administrative means.

In the Town Planning Ordinance, neither an appropriate buffer zone surrounding declared monuments nor limitations on neighboring development that may cause bad impacts on the

heritage is given. Thus, a comprehensive appreciation of the historical building is not allowed. Modern and high-rise buildings may be built beside old and low-rise buildings. There is not any harmony between the conserved building and its environment. The land use is incompatible round certain declared monument. The style, height, the material and facade of buildings of its surrounding are not considered. Therefore, the preservation of historical buildings is piecemeal.

CASE STUDY

The 13th-century walled village, Nga Tsin Wai represents the Kowloon's rural past and the lives of the poor since the Song dynasty. However, it was not declared as a monument as many houses in the village were torn down by the developer.

Nga Tsin Wai has buildings dating back to at least 1352. In the 13th century, the last Song emperor came to Kowloon to escape Mongolian people. The emperor jumped into the sea at last but his entourage remained and founded Nga Tsin Wai. They fortified the village to send away attackers and pirates. Most of the villagers are descendants from three clans, Ng, Chan and Lee. The drawbridge and watchtower were dismantled by Japanese to build a military airport during the World War II.

In 1992, the Land Development Corporation (the present Urban Renewal Authority) was approved a five-year renewal programme for the area including Nga Tsin Wai. Historians demanded the preservation of the village. AAB visited the village in 1994, 1999 and 2000 and found that the village had no monument quality. Only the 600-year-old Tin Hau temple in the village could be preserved under the demolition. Wong Tai Sin District Council and Green Groups also involved in the preservation of village.

Cheung Kong (Holdings) has purchased and torn down over 70 per cent of the houses in the village since 1995. It was approved to build four commercial and residential buildings in the area in 2002. The Secretary for Housing, Planning and Lands Suen Ming-yeung told lawmakers it was impossible to save the village anymore as many houses had been purchased and torn down. Signature campaign and protest were launched to call for the preservation of village. The redevelopment project was postponed until 2004. At present, around ten houses are intact and large notices boards about renewal project are shown in the village. The shop owners do not know when the demolition starts. The developer dropped their name cards to the shop owners but there is no follow-up action.

Jason Yuen King-yuk, an architect and former member of the Antiquities Advisory Board, said the government should preserve as much of the village as possible. The foundations

of the torn houses could be preserved so that people can understand the villagers' living conditions. Houses can be converted into a mini-exhibition hall which exhibits the archives about the history of the village.

In this example, AAB classifies a historical building from individual spots. It does not regard the heritage and its environment as a whole and comprehensive structure. It does not have any intention of saving the village as isolated houses have no value.

3.3 Preservation of privately-owned historical building

The Antiquities and Monuments Ordinance does not provide effective statutory protection to the privately-owned historical buildings. The compensation to owners is inadequate. In fact, owner's consent is essential to prevent objection to heritage preservation. However, many private owners of historical buildings are reluctant to give consent to declare their buildings as a monument. They consider the land market and profit maximization more than the value of historical buildings. Declaration on the buildings threatens their rights of ownership, decrease the profit from redeveloping the buildings and make the developmental potential of buildings frustrated. The owners may claim that Hong Kong adopts the free property market system and no Government intervention is preferred. Therefore, the owners have great autonomy in redeveloping the sites.

The current legal framework for preservation of private-owned historical buildings is insufficient that the Government cannot use legal enforcement to protect them. It turns to use administrative procedure such as buying the buildings to preserve them. Nevertheless, it hinders economic development. Some owners are not willing to invest in historical buildings in dilapidated condition. A serious obstacle to heritage preservation is the absence of a comprehensive mechanism of compensation.

CASE STUDY

(i) Kom Tong Hall is a grade II historical building accorded in 1990 was included in the Central and Western Heritage Trail (Sheung Wan Route) in 1999. It is located at 7 Castle Road and was built in the 1914 as the residence for Ho Kom Tong, younger brother of the famous philanthropist Sir Robert Ho Tung. It was used as a command post of the Japanese Army during the Japanese Occupation (1941-45). It has been run by the Church of Jesus Christ of Latter-day Saints since 1971.

Kom Tong Hall is one of the three or four colonial-style buildings left in Hong Kong. Experts of AAB have identified Kom Tong Hall as graded historical building but they are incapable of preserving it. The Church submitted a demolition plan to the

Buildings Department in July 2002. Buildings Department had approved the plan on 6 September 2002. AMO released and rejected the plan when the hoarding works were nearly completed and the impending demolition works started. Mr Andrew Tse, the great-grandson of Mr Ho Kom Tong also appealed against the demolition. The Government officials are negotiating with the Church for a compromise. AMO advised to incorporate the conservation into the new development. It also proposed that the transfer of development right to another development site of the Church in Wan Chai or preservation of the facade of the mansion in situ. In November 2002, the Church put on hold plans to demolish the building as the government offers a range of compensation such as subsidies on preservation or land exchange.

(ii) Tiger Balm Gardens was constructed by Mr Aw Boon-Haw, a philanthropist who invented the Tiger Balm Ointment in 1935. It is situated in Tai Hang Road on Hong Kong Island. The Tiger Balm Gardens comprises of the Haw Par Mansion, the residence of the Aw family with a private garden, and a public garden. Aw Boon-haw designed the Gardens and was influenced by the British, Chinese, Indian and Burmese culture. The owner of the Gardens submitted a redevelopment proposal required the demolition of the entire Gardens in July 1999. The public opposed as the Gardens was the first private park that opened to them. But when the AMO approached the matter, the developer had bought the land. As there is not a system of transferring plot ratio and development right in Hong Kong, negotiation was difficult. In order to balance the interest of developer and public, AMO classified the mansion as graded II historical building after consulting the AAB because of its high architectural and historical value. Home Affairs Bureau, Planning and Lands Bureau (the present Housing, Planning and Lands Bureau), Lands Department and Leisure and Cultural Services Department and the developer cooperated to achieve the preservation.

3.4 Lack of resources

Heritage preservation is not a cheap exercise. There are insufficient resources to implement preservation work in Hong Kong. Restoration of a historical building costs millions approximately and the substantial annual maintenance cost is large. In the Motion Debate on Policy on Heritage Preservation, the Secretary for Home Affairs, Mr Ho Chi Ping mentioned, “The AMO spent a total of \$50 million on heritage preservation over the past year. Expenses are also incurred by other government departments on the maintenance of historical buildings.

The Architectural Services Department alone spends over \$100 million on the maintenance of historical buildings annually. Other institution like the Hospital Authority and the Lands Department also spend a considerable amount of money on the maintenance of historical buildings.” Government estimates a total of about 40 million will be needed for the operations of Antiquities and Monument Office, archaeological excavation and maintenance of historical buildings per year. AMO also applies to the Treasury for funding the large-scale project.

However, the amount of 40 million is small. \$1.8 million out of 40 million are provided for the regular maintenance of historical buildings. There are more than 500 monuments and graded historical buildings but the funding is not enough. It is economical to minimize the number of preserved historical buildings. Higher priority of funding allocation will be given to buildings which are on the Heritage Trail, opened to the public and whose owners agree to declare monument. Certain graded ancestral halls with low priority in the New Territories have been abandoned from renovation for 4 to 5 years due to financial constraint.

Miss Angela Siu, curator of AMO said that the resources for AMO are inadequate but has been improved. For example, the number of staff working for historical building increases from 4 to 13 in a few years.

3.5 Insufficient authority and inter-departmental coordination of Antiquities and Monuments Office

At present, some historical buildings are not protected. The AMO encounters many problems when it carries out the preservation and maintenance of historical buildings. The AMO is a relatively low level government body. It is an office under the Leisure and Cultural Services Department responsible for survey, identification and documentation of cultural heritage. However, it has limited authority. No power to bargain with the owners of built heritage by granting land or changing land uses is given. Other departments such as Lands Department, Planning Department and Architectural Services Department have the granting power and are involved in heritage preservation and restoration. But they are not legally committed to the work. Since the AMO has only limited power, the government can only use administrative methods such as persuasion to encourage owners to preserve the buildings. The effectiveness is therefore very limited. The experts of the government have identified the Kom Tong Hall as a graded II historical building but they cannot preserve it. The government does not have authority to interfere the demolition and redevelopment of a privately-owned building. AMO realized the plan until the impending demolition work started.

There are multiple management authorities involved in heritage preservation. As an integrated

heritage conservation policy is absent, there is no clear indication that how much weight should be given to heritage preservation when there is conflicting interest among Government departments. Bureaux and departments do not have a holistic framework for preserving heritage. They may have contradictory policies and overlapping functions. Although the AMO coordinates with other departments through the alert system which has been running for 5 to 6 years, the operation may not be perfect. Historical buildings are treated differently as different government departments manage them. The historical buildings can only be left in hands of different government departments which handle the cases under their jurisdiction.

In the Motion Debate on Policy on Heritage Preservation, the Secretary for Home Affairs, Mr Ho Chi Ping mentioned “the government is not forthcoming in exercising the full authority given by the Antiquities and Monuments Ordinance (Cap.53) to protect the local historical buildings. On many occasion, the government only took remedial actions when the historical buildings were in threat of demolition”.

For example, all proposals of Nga Tsin Wai village demolition project have to be presented to the Urban Renewal Authority as the AMO has no authority to stop the redevelopment. The AMO and the AAB did not pay attention to Nga Tsin Wai until most of the houses have either been demolished or redeveloped. Moreover, the Secretary for Housing, Planning and Lands Suen Ming-yeung said it was too late to save the area. The example also shows that there is a trend to use the historical buildings in a profit-making way. Government planners and the public usually consider short-term economic benefits rather than long-term historical interest of the heritage.

Chapter 4

Overseas Experiences: Preservation of Built Heritage

Preservation of built heritage is a common cultural policy of all developed countries in the world. However, in Hong Kong, the existing institutional and legal mechanism of heritage preservation is still in an embryonic stage. Therefore, in this chapter, we will study the institutional and legal framework and related experience of other countries. It is believed that it will offer some insights and direction into the current system and practice in Hong Kong.

4.1 International Organization

4.1.1 United Nation Educational, Scientific and Cultural Organization (UNESCO): World Heritage Convention

- Noting that the cultural and natural heritage are increasingly threatened with destruction not only by traditional causes of decay, but also by changing social and economic conditions, the General Conference of UNESCO adopted the Convention in Paris on 16 November 1972.
- The Purpose of the World Heritage Convention (The Convention Concerning the Protection of the World Cultural and Natural Heritage) is to establish an organization for the purpose of international cooperation and assistance in regard to protecting cultural and natural heritage which is of outstanding universal value to mankind from the threat of damage and destruction and to conserve this heritage for future generations.
- It acknowledges that deterioration and disappearance of any item of cultural or natural heritage would constitute a harmful impoverishment of the heritage of the world and the need for better heritage preservation.
- The duty of the international community as a whole to participate and cooperate in the protection of the cultural and natural heritage of outstanding universal value is recognized. (Article 6)
- It is incumbent on each State Party to ensure that effective and active measures are taken for heritage preservation. And they should endeavor to adopt a general policy which aims to give heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes. (Article 5)

- The convention provides for the establishment of the World Heritage Committee within UNESCO, the establishment of the World Heritage Fund, the compiling of a World Heritage List and so on.
- The World Heritage Committee, composing members from State Parties was established within the UNESCO. Apart from keeping a World Heritage List, it grants technical and financial assistance to State Parties for heritage preservation.
- The World Heritage Fund has been established under Article 15 of the Convention to protect world cultural and natural heritage of outstanding universal value. The State Parties to the Convention have undertaken to contribute regularly to the trust fund.

4.1.2 International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM)

- At the 9th UNESCO General Conference in New Delhi in 1956, the decision to found ICCROM was made as there was increasing universal recognition for stricter guidelines for the preservation of cultural heritage.
- Then ICCROM was founded in Rome in 1959. It is an intergovernmental organization which the only one with a worldwide authority to promote the preservation of heritage. It aims at improving the standard of conservation and raising people's its awareness.
- It preserves cultural heritage in five aspects: training, information, research, co-operation and advocacy. It develops educational materials and organizes training for heritage preservation in order to raise public awareness. It has a leading conservation library, laboratory and an informative website. It also organizes research meeting and provides cooperation by technical advice.

4.1.3 International Council on Monuments and Sites ICOMOS

- ICOMOS, which is an international, non-governmental organization located in Paris, was then founded in 1965. The organization now has National Committees in over 107 countries. ICOMOS is UNESCO's principal advisor in matters concerning the preservation of monuments and sites.

4.1.4 International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter)

- The Charter for the Conservation and Restoration of Monuments and Sites was adopted in Venice in 1964 internationally.
- The basic principles guiding the preservation and restoration of historical buildings were firstly defined in the Athens Charter of 1931. The Venice Charter was introduced, as there was a call for the evaluation of international principles. Each country is responsible for applying the plan within the framework of its own culture and traditions.
- The Charter was approved in the second International Congress of Architects and Technicians of Historic Monuments, which met in Venice from May 25th to 31st 1964.
- The Charter includes the conservation, restoration, excavation and publication of historic monument and historic sites. Conservation is on a permanent basis. The layout or decoration of the building cannot be altered. Demolition or moving part of a monument is not allowed except it is justified by national or international interest of importance. The aim of restoration is “to preserve and reveal the aesthetic and historic value of the monument and is based on respect for original material and authentic documents. The restoration in any case must be preceded and followed by an archaeological and historical study of the monument”. The work of preservation, restoration or excavation is published as analytical and critical reports. Research workers can read the reports and they are available in the archives of public institution.

4.1.5 Analysis

- The adoption of World Heritage Convention in UNESCO in 1972 symbolizes international recognition of the importance of heritage preservation.
- There has been an international standard of heritage preservation for Hong Kong to follow.
- Hong Kong should consider cooperation with the international community in heritage preservation.
- Hong Kong should consider incorporating the Venice Charter into the existing legislation. (E.g. the Antiquities and Monuments Ordinance)
- Hong Kong’s policy and practice on heritage preservation should also reflect the rationale in the Venice Charter and World Heritage Convention.

- The Vienna Charter has also laid down standard required of restoration. Hong Kong should bring her heritage preservation works in compliance with standard at international level.

4.2 Macau

4.2.1 Policy

- Since the 1970s, the Macau Government has been giving much attention to heritage conservation. The authority looking after conservation policy and implementation is the Cultural Institute (former Culture Institute of Macau).
- The policy is to conserve not only individual historical building, but the whole district around a central square, or along a street, and to link up all these spots of historical interests with pedestrian walkways. The Macau government targets not only at isolated buildings and structures, but also streetscapes and their natural setting. Development around historical buildings is under strict control.
- There are comprehensive policies setting clearly the scope and degree of protection offered to wide range of historical buildings and sites
- Macau relies heavily on cultural tourism for its source of income. Heritage preservation not only involves weighting between the cost and benefits, but also brings goodwill to the city.
- The Government has been pursuing the policy of negotiating with the owners of buildings and gardens of heritage value and of acquiring such properties whenever possible
- Land exchange is adopted as the measure to encourage voluntary conservation of private historical buildings. A successful example of land exchange is the preservation of the 120 years' old Mandarin's House. Tax relief is offered as incentives to built heritage preservation.

4.2.2 Institutional Framework

- Cultural Institute and the Cultural Heritage Department are core statutory agents for heritage protection in Macau.
- **Cultural Institute (CI)** was founded in 1982. It is a branch under the Secretary for Social Affairs ad Culture (SSAC) and the central authority which formulates and implements cultural policies in Macau;

- It is the headquarters of most public cultural institutions in Macau, such as the Macau Historical Archives and Macau Museum.
- It assists in drafting and implementing the Territory's policies on culture and academic research.
- Besides, it is responsible to protect, maintain and revitalizing Macau's historic, architectural and cultural heritage, and to draw up guidelines to ensure their survival, growth and dissemination.
- **Cultural Heritage Department (CHD)**, one of CI's executive departments, focuses on classifying, restoring, renovating and up-grading Macau's historical buildings and artifacts.
- It issues reports limiting building work in the Protected Areas and drawing up plans to restore decaying buildings.
- Besides, it appraises proposals of monuments classification and other statutory heritage items, and collaborates with relevant government departments in drawing up conservation guidelines for these items.
- Its committee may, on its own initiatives, present proposals on matters related to heritage preservation for government consideration

4.2.3 Classification

- The classification system of built heritage in Macau is established under Decree DL 56/84M Defence of the Architectural, Environmental and Cultural Heritage Ordinance in 1984 and the supplementary Act DL 83/92M in 1992.
- Tangible cultural properties are divided into 4 categories, namely The Monument, The Complex, the Sites, and Building of Architectonic Interest has been added as the fourth category.
 - *Monument*: buildings of special artistic, archaeological, historical and ethnological interests, e.g. Ruins of Sao Paulo, churchyard and staircase
 - *The Complex*: groups of constructions and areas with special value from the architectural, urbanistic, aesthetic, historic or socio-cultural point of view, e.g. Almeida Ribeiro Avenue, Sao Domingos Square.
 - *The Site*: combines works of man and of nature having a special value for their beauty or interest in the fields of archaeology, history, anthropology or ethnology. Trees of a significant size, beauty and rarity are also

considered to be elements of manifest public interest and are to be protected. E.g. Lou Lim Leoc Garden

- *Building of Architectonic Interest*: An immobile property of distinctive architectural merit, and that represents a stage of development in urbanization, e.g. Mandarin's House.
- The concept of *Protected Area*, which is the natural or built-up setting of classified monuments, complexes and sites in which the latter are spatially or aesthetically integrated and form an essential part of the heritage. Authorization from the Government is required before any demolition or repairs could take place in the Protected Areas.
- Damage to classified buildings is penalized. People undertaking unauthorized works on classified buildings will be prosecuted and subject to a fine of \$10,000 to \$100,000.
- At present, there are a total of 128 classified cultural properties in Macau, of which 52 are Monuments, 11 are Classified Complexes, 21 are Classified Sites and 44 are Buildings of Architectonic Interests.

4.2.4 Funding

- The Government has set up a *Cultural Fund* covering urgent repairs and works of classified cultural heritage.
- The fund is supported by both private and public sources
- There are other public and charity organizations granting fund for heritage restoration.
- The *Oriente Foundation* is one of the examples.
- The foundation was established in Lisbon in 1988 and became a private institution with total administrative and financial autonomy, having received an initial donation of \$40,000,000 from the Sociedade de Turismo e Diversões de Macau. (STDM)
- The Foundation involves and contributes a lot in preserving and recovering the city's cultural and historical heritage, especially its most important buildings.
- It aimed at the development and continuity of the historical and cultural relationship between Portugal and the East, specifically China.
- Buildings of great architectural value were purchased by the Foundation, studied, recovered and restored to their original design. Most are still owned by the Foundation.

- Since 1992, in association with the Macao Cultural Institute, the Foundation has given financial support to a wide-ranging programme to recover listed buildings, both individual ones and groups.
- Funding has been provided for the renovation of unique buildings such as Teatro D. Pedro V and Casa Garden.
- The Government's approach of conserving the Street Front of Largo do Leal Senado is a successful example of heritage preservation. The Largo do Leal Senado is the large plaza at the city center. It is surrounded by important municipal buildings such as the Leal Senado (Municipal Council), the post office, Santa Casa da Misericordia (the oldest European charity organization in Asia), Sao Domingos Church (built in 1590). The whole plaza, together with the adjoining streets, namely Avenida de Almeida Ribeiro and Rua da Felicidade, are protected as *a cultural and heritage precinct*. All the buildings around the plaza and along these streets can be refurbished or re-built at the interior, but the facades have to be maintained. In the late 1990s the Government renovated all the 2 storeyed shop-houses along the Rua da Felicidade, a red light district at the turn of the century, and their former architectural characteristics of carved red lacquered windows and doors reappear in full luster.

4.2.5 Analysis

- Classifying tangible cultural properties into the 4 categories, the Macau government defines a broad picture of heritage preservation. Not only an isolated building or structure is protected, but also streetscape and their natural setting.
- The Macau government has taken the initiative to invest heavily on revitalizing buildings and areas of historical and architectural merits. For instance, buildings in San Ma Lo, Ruins of St. Paulo and the Rua da Sao Paula, Sao Domingos Square and Leal Senado Square are preserved and reused for commercial and cultural purposes. Combining the concept of preservation and development, the historical environment is as a whole maintained and has become an attractive tourist spot.
- Measures such as land exchange and tax relief are provided as incentives to heritage preservation.
- The establishment of trust fund solely for the purpose of heritage preservation reflects the government determination and sincerity in preserving built heritage.

4.3 Singapore

4.3.1 Policy

- After Independence, Singapore had placed its priority on “building everything from housing estates to much-needed infrastructure.”
- In the 80s, the government was alarmed by the trend that more and more Singaporeans were leaving. It was believed that its citizens were losing their identities as Singaporeans.
- Senior Minister Lee Kuan Yew once admitted, “we made mistakes, in our rush to rebuild, we knocked down many old and quaint buildings. Then we realized we were destroying a valuable part of our cultural heritage, that we were demolishing what tourists found attractive and unique.”
- From then on, many conservation plans were drafted to preserve the nation’s endangered cultural heritage, in an effort to reinforce Singaporeans’ common identity and restore their sense of belonging to their home country.
- In Singapore, heritage preservation is predominantly steered by the Government.
- Combining the concept of preservation and development, heritage preservation has become a component of land use planning and development
- For instance, the Master Plan for the Civic and Cultural District was announced in 1988 with its specific aim to “revitalize the district” and “reinforce the identity of the district as the historical colonial hub of the city.”
- Heritage preservation is spelt out to play a vital role in building national identity and cohesiveness, promoting tourism and bringing about economic gains.
- National monuments are classified into 4 categories, each with different restrictions on conservation.
 - The *1st category* requires the whole original building, including its architecture and function to be preserved. Most civic and religious buildings fall into this category.
 - The *2nd category* consists of buildings which function is enhanced after restoration, e.g. Raffles Hotel.
 - The *3rd category* allows the building’s function to be changed after restoration.
 - The final category, known as *National Monument Category 2*, allows certain alteration of the original structure while preserving the historical and architecture merits of the building as a whole.

- Revitalization of historical buildings has caused the property values of the Conservation Areas to rise as a whole
- Declaration of national monuments doesn't require consent from the owners of the buildings, though appeal and claim for compensation could be lodged
- By Imposing compulsory conservation standards on building restoration projects, private development rights is to a certain extent infringed
- On the other hand, the Government offers land use and economic incentives to encourage heritage preservation. Measures such as waiver of development charges, in-situ transfer of plot ratio, exemption from charge, tax relief upon compliance with specific conservation guidelines are adopted; The government also assists recovery of tenanted rent-controlled property to facilitate restoration and adaptive reuse of buildings within Conservation Areas. As a result, owner can resume full property right to proceed with restoration project.
- Establishing *Architectural Heritage Awards*, the government encourages the private sector to restore their historical buildings voluntarily. Such measure helps sharing the government burden in undertaking preservation projects and minimizing interference with private property rights

4.3.2 Institutional Framework:

- **Preservation of Monuments Board:**
 - It was formed in 1971 with the enactment of Preservation of Monuments Act. As a statutory board under the Ministry of Information, Communications and the Arts (MITA), it works closely with the National Heritage Board (NHB) to declare buildings and historic sites as national monuments.
 - The Board's objective is to preserve monument of historic, traditional, archaeological, architectural or artistic interests; to protect and augment the amenities of the monuments
 - It administers a "Tax Exemption Scheme for Donations to National Monuments", which is intended to help the owner/ trustee or the management committee of a non-commercial national monument to raise funds, obtain tax-exemption receipts for the donars and to use the donations to restore their monument.
- **The National Heritage Board**

- Formed in 1993; its objective is to promote public awareness, appreciation and understanding of arts, culture and heritage, as well as exploring the present heritage and nationhood of Singaporeans in the context of their ancestral cultures, via the collection, preservation and display of objects and records.
- It brings together the National Archives, the National Museum and the Oral History Department previously under the MITA. It now functions as a statutory board under MITA.
- As an educational institution, the Board works closely with the Ministry of Education in developing exhibitions and public programmes and educational material complementing the national curriculum.
- NHB coordinates with major corporations, foundations and individuals to present international exhibition, outreach programmes, fringe activities and educational programmes.

- **Heritage Development Service**

- **Heritage Sites Unit:**

- Established in 1996 under the purview of Heritage Development Services to plan, coordinate and implement the marking of sites of historical significance in Singapore and other heritage projects.
 - It marks sites of historical significance in Singapore with commemorative plaques and storyboard, in order to create greater awareness and appreciation among Singaporeans and visitors.
 - More than 70 sites associated with significant people, events and organizations have been marked.
 - It carries out heritage projects aimed at preserving memories of the past and bringing heritage to the communities at large.
 - There are a total of 47 religious, civic, institutional and commercial buildings have been gazetted as National Monuments in Singapore.

- **Ministry of National Development**

- Conservation of historical buildings and preservation of areas with architectural heritage are recognized as an integral part of city planning in Singapore.
 - The Ministry's objective is to achieve a harmonious blend of the old and new in order to give the city a sense of cohesion, continuity and character.

- Buildings, monuments and areas of historical and architectural value are identified for conservation and preservation.
 - To date, more than 5500 buildings and 40 monuments have been accorded conservation status.
 - E.g. Historic Districts of Chinatown, Little India, Kampong Glam, Boat Quay and Emerald Hill.
- **Arts and Heritage Development Division**
 - Its mission is to develop the arts, design, and heritage to realize their full potential in contributing to the nation's social, cultural and economic development.
 - Apart from providing policy direction, the Division supports and works closely with agencies within the Ministry and other government bodies to reach the mission.
 - Gazetting and preserving a building as a national monument must meet 4 objectives, namely historical, traditional, archaeological and architectural or artistic interests.
 - A new Category of gazetted national monuments, known as "National Monuments Category 2" has been created to allow for the practice of partial preservation. They are privately owned building, and the permitted pre-dominant use is commercial, and the existing building does not effectively/ efficiently serve its intended use.
 - If there are exceptionally meritorious commercial buildings that the PMB considers to be deserving of Category 1 classification, the Minister for Information and Arts approval will be sought.
 - **Urban Redevelopment Authority**
 - Established in 1974 under the Ministry of National Development
 - Appointed as the country's Conservation Authority in 1989, the Authority has actively involved in conservation of built heritage and land use planning.
 - It prepares long term master development plans, coordinates efforts in implementing these plans; scrutinize and approve development applications; keep control of individual development projects and ensure they are in line with the master plan;

- A Conservation and Urban Design Division was set up in parallel with other Divisions administering different areas of work of the Authority
- A Conservation Advisory Panel was set up in 2002 comprising members from land developers, major commercial corporations and relevant professional bodies; provide input on built heritage proposals put up by the URA; proposes buildings for study on possible preservation

4.3.3 Funding

- Heritage Central Fund Scheme
 - Cash donations to heritage organizations that are members of the Fund will be given Double Tax Deduction.
- **Sponsorship of the Marking of Historic Sites by Singapore Pools (Private) Limited**
 - The Singapore Pools donation programme forms the backbone of its corporate mission “Towards Community Purpose and Benefit”. Every year, a substantial amount of Singapore Pools’ profit goes to the community through funding of various projects. The donations have exceeded half a billion dollar over the last 3 decades.
 - From September 2002-March 2003, the Singapore Pools has sponsored S\$100,000 to mark 10 new historic sites throughout the island as part of the overall effort to preserve and promote the sharing of Singapore's heritage
 - Sponsorship of national heritage projects

4.3.4 Analysis

- Declaration of National Monuments in Singapore does not require consent from the owners of the buildings. Although private development right is to a certain extent infringed, the forceful policy successfully imposes compulsory conservation standards on building restoration projects.
- Preservation of buildings is planned collectively with regard to their specific historical and environmental contexts. Classification of historic areas and historical buildings set forth clearly the conservation standard. It also enables the Government to adopt them flexibly to address concerns of community development.

- There is strong coordination among government departments. Heritage preservation has been spelt out and practiced as an important factor in considering urban planning and development.
- The government can encourage private sectors to restore historical buildings voluntarily, lower its burden in undertaking preservation projects and minimize problems of interference with private property rights by offering economic and land use incentives such as waiver of development charges and in-situ transfer of plot ratio.
- Liaison with private corporations to present exhibition and educational activities on heritage preservation can not only raises public awareness on the subject, but also attracts more private donations to support preservation projects.

4.4 Britain

4.4.1 Policy

- Heritage preservation is an integral part of urban development. The concept of heritage preservation has been an important consideration incorporated into city renewal and town planning projects.
- Administrative measures such as compensation, taxation relief are adopted to minimize conflicts among different interests
- There are well-developed policies such as compulsory acquisition of buildings for preservation, building preservation notice for the protection of unlisted buildings to achieve heritage conservation.
- Besides, there are many well-established and influential NGOs and professional groups across the country working for heritage preservation
- The UK Government is now reviewing its heritage protection system. The review will embrace all the current designation and management regimes for the historic environment, and the legislation that supports them. In particular, it will stress on early identification of the historic environment in order to offer better protection.

4.4.2 Institutional Framework

- National agents and local authorities share the responsibility of protecting heritage
- **National Level:** Department of Culture, Sports and Media (DCSM; formerly Department of National Heritage), the Department of Transport, Environment and Regions (DTER), and the English Heritage (EH)

- **DCSM:** the main governmental body to identify heritage and administer scheduled monuments
- **DTER:** responsible for conservation planning
- **EH:** established in 1984 by the National Heritage Act 1983
- A statutory organization for heritage preservation in England
- To advise the government on planning applications affecting historic environments; to advise on the scheduling of monuments and listing of buildings and authorizing consents for renovation and demolition of scheduled and listed cultural properties; to distribute grants to owners and raise funds for buildings at risk, to provide support for teachers in heritage education
- To run a programme known as *Monuments Protection Programme (MPP)*, historical buildings are surveyed; to manage the National Monuments Record (a national archive on heritage sites and buildings)
- **Local Level:** the forms and duties of planning unit at local levels vary according to different regions, islands, counties. Some local governments have their own specialists in planning units to assist in conservation of historic heritage. On the other hand, some will sought assistance from EH or personal consultants. Recently, EH has sponsored the remuneration of conservation officer of local governments.
- **Amenity Societies:** They assume the responsibility of advising local authorities on conservation planning decisions, or implementing conservation works. Local authorities must consult societies' opinions on proposals involving full or partial demolition of listed buildings.
 - **The National Trust for Places of Historical Interest or Natural Beauty:** Established in 1895, it has over 2.5 million members now and is the largest charitable organization in the English community. The trust fund is used to buy up country place and buildings under threat in order to protect them. To date, over 200,000 hectares of country land and 2700 buildings are owned by the organization. Over 250 places of historic heritage are opened to public.
 - **The National Trust for Scotland:** Since 1931, its objective is to preserve places of historical interest and natural beauty in Scotland. To date, over 100 places are under its protection, including castles, gardens, battlefields and waterfalls. It keeps an archive called Sites and Monuments Record and conduct surveys and maintenance works regularly.

- **Landmark Trust:** The trust aims at preserving old buildings under the threat of demolition and converting them into holiday resorts. It not only re-utilizes the properties, but also allows the public to taste the experience of living in old buildings.
- **The Architectural Heritage Fund:** It provides loans at low-interests rate for restoring and maintaining historical buildings.
- **Civic Trust:** Established in 1957, its objective is to encourage protection and improvement of the environment. It plays a leading role in pushing forward the passing of Civic Amenities Act, facilitating the setting up of conservation areas.
- **SAVE Britain's Heritage:** The organization was set up by a group of journalists, architects and town planners in 1974. In promoting heritage preservation, it publishes pamphlets and booklets to educate the public and lobby the government.
- **Society for the Protection of Ancient Buildings:** Established in 1877, it is the earliest national organization committed to preserve architecture heritage. Apart from lobbying works, it offers courses and technical consultation services on conservation and restoration of historical buildings.

4.4.3 Legislation

- **The Ancient Monument Act (1872):** acknowledges the state interests in rescuing buildings of historical value from destruction
- **National Heritage Act 1983:** English Heritage, the core statutory non-governmental advisor on heritage preservation was established under this Act
- **Ancient Monument and Archaeological Areas Act 1979:** The scheduling of monuments by the Secretary of State, and the requirements and procedure for applications for Scheduled Monument Consent are stated
- **Planning (Listed Buildings and Conservation Areas) Act 1990:** The Secretary of State is empowered to compile lists of buildings of special architectural or historic interests to be protected from alteration and redevelopment. Applications for consent in restoration works from appropriate authorities are required. Unauthorized works are regarded as criminal offences and would incur fines

- The statutory protections given to scheduled ancient monuments and listed buildings are consolidated by the Planning (Listed Buildings and Conservation Areas) Act 1990, PPG 15 for listed historical buildings and PPG 16 for archaeological sites.

4.4.4 Classification¹

- In England, heritage covers ancient monuments, archaeological sites, buildings of architectural and historic interests, and their settings, from ancient to recent time. They are mainly categorized as follows:

- *Scheduled Ancient Monument*: Archaeological Heritage, and monuments of national importance, that are no longer lived in, would be legally protected after being scheduled. There are approximately 35,000 entries under this category. All works to scheduled monuments require *Scheduled Monument Consent* from the Secretary of State, on the advice of the English Heritage.
- *Listed Buildings*: They are buildings with architectural or historic interests, which are protected under legislation. The cultural value of these buildings is reflected in their gradings, which are of 3 levels:
 1. Grade I: Building of national or international importance
 2. Grade II: Buildings of regional or more than local importance
 3. Grade III: Buildings of local importance.

To date, England has over 770,000 graded buildings. Listed Building Consent must be obtained in advance from the Secretary of State for works relating to graded buildings.

- *Conservation Areas*: It is a site containing structures, buildings and sites of special architectural and historic interests desirable to preserve and enhance. Conservation areas are designed by local planning authorities. There are no specific criteria for designation, and over 8,000 conservation areas have been designated to date. Prior approval from the government is required for demolition of any building within the area. However, owners of the unlisted buildings can apply for permitted development rights, which allow them to conduct minor works in their buildings.

4.4.5 Funding

¹ Information in the following paragraph is obtained from documents produced in the Hong Kong Heritage Preservation Policy Brainstorming Meeting on 27/4/2003.

- Aims to increase effectiveness of heritage preservation
- State funding provides the main resources for heritage preservation, from which over 100 million pounds are drawn every year
- Regional and local government would provide grants for repair and refurbishment of historical buildings of varying designations
- Independent/ voluntary organizations such as the EH generate their own incomes, in addition to state subsidies, through providing professional services.
- Charity bodies such as *Architectural Heritage Fund* provide grants and loans for non-profit-making organization.
- There are Public fund, the *Heritage Lottery Fund* managed by the *National Heritage Memorial Fund* is one of the examples.
- The *National Heritage Memorial Fund* was set up under the *National Heritage Act 1980*. In 1993, the trustees of the *National Heritage Memorial Fund* also became responsible for making National Lottery grants for the heritage. A separate fund known as the *Heritage Lottery Fund* was set up. The first request for lottery money was accepted in January 1995.
- The fund provides grants to organizations based in the UK - mainly so they can buy items of outstanding interest and of importance to the national heritage. These must either be at risk or have a memorial character. It gives grants to protect items of outstanding importance to the nation's heritage, acting as a 'fund of last resort'.
- The *National Lottery* was set up by parliament in 1993. It raises money for a range of good causes that benefit communities across the United Kingdom. From every pound spent on a Lottery ticket, 28p goes directly to good causes in the various categories such as arts, charities and heritage. 4.66p from every pound goes to heritage projects.
- Different organizations are responsible for making National Lottery grants to different projects. These organizations are known as 'distributing bodies'. The *Heritage Lottery Fund* makes grants for projects about heritage anywhere in the United Kingdom.
- Interested parties should get advice on their preservation project at an early stage from the local authority or an appropriate conservation organization. Then, they should plan the project and submit application to the Board for assessment.
- Tax Relief is available for enhancing heritage preservation.
- Inheritance tax would be exempted when listed buildings or scheduled monuments are inherited.

- Value Added Tax (VAT) relief for services relating to works on listed buildings and scheduled monuments, and to most goods supplied by related service providers.

4.4.6 Analysis

- Comprehensive mechanism has been established to carry out the well-established policy in heritage conservation. National agencies, local authorities, NGOs, and charitable organizations share the responsibilities of heritage protection.
- There has been active community involvement contributing significantly to the success of heritage preservation. Voluntary organizations act as statutory advisors to the Government; others take up the management of the historical buildings, participate in planning the regeneration of towns and cities, and charitable bodies provide funds for restoration works.
- There are public fund sponsoring heritage preservation projects. A designated amount would go to heritage preservation. Interested parties can submit their application for funding after consultation with the local authority. Incentives such as tax relief encourage private owners to share the Government's burden of heritage preservation.

4.5 United States

- United States adopts a federal system. The governing structure of heritage preservation is divided into three levels: namely federal, state and local levels. Although heritage preservation laws vary among different states, they are all governed by the federal legislation. For the purpose of analysis, discussion will be focused on system at the federal level.

4.5.1 Background of Forming the Legal Framework

The Antiquities Act, 1906

- The Act was enacted under the pressure of educational, scientific and cultural organizations, which had been pushing the government to put forth legislation protecting pre-historical heritage. The objective of the legislation is to prohibit any illegal excavation, demolition or damage to any historical or pre-historical ruin or any national antiquity. Besides, the Act has empowered the President to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects

of historic or scientific interest to be national monuments. Although the legislation applies only to government-owned or government-controlled land, it laid down the foundation for future legal development in heritage preservation.

The National Park System Organic Act, 1916

- The Act is pushed forth by Sierra Club, a grassroots environmental organization in American established by John Muir. The National Park Service was established under the Act. It facilitated and regulated the use of US national parks and conservation areas. The development of national park system also enhanced heritage preservation in America. It shows that works on heritage preservation can be carried out better in collaboration with environmental conservation.

The Historical Sites and Building Act, 1935

- Advanced by community organizations like Historic American Building Survey (HABS) and Civilian Conservation Corps (CCC), heritage preservation has become a more important issue in Congress and has caught the attention of the Federal Government. In 1935, the Act was passed. From then on, all federal agencies have to put heritage preservation into consideration in executing their policies.
- The Department of the Interior is empowered to carry out national survey on historical buildings and establish an information archive, to rehabilitate and restore historical buildings and partners with non-profits organizations and other government agencies.

Charter of the National Trust for Historic Preservation, 1949

- Before 1966, National Park Service was the only government institution directly responsible for works of heritage preservation. Rather, non-governmental organizations has been playing more active role in facilitating heritage protection.
- After the Second World War, these activists realized, instead of totally rely on the government; the responsibility of heritage preservation should be borne by the community. On the other hand, heritage preservation works were carried out at local levels. The lack of coordination among states prompts the establishment of a national based, non-profit and non-governmental organization to enhance preservation works.

- In April 1947, under the cooperation between government and non-governmental forces, the National Council for Historic Sites and Buildings were set up. In 1949, it was re-named to National Trust for Historic Preservation after being licensed by the Congress. This organization has been playing a key role in enhancing conservation of American heritage and national policy making.

The National Historic Preservation Act, 1966

- After WWII, American economy grew rapidly. Federal policies on transports and urban development have caused great threats to heritage and historical landmarks. As a result, there has been more cooperation between governmental preservation agencies and non-governmental organizations.
- In 1963, a meeting was held among government agencies and the National Trust for Historic Preservation for 3 days to review heritage preservation works in US and to plan future direction. After the meeting, a report was published, in which National Register of Historic Places and Advisory Council on Historic Preservation were suggested to set up and to in charge of heritage affairs. Tax relief was suggested as an economic incentive to encourage heritage preservation. Both suggestions have come into legal terms nowadays.

4.5.2 Present Condition of Heritage Preservation System

4.5.2.1 Preservation Legislation

The National Historic Preservation Act, 1966 (NHPA)

- It is the most important piece of legislation on cultural heritage preservation in US. As amended in 1992, it formally established the Federal government policy on the protection and preservation of significant cultural resources. This law more strongly applies to the built environment over archaeological resources.
- The National Register of Historic Places, an inventory of cultural resources, was established under the Act. On the other hand, it integrates federal agencies and associated preservation bodies. For instance, the works of state historic preservation officers (SHPOs) have been integrated with federal agencies; all states governments bear the responsibility to execute preservation businesses.
- Under section 106, the Advisory Council on Historic Preservation (ACHP) was set up. It serves the public interest by curtailing unnecessary government sponsored destruction of

important cultural properties. This Council works closely with State Historic Preservation Offices (SHPOs) to mitigate the effects of Federal undertakings upon significant cultural features and landscapes.

- When government agency undertakes to alter the character or use of a culturally significant feature or landscape, then it must submit to the Section 106 process for resource identification/evaluation, assessment of effects, consultation (may result in a Memorandum of Agreement (MOA)), and council comments before it may proceed. The Section 106 process was designed so that federal agencies and those agencies assisted by federal funding would take into account a variety of culturally relevant factors before attempting land use planning and resource management.
- According to section 101(a)(1)(a), Secretary of the Interior is authorized to expand and maintain the National Register of Heritage Preservation, official designated cultural heritage and cultural resources with historical values. Cultural heritage is either declared by SHPOs or the Secretary of the Interior. After a historical place, or building is registered, it is recognized as cultural assets with protection values. Besides, it is required to be assessed by the ACHP. Once it is declared by the Department of Interior as national monument, the place or building is entitled to receive grants and subsidy from the Historic Preservation Fund.

The National Environmental Policy Act

- The object of this Act is to prevent federal agencies from damaging the environments. Apart from protecting natural resources, the Act plays an important role in protecting cultural heritage.
- According to the Act, it is the federal government responsibility to preserve important historic, cultural, and natural aspects of the nation's heritage through an interdisciplinary approach. If a federal undertaking has an effect on these resources, then the federal agency is responsible for preparing Environmental Assessments (EA) and possibly Environmental Impact Statements (EIS). Both the EA and EIS process allow for public and tribal involvement in the decision making process.
- This act technically only requires federal agencies to consider cultural resource issues, not to actively evaluate the cultural resources in question.

4.5.2.2 Declaration Process:

Execution Order 11593

- Passed in 1971, the Execution Order supplemented the existing federal laws on heritage preservation. The Order requires all federal agencies to complete identification, listing and declaration of historical sites and buildings on their land, and to adopt protective measures before June, 1973.
- Cultural resources meeting qualities of national historical landmarks or monuments had to be sent to the Department of Interior for ACHP's assessment.

The Historic Sites Act, 1935

- This Act marks the first attempt to establish a national policy to preserve historic sites or buildings of national significance for public use and for the inspiration and benefit of the American people. It authorizes the designation of national historic sites and landmarks, authorizes interagency efforts to preserve historic resources, and establishes a maximum fine of \$500 for violations of the Act.
- The Act authorizes surveys of historic and archeological sites, buildings, and objects to determine which are significant. Besides, it provides for the restoration, reconstruction, rehabilitation, preservation, and maintenance of historic or prehistoric properties of national significance. The Secretary of the Interior, through the National Park Service, is authorized to conduct surveys and studies, collect information, and purchase significant historic properties. He is also authorized to restore, preserve, maintain, and rehabilitate structures and sites. The National Park Service may operate and manage historic sites.

Department of Transportation Act

- The Act bears great value to heritage preservation. In the event that a proposed project would potentially affect a historic resource which has been either determined eligible for, or is formally listed on the NRHP, Section 4(f) of the Act requires the evaluation of alternatives which would avoid effects to the resource.
- If a prudent and feasible alternative is available to solve the transportation problem and avoids effects to the resource, section 4(f) requires the selection of that alternative. If no avoidance alternatives are available, the project must incorporate all possible means to minimize the effects to the resource.

- Section 4(f) states that agencies within the Department of Transportation should make special efforts to preserve publicly owned historic sites.
- If the proposed transportation projects requires the use of historic site, the Secretary of the Interior will approve only if the following requirements are complied with:
 - (1) There is no feasible and prudent alternative to the use of that land and;
 - (2) The program includes all possible planning to minimize harm to that historic site.

Land Use Planning Laws

- The concept of heritage preservation is reflected in land-use planning laws. For instance, the Surface Mining Control and Reclamation Act (1977) indirectly extend the scope of cultural resources protection from government-owned land to private land. Under the Act, it is compulsory to carry out survey on mining zone before applying for mining permit. The Department of Interior can only issue permits provided that antiquities or monuments will not be damaged.
- Many other land-use planning laws provide legal basis for preservation of cultural resources. *The Coastal Zone Management Act* requires federal government to provide state governments with resources for heritage preservation. *The Federal Land Policy and Management Act* mandates the Bureau of Land Management to preserve cultural resources on American land. *The National Forest Management Act, 1976* requires the Forest Service, Department of Agriculture, to protect and manage cultural resources in national forests.

4.5.2.3 Institutional Framework

(a) Federal Agencies:

The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995

- The Secretary of the Interior's Standards for the Treatment of Historic Properties are common sense principles in non-technical language. They were developed to help protect the irreplaceable cultural resources by promoting consistent preservation practices.

- The Standards may be applied to all properties listed in the National Register of Historic Places: buildings, sites, structures, objects, and districts.
- The Standards are a series of concepts about maintaining, repairing and replacing historic materials, as well as designing new additions or making alterations. Once an appropriate treatment is selected, the Standards provide philosophical consistency to preservation, restoration, rehabilitation and reconstruction works.

The Advisory Council on Historic Preservation (ACHP)

- The Council is an independent Federal agency that promotes the preservation, enhancement, and productive use of American historic resources. It is also the primary policy advisor to the President and Congress on national heritage preservation.
- The Council has 20 statutorily designated members who meet 4 times per year to conduct business. An Executive Committee, headed by the Chairman and Vice Chairman, governs agency operations such as management, budget, legislative policy, and oversight of the most prominent Section 106 cases. Duties of the Council include review of Federal programs and policies, coordinate preservation works with state and local government, encourage public participation in heritage preservation...etc.

The National Park Service (NPS)

- As a bureau under the Department of Interior, the NPS is responsible for research, manage and utilize cultural resources, and provide fund, technical assistance and broader perception for preservation of national heritage. NPS runs two categories of programme relating to heritage preservation. They are cultural resources within national parks and federal private cultural resources outside national parks. Most of the programmes are planned at the Headquarters in Washington D.C., and executed in various regional offices throughout US.

Heritage Preservation Service

- Heritage Preservation Service helps the citizens and communities identify, evaluate, protect and preserve historic properties. It administers federal historic preservation funding programs in United States. The Division provides a broad range of products and services, financial assistance and incentives, educational guidance, and technical information in support of this mission. Its diverse partners include State Historic

Preservation Offices, local governments, tribes, federal agencies, colleges, and non-profit organizations. For example, it assists the matching of Historic Preservation Fund grants to partners--states, Indian tribes, territories.

National Historic Landmarks Program

- National Historic Landmarks are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting US's heritage. Today fewer than 2,500 historic places bear this national distinction. The declaration process is as follows.
- First of all, the NPS-led programme draws upon expertise of staff to nominate and survey potential national historical landmarks.
- The NPS coordinates with state government/ agencies to survey on the place and inform the property owner and associate bodies. If the numbers of property owner exceed 50, notice must be served through local newspapers.
- Surveyors must also visit the potential site and hold a public meeting there.
- If the NPS regards the place with national historical significance, the issue will be handed to the Secretary of the Interior.
- After obtaining consent from the property owner, the place will be declared as national monument, and automatically put into the protective list of National Register of Historic Places.

(b) State Agencies:

State Historic Preservation Officers (SHPOs)

- State Historic Preservation Officers (SHPOs) are appointed by the Governor. Their duties include nomination of properties to the National Register of Historic Places and selection of properties for financial assistance. They facilitate States preservation activities and coordinate with public and private agencies, non-profit organizations, higher educational institutions, and individuals.

(c) Non-Governmental Organization:

The National Trust of Historic Preservation

- Established in 1949, it has now become a private non-profit organization with more than a quarter million members. The National Trust is the leader of the heritage

preservation movement. It provides leadership, education and advocacy to save America's diverse historic places and revitalize the communities. As for funding, much come from members in the form of annual dues, merchandise sales and special contributions. Additional financial support comes from corporate and foundation grants, endowment income and fee-for-service contracts.

- The National Trust supports preservation through a wide range of programs and activities. It operates a nationwide collection of National Trust Historic Sites. It provides technical and financial assistance to state and local organizations;
- Besides, it promotes travel to historic destinations through its National Trust Study Tours and National Trust Historic Hotels of America, and its heritage tourism consulting program; it also works in state legislatures and city halls on issues and initiatives to encourage the adoption of laws and policies that support preservation; sometimes it goes to court to ensure that preservation laws are upheld;
- Moreover, it teaches people about the benefits of preservation through workshops and other educational programs, including the nation's largest preservation conference and the award-winning Preservation magazine.

National Trust's National Main Street Center

- The National Main Street Center is a program of *the National Trust for Historic Preservation*. Two decades ago, the Center created the Main Street Approach to commercial district revitalization.
- Its mission is to empower people, organizations and communities to achieve ongoing downtown and neighborhood district revitalization based upon the principles of self-determination, resource conservation and incremental transformation.
- It now advocates the communities to revitalize their traditional commercial areas, using historic preservation and grass roots-based economic development. It serves as the nation's clearinghouse for information, technical assistance, research and advocacy on preservation-based commercial district revitalization.

4.5.2.4 Funding

Historic Preservation Fund Grant

- Each year, the U.S. Congress appropriates approximately \$37 million to the Historic Preservation Fund (HPF). The HPF provides matching grants to encourage private and

non-federal investment in historic preservation efforts nationwide, and assists State, local governments, and Indian tribes with expanding and accelerating their historic preservation activities nationwide. HPF grants serve as a catalyst and "seed money" for preserving and protecting American irreplaceable heritage for this and future generations.

- In States, the State Historic Preservation Officer (SHPO), appointed by the Governor, nominates properties to the National Register of Historic Places and selects properties for financial assistance. States carry out preservation activities directly as well as through sub-grants and contracts with public and private agencies, non-profit organizations, higher educational institutions, and individuals.
- Since 1968, over \$1 billion in grant funds has been awarded to 59 States, territories, Indian tribes, local governments, and the National Trust for Historic Preservation. The HPF appropriation is derived from Outer Continental Shelf mineral receipts. Out of a 2003 appropriation of \$33.8 million for HPF grants to the States, the average State allocation is about \$573,000, which typically is matched by \$382,000 in non-federal matching share contributions

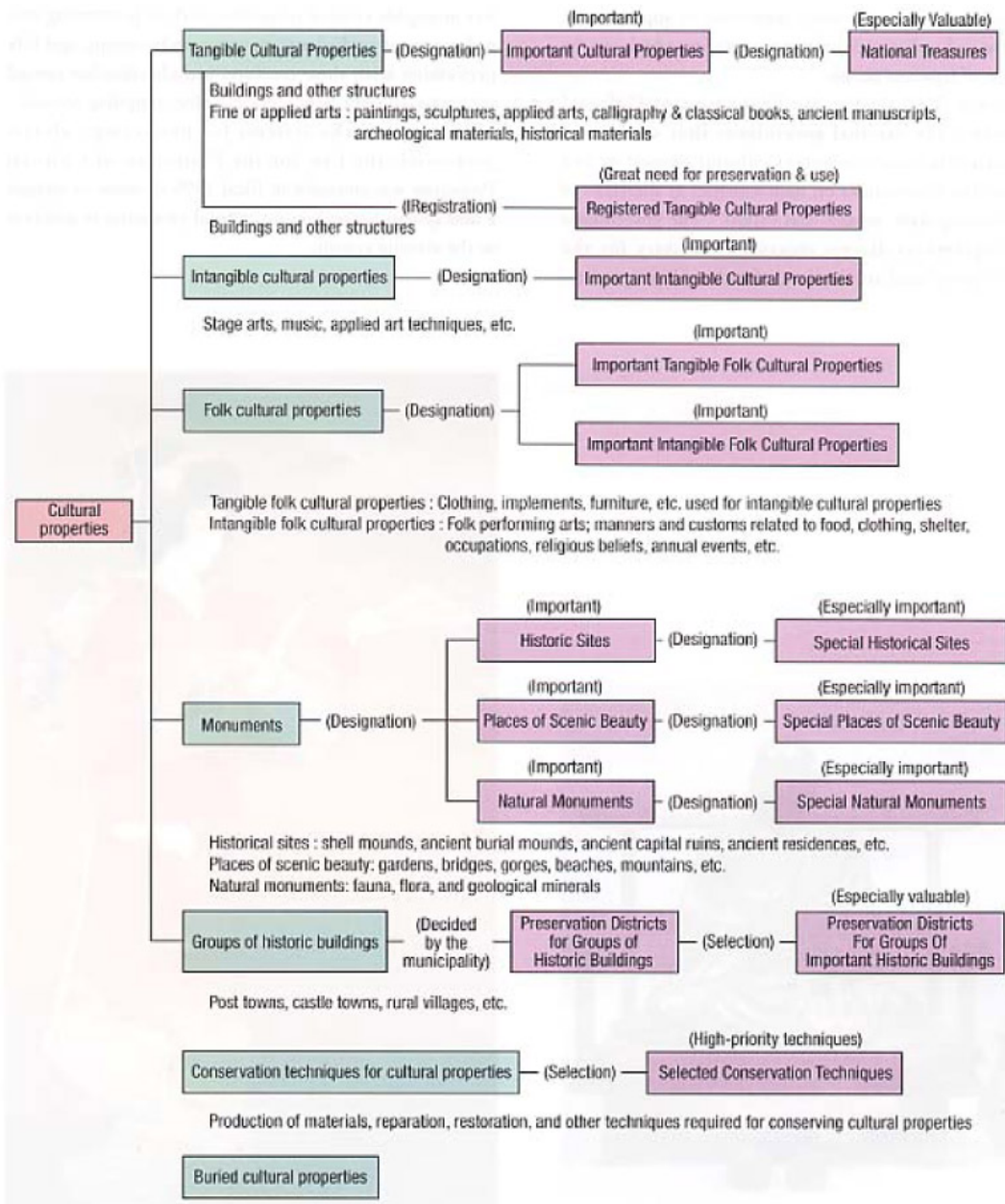
4.3 Analysis

- United States has developed a comprehensive and systematic heritage preservation system. The concept of heritage preservation is embodied in town planning, transportation and construction projects. There are guidelines setting out by the Secretary of Interiors specifying standards of treatment of historical properties. Apart from being a reference in carrying out restoration works, it promotes the concept of loving and caring the historical buildings.
- Despite the vast and complicated structure, there is a clear division of responsibility among the federal and state agencies. The Department of Interiors is the central authority whereas the State Historic Preservation Officers are responsible for heritage preservation works at local levels. Heritage is broadly defined to include various categories such as historic buildings, historic landmarks, historic landscapes, American battlefields and tribal communities.

4.6 Japan

- Japan's heritage preservation system is detailed and comprehensive in the sense that each particular category of cultural property is protected under a specific piece of legislation. As a result, there are various pieces of legislation enacted to protect historic sites, arts object, and buildings respectively.
- The designation, selection, and registration of cultural properties are carried out by the *Minister of Education* on the basis of reports submitted by the *Cultural Affairs Council* in response to ministerial inquiry. The chart below illustrates how the different types of cultural properties are classified.

Classification of Cultural Properties



Source: The Agency for Cultural Affairs, Japan <http://www.bunka.go.jp/english/English2002/4/IV-1.html>

- The preservation system was developed in the Meiji era and has evolved with the passage of time. To date, Japan adopts a registration system in respect of historical buildings.

4.6.1 Development of the Heritage Preservation System

(A) Preservation of Historic Monastery Law

The *Preservation of Historic Monastery Law* was passed in 1897 to protect temples with

historical and architectural significance. It regulates the management and subsidy of designated temples. The law shaped the original form of preservation laws on built heritage. Until the ratification of *Preservation of National Treasures Law* in 1929, 845 buildings were designated with “specially protected” status whereas 3765 items were designated as national treasure.

(B) Law for the Protection of Cultural Properties

Enacted in 1950, the *Law for the Protection of Cultural Properties* established a comprehensive system for the protection of all types of cultural properties, including the designation, custody, and utilization of cultural properties. Under this law, the scope of cultural properties receiving protection was expanded, and measures for their protection were strengthened. It designates cultural properties in the following categories: National Treasures; Important Cultural Properties; Historic Sites; Places of Scenic Beauty; and Natural Monuments.

At the same time, the *Committee for the Protection of Cultural Properties* was set up as an external organ of the *Ministry of Education, Science and Culture* (abolished in 1968 upon the establishment of the *Agency for Cultural Affairs*), thus further promoting policy for the protection of cultural properties.

The law has been amended in 1975 to strengthen administration among public bodies and the government. Developers need to negotiate and notify *Department of Cultural Affairs* about their undertakings of construction projects in case any cultural heritage would be affected. A system of Preservation District has been established to preserve groups of important historic buildings.

4.6.2 Present Condition of Cultural Properties Preservation System

(A) Institutional Framework

National Level

The Ministry of Education, Science and Culture (MEXT)

MEXT promotes the designation of cultural properties as National Treasures, Important Cultural Properties, Important Intangible Cultural Properties, Important Tangible/Intangible Folk Cultural Properties, Historic Sites, Places of Scenic Beauty, and Natural Monuments in accordance with the *Law for the Protection of Cultural Properties* to protect valuable cultural properties. MEXT has also put into place various preservation, restoration, and disaster

prevention measures for cultural properties and is involved in excavation and research on buried cultural properties as well as the public purchase and maintenance of historic sites.

As for buildings and other structures of historic and cultural value, MEXT is also working to diversify conservation methods through a registration system with more relaxed regulations that will supplement the building designation system.

Furthermore, it is making efforts to preserve records of intangible cultural properties, such as drama, music, and craft techniques, and folk cultural properties.

Number of Cultural Properties Designated by the National Government

(As of 1 February 2002)

Designation	Important Cultural Properties	12,248	National Treasures	1,059
	(Fine and applied arts)	10,036	(Fine and applied arts)	850
	(Buildings)	2,212	(Buildings)	209
	Historic Sites, Places of Scenic Beauty and Natural Monuments	2,644	Special Historic Sites, Places of Scenic Beauty and Natural Monuments	161
	(Historic Sites)	1,445	(Special Historic Sites)	60
	(Places of Scenic Beauty)	278	(Special Places of Scenic Beauty)	29
(Natural Monuments)	921	(Special Natural Monuments)	72	
	Important Tangible Folk Cultural Properties	196		
	Important Intangible Folk Cultural Properties	213		
	Important Intangible Cultural Properties	(Individuals)	(Groups)	
	(Performing arts)	52	11	
	(Craft Techniques)	54 (53)	13	
Selection	Important Preservation Districts for Groups of Historic Buildings	60		
	Selected Conservation Techniques	(Individuals) 46	(Groups) 18 (16)	
Registration	Registered Tangible Cultural Properties	2,547		

- Note: 1. Figures for "Important Cultural Properties" include items designated as National Treasures.
2. Figures for "Historic Sites, Places of Scenic Beauty, and Natural Monuments" include Special Historic Sites, Special Places of Scenic Beauty, and Special Natural Monuments.
3. Figures for "Important Intangible Cultural Properties" and "Selected Conservation Techniques" represent the number of individuals and groups so designated (the figures for "Selected Conservation Techniques" indicate the number of conservation groups).
4. The individuals and groups counted under "Important Intangible Cultural Properties" and "Selected Conservation Techniques" include redundant authorizations. The actual number appears in parentheses.

Source: Ministry of Education, Science and Culture: <http://www.mext.go.jp/english/org/culture/09b.htm>

Agency for Cultural Affairs

The *Agency for Cultural Affairs* is responsible for the promotion of measures aimed at making Japan a culture-oriented country. These include designation of national treasures, important cultural properties, important tangible and intangible folk cultural properties, historic sites and places of scenic beauty and natural monuments; preservation and passing down of intangible cultural properties;

The National Research Institute for Cultural Properties, Tokyo

It was originally founded in 1930 and reorganized in 1952 with the establishment of its Departments of Fine Arts, Performing Arts, Conservation Science, and General Affairs. It is a branch of the *Independent Administrative Institution*. The Chief Coordination Manager was newly established.

The Department of Restoration Techniques

It was a department within the National Research Institute for Cultural Properties, Tokyo. It is responsible to research and assess the materials; traditional techniques and the environment of cultural properties as well as to select and develop appropriate restoration materials, techniques and maintenance methods. After restoration, a stable conservation environment is maintained and the effect of the restoration will be evaluated. The Department works in close cooperation with those actually engaged in restoration; develops and assesses restoration materials, techniques and environment for the conservation of cultural properties.

The *Division of International Cooperation for Conservation* was set up in 1993 and then converted into the **Japan Center for International Cooperation in Conservation** (國際文化財保存修復協力部) in 1995, thus expanding the Institute to its present scale. It conducts a number of researches for conservation, offers professional assistance for the conservation projects in the world, gives technical training, collects and manages information concerning conservation activities in the world. The establishment of Center reflects Japan's conscientious attitude towards heritage preservation at the international level.

Local Level

Local governments play a vital role in undertaking the protection of cultural properties, and work together with the national government in an effort to develop a systematic policy for the protection of cultural properties. Their roles in preservation of cultural properties have been designated by the national government. They conduct basic investigations prior to the

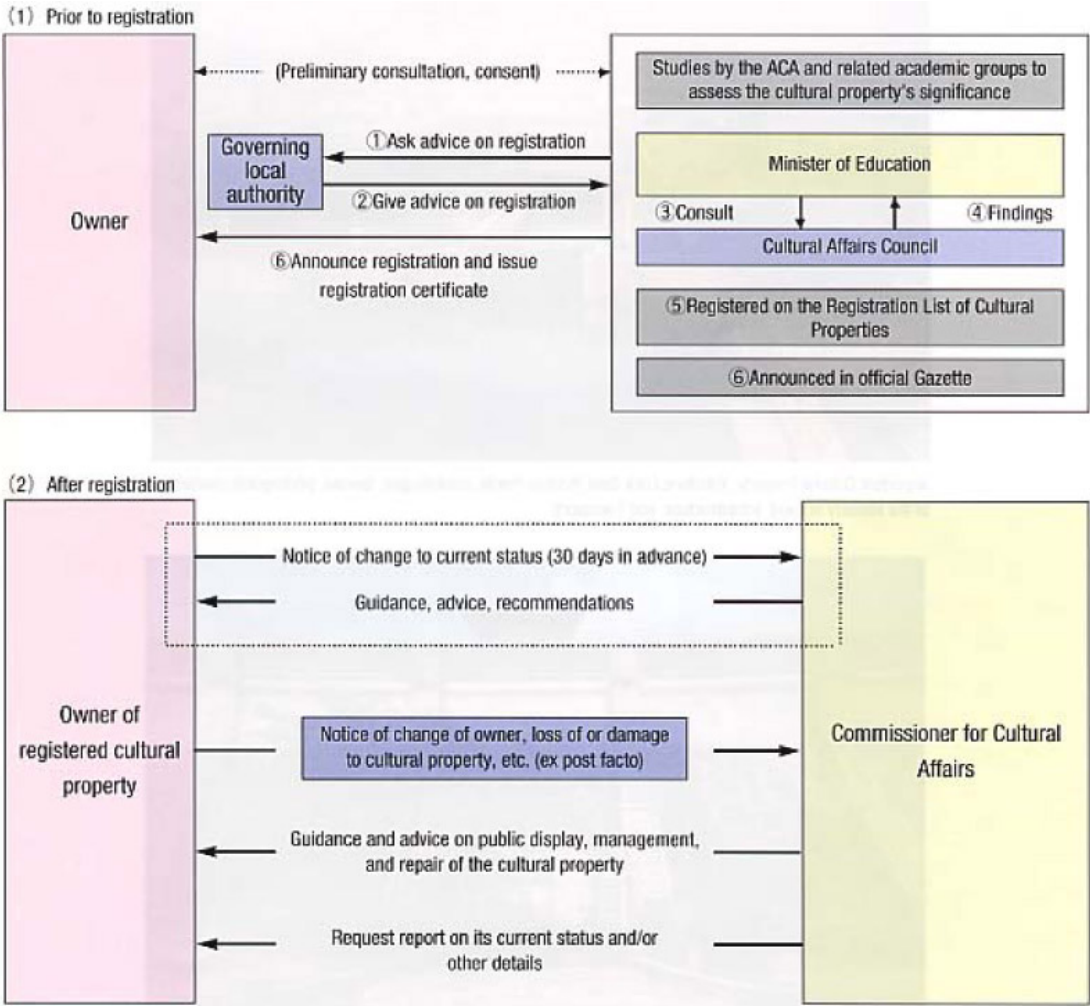
national government's designation, and in that they foster communication with cultural organizations which are engaged in preserving intangible folk cultural properties. In cases where local governments have been designated as custodial bodies, they are also in charge of the custody and repair of cultural properties. Local governments also provide subsidies to owners of cultural properties at their own initiative for custody, repair and public display of cultural properties in their areas of administrative jurisdiction.

The *Agency for Cultural Affairs* has long been encouraging local governments to enact bylaws for the protection of cultural properties. Nowadays, nearly all prefectures had their own bylaws for the protection of cultural properties. These bylaws normally stipulate designation and selection of cultural properties by local governments as well as annulment of a property's designated status; custody, repair, public display and other relevant activities of the owner; restrictions concerning alterations of the state of designated cultural properties; subsidizing systems operated by prefectures or municipalities; owners' obligations to report alterations with regard to ownership and so on.

(B) Registration System

A registration system is introduced to provide for the registration of buildings and other structures as Registered Tangible Cultural Properties under the revision of the *Law for the Protection of Cultural Properties* in 1996. This new system provides moderate protection measures, including notification, guidance, advice, and recommendations, to complement the existing strict designation system which are implemented by national and local governments.

The basic policy principle of the *Law for the Protection of Cultural Properties* is that the *Minister of Education, Science and Culture* designates, selects and protects important properties. These measures are taken according to the recommendations of the *Council for the Protection of Cultural Properties*, which was instituted within the *Agency for Cultural Affairs* to investigate and deliberate on important matters concerning the preservation and utilization of cultural properties. The process of registration is shown in the following figure.



Overview of the System for Registering Cultural Properties

Source: The Agency for Cultural Affairs, Japan <http://www.bunka.go.jp/english/English2002/4/IV-2.html>

- In order for the item to be registered as an Important Cultural Property, it has to satisfy the following requirements:
 - (i) It has constructed over 50 years.
 - (ii) With national and historical significance or associated with historical events

- (iii) With unique architectural design
 - (iv) Not likely to appear nowadays
- Owner of registered building has to report to the Agency for Cultural Affairs upon the following circumstances:
 - (i) When he proposes to alter the existing structure or condition of the building
 - (ii) When the building is damaged or harmed
 - (iii) When there is change of ownership
 - (iv) When he lays down the management responsibility
 - (v) When there is any change in owner's name or address

In principle, it is necessary to obtain the owner's consent in order to get a building registered. In order to encourage owner's preservation of cultural properties, incentives are offered.

For instance, a subsidy of 50% will be provided to cover repair-related expenses for design and management of the registered building. Low interest loans can be obtained from the Development Bank of Japan. An up to 50% reduction of land tax or fixed assets tax can be offered.

(B) Strategies for Protecting Cultural Properties

(a) Preserving and Utilizing Modern Cultural Heritage

Since July 1996, the *Agency for Cultural Affairs* has promoted to protect cultural heritage of the modern period with amending former designation standards to promote its designation as cultural properties and conducting nationwide investigations to compile basic information on existing modern-period cultural heritage.

(b) Preservation of Surrounding Environment of Built Heritage

The Japanese government targets not only preservation of an isolated building, but also the surrounding environments of historical buildings. Shrines and temples, along with the towering trees and natural thickets and have survived as a part of the community long time ago. The whole environment creates a restful, historic setting and has served as places of relaxation and recreation for the community. Although the environments surrounding these historic buildings have recently become endangered due to land development, local

governments have begun to pass cultural properties protection laws which contain provisions for historic environment conservation districts. For instance, the traditional Japanese houses in Kawagoe of Saitama County are preserved as *Protected Area*. The whole district has become an attractive tourist spot as well.

(b) World Heritage Site

The *World Heritage Convention*, adopted by the General Conference of UNESCO in 1972, calls for the protection of irreplaceable cultural and natural sites for all humankind. This international agreement has been signed by 162 states in April 2001, including Japan, which has been an active state member of the Convention since 1992. The *World Heritage Committee* draws up the *World Heritage List* based on nominations by countries all over the world of sites of notable universal value. Japan has nine cultural heritage sites and two natural heritage sites inscribed on the List. The historic monuments of ancient Kyoto in Kyoto are protected as listed cultural heritage sites.

(c) International Cooperation

In order to improve the preservation system and for be able to fulfill its international duties more effectively, a new post was instituted in the *Agency for Cultural Affairs* in 1993, that of *Senior Specialist, International Cooperation for Cultural Properties*. The *Asian Cultural Heritage Conservation Division* of the *Tokyo National Research Institute of Cultural Properties* has been reorganized into the *Japan Center for International Cooperation in Conservation*. These are some of the steps that have been taken in an effort to enhance international cooperation and exchange.

Funding

Over 40 funds for the promotion of art and culture as well as for the preservation and utilization of cultural properties have been established and financed in 32 prefectures, while 14 such funds can be found in 9 designated cities.

There has been a recent increase in the number of funds that are financed jointly by prefectures/designated cities and the private sector, which indicates that a system of cooperation for the promotion of cultural projects has developed between the public and private sectors.

The *Japan Arts Fund* is a typical example showing cooperation between public and private sector. Having 50 billion yen from the national government and about 10 billion yen contributed from the private sector as primary capital, it grants subsidies to cultural organizations, support cultural activities and preservation of cultural properties in local areas.

4.6.3 Analysis

- Japan values its cultural heritage very much. It can be seen by her adoption of a broad concept in cultural properties. Tangible and intangible cultural properties are given much protection. In designating a building as special historic site or monument, the surrounding environment of the building will also be protected as natural monument. Places with historical or architectural significance are even designated as “Protection District.”
- Despite economic recession, Japan can still maintain a large pool of fund subsidizing preservation and utilization of built heritage. The close cooperation between the government and private sector in financing preservation of heritage can not only lessen the government burden; but also attract more capital in developing preservation works.
- Japan focuses on international communication very much. The *Japan Centre for International Cooperation in Conservation* is set up to enhance international cooperation and exchange of heritage preservation experience. Such strategy enables the government to absorb more knowledge and experience in heritage preservation and development works.

Chapter 5

Recommendations and Conclusion

The present system of heritage preservation is not adequate to protect historical buildings in Hong Kong. Hong Kong is lack of a proactive and comprehensive conservation policy to deliver a mechanism to protect valuable historical buildings. In order to have a better heritage preservation in Hong Kong, certain recommendations are given.

5.1 International Cooperation and Exchange

Heritage preservation is a common concept in the international community. All developed countries have established their own system in developing and utilizing historic buildings. Hong Kong, as an international city, should also follow examples of foreign countries to devise its own policy in preserving its irreplaceable cultural properties. International standard should be adopted and good practice should be followed.

In carrying out heritage restoration and rehabilitation works, Hong Kong may invite foreign experts for guidance. Besides, participation in international forum and conference on heritage preservation can also facilitate communication with other countries. Absorbing overseas experience and knowledge will assist Hong Kong in bringing the heritage preservation works in compliance with international standard.

5.2 Improvement of the grading system and incorporation into town planning

Some of the historical buildings may not be preserved accordingly under the present grading system. Buildings of conservation value should be protected by bringing them into the ambit of the mechanism for declaration of monuments. The present criteria of grading a historical building are rather too subjective and ambiguous. They should be more transparent and subject to review.

Any designated land uses around conserved buildings may influence their uses and even fates of them. The definitions of what was to be preserved should be broadened in order to conserve a larger proportion of the city. Therefore, heritage preservation does not only concern isolated buildings, but also the development of neighbouring environment. Certain areas such as Nga Tsin Wai with their own historic or cultural integrity which may worth preserving when they are treated as a whole rather than piecemeal individual building itself. Restrictions controlling the types, height, styles and even building material required of buildings and land use in the monuments' surroundings should be made.

Hong Kong should study overseas experience in preserving groups of historic buildings. A protected district can be established. In Macau and Japan, the governments target not only at an isolated historic building, but also the surrounding environment of the building. Sometimes, when several blocks of historic buildings are situated at proximate distance, the whole area is preserved as a whole to form a "protected district." Development within the district is under strict supervision. Such preservation strategy also enhances cultural tourism as the reconstruction of historic site can often successfully catch tourists' attraction. The Almeida Ribeiro Avenue in Macau serves as a classic example of protected district.

It is important to integrate heritage preservation into the planning framework. They cannot be separated. Therefore, the present Antiquities and Monuments Ordinance should be related to the Town Planning Ordinance.

If the intended changes of use of a building do not involve the structural changes and comply with the provisions of the Buildings ordinance and the lease conditions, although the change is in conflict with the plan prepared under the TPO, there is no control over it. Even if the concept of heritage conservation is incorporated into planning, the inability to control the changes of use within buildings will lead to incompatible uses and may damage the original integrity of the monument in its neighbouring environment. Therefore, both the use of land and the use of space within buildings should be controlled.

The historical building can be preserved in the statutory plans through the adoption of "Special Design Area" (SDA). Development on them would be controlled more effectively as planning approval is required.

Special Design Area (SDA)

Designation of Special Design Area was proposed in the amendment bill of the TPO 1991. However, this suggestion has not been incorporated into the existing Ordinance. SDA is a designated area with specific architectural or historical interest on top of the zoning. The planned land use of the site would not be prejudiced. Planning permission from the Town Planning Board is required for any development within a SDA unless otherwise exempted. Interested and related bodies such as AAB will be consulted before designating an area as SDA on a statutory plan.

Skill and expertise should be brought together to set objective criteria to qualify SDA, to design the type of land use and acceptable scale of development. Detailed survey of the SDA should be carried out. Formulating the implementation guidelines and devising civic design scheme require information such as conditions of buildings obtained from the survey. The guidelines and scheme help private owners prepare appropriate planning submission to the SDA concept and objectives.

Public consultation should be involved in the designation on OZP by gazetting under the provision of the Town Planning Ordinance. Detrimental effect on the potential value of the historical building may be caused but firm guidance and positive measures can be done beforehand to the affected parties. The development potential of the Government/ Institute/ Community zone where a heritage is located may be frozen if the Government is taking a passive role in preservation. The historical site may be abandoned. This bad effect would probably be unwelcome by developers. Nevertheless, if the SDA is zoned for Commercial/ Residential, incentive is created for private sector to develop the site and participate in preservation at the same time. Thus, both public and private sector take part in the designation of SDA. The owners of properties in SDA can

find planning permission for restoring their buildings. Income can be generated by organizing permissible activities under the statutory plan.

5.3 Incentives to private owners of historical building

Hong Kong has not done enough to protect its cultural legacy. Historic buildings which had been classified by the AMO as places of declared monuments or graded historical buildings were under threat from private developers. The Government can only try to persuade the owners but the ultimate decision lies in the owners' hands. At present, there is a lack of incentives and no guidelines or regulations regarding the compensation for preserving heritage. It is difficult to obtain consent without incentives.

Therefore, incentives should be provided and a reasonable compensation mechanism is required to encourage private owners to maintain and repair the historical buildings. There may be planning and financial incentives. The planning incentives include transfer of plot ratio and appropriate relaxation of control on the use of historical buildings. The financial incentives include the reduction of land premium.

Transfer of plot ratio cause less financial burden to the government. It is the increase in plot ratio on one site to compensate loss of development rights on another site of the same owner. However, an owner is not likely to hold two sites between which transfer can be made. Hence, this approach is regarded as an alternative means of compensation instead of cash.

In Macau, land exchange is adopted as the measure to encourage voluntary conservation of private historical buildings. A successful example of land exchange is the preservation of the 120 years' old Mandarin's House. Tax relief is offered as incentives to built heritage preservation.

Transfer of Development Rights (TDR) scheme

The TDR can be an incentive to private owners. The owners of historical buildings can preserve their properties and use or sell the unused development rights as they see fit. It is beneficial to the community that the purchase and

resumption of the properties are not required while preserving the historical building.

Government spokesman explained, “the idea of a TDR scheme is to enable property owners to ‘deed-restrict’ their properties against future development, and to transfer the unused development rights to other sites of the same land use category in the same statutory Outline Zoning Plan area. In exceptional cases, the unused development rights could also be transferred to a contiguous Outline Zoning Plan.”

5.4 Establishment of charitable trust

Government funding is not adequate for heritage preservation. It is too idealistic to rely on government solely. The responsibility of heritage protection does not belong to the government only. Rather, in foreign countries, it is common for the government to cooperate with non-governmental organizations and private corporations in protecting built heritage. Donations, contribution or charitable trust can be collected from private sector as a source of funding. The Oriente Foundation of Macau is an example. Trust funds are established under government’s initiative and private supports to sponsor heritage restoration and rehabilitation works. Hong Kong government should have more dialogue with stakeholders and NGOs to exchange ideas and work out sustainable plans in developing and utilizing built heritage.

5.5 Strengthened AMO’s authority and inter-departmental coordination

The role of AAB should be clearly defined. It may play the role of advisor to Government departments in town planning. It determines the major directions in the conservation strategy. AMO should be upgraded so that it will have full authority to deal with heritage preservation matters. It implements projects and formulates policies in heritage preservation. Surveys and researches can be carried out to establish an information system which is a reference to different departments.

Heritage preservation involves different departments. They have different attitudes to the historical buildings. As the AMO has low authority, it cannot take

the role of coordination. A mechanism should be established to coordinate all existing departments involved in the field of heritage preservation. It would be better for the Housing, Planning and Lands to deal with land use matters and the AMO focuses on surveys, studies and identification of archeological sites and historical buildings and increasing public awareness on heritage preservation. Planning Department and the Urban Renewal Authority may consider the importance of heritage in the planning of new towns and the redevelopment of old districts.

5.6 Reuse of heritage

Supplying resources to historical buildings unceasingly is a burden on the community. The way to solve this problem is to establish a comprehensive mechanism for heritage preservation. The heritage can be reused after restoration and consultation with the AMO. The reuse is an attractive and less expensive way to save the heritage. It is a way to generate new lives in them. In order to revive the original characteristics and spirit of the buildings, the new purpose should be compatible with their former functions and in harmony with the neighbourhood. The original style should also be retained.

It would be ideal if the private sector could reuse the historical buildings and take the responsibility of refurbishment. The Government Property Agency thus rents the site to private sector for reuse. The approach of public-private partnership is preferred. The heritage is a rich asset of tourism. Good management and profitable use will generate financial returns for preservation works. Such an arrangement is beneficial to both the public and the government. The preservation of the historical features and the changes for new uses should be balanced. A set of principles should be developed in administrating the reuse project.

Adaptive re-use seems to be the trend of conserving historic buildings in Hong Kong. For examples:

Cattle Depot Arts Village

It is a Grade III historical building which locates in Ma Tau Kok Road, To Kwa Wan. It was built in 1908 to replace the Hung Hom slaughterhouse which

was demolished for the construction of Kowloon Canton Railway. It became cattle quarantine later. The site is made up of five blocks of redbrick buildings, a slaughterhouse, a staff residence and three cattle depots for hundreds of cows. The site has not been used since 1999 and is now owned by the Government Property Authority. The government rents the depot to about 20 arts groups for three years at a monthly rate of \$3.5 per square fit, excluding management and bills after renovation.

The Hong Kong Museum of Medical Sciences

The Hong Kong Museum of Medical Sciences is a British Edwardian architectural design. It is an example of Hong Kong architecture in the 1900's. There are balconies to facilitate ventilation. It was built with local material, Chinese roof tiles. It was the Old Bacteriological institute established in 1906. The Institute was the only virus inspection center in Hong Kong. The location is near to the site of Tai Ping Shan plague outbreak. Later, it became the Pathological Institute. It was used as a laboratory until the 1950's. Afterwards, the building became the storage facility of the new Institute of Pathology. However, the Government did not totally abandon it and gazettes it as a declared monument in 1994 as it played an important role in medical development and its unique architecture. The Hong Kong College of Pathologists petitioned for its uses as a museum in 1995. The Museum was founded in 1996.

The Museum situates at 2, Caine Lane, Mid-levels. The Caine Lane Garden in front of the museum was the animal farm of the Old Pathological Institute. Another building located ahead of the museum was the staff residence.

The relationship between the museum and the government is like a landlord-tenant one. The government charges at a nearly free of charge price. Since the building is not used by the government, the Buildings Department is only responsible for the external and structural maintenance. The Society is in charge of the interior preservation. All the development plans of the museum have to be approved by corresponding government departments. However,

obtaining approvals is not easy as there is undue delay in government administration. The Museum would like to construct a slope at entrance but it has to go through a complicated process.

The Museum's money is mainly donated by the Hong Kong Medical Sciences Society, the museum's board of directors and private donors, without any government subsidy. However, the non-governmental museum does not have sufficient money for its expenditure such as the large electricity bill costs. Two charitable concerts have been organized to raise fund. As suggested by the curator of the Museum, museum management is a heavy burden to the Government and it is heading towards the direction of decentralization and patronization.

Conclusion

While talking about environmental protection, do we recognize that built heritage is part of our environment? Decrepit and outmoded as they are, the historic buildings around us commemorate Hong Kong's story in the past and remind our historical roots and identity. They are our city's treasures and in need of protection.

Regrettably, Hong Kong historic buildings have been under the threat of demolition for years. As seen from previous chapters, the pressures of urban development and infrastructure construction have torn down many invaluable and irreplaceable historic buildings. One by one, many works of great beauty and significance are vanishing forever...

Preserve or perish, is the "to be or not to be" dilemma we are facing.

We do not own heritage, but merely keep them for our next generations. If the community can understand this idea, the road to heritage preservation will not only be smoother, there will also be a great leap towards sustainable development. Development and preservation are not mutually exclusive. Instead, they can be complementary to each other. The key to sustainable development lies in seeking a delicate balance between the two.

Efforts of preserving built heritage will not be in vain. Rather, it is possible for heritage development to reach a trade off period if a successful conservation policy is adopted. Heritage preservation should be integrated to urban planning. Chapter 4 reveals that heritage preservation in many foreign cities is the key to build up cultural tourism. What the Hong Kong government should do at present is to formulate a consistent policy for various departments to follow. The concept of heritage preservation should no longer be the privilege of conservation groups which seem to have walked alone in previous years. It should also be an important consideration for city planners, developers and related government departments during decision-making processes because they all have their roles to play in heritage preservation.

The Government should strive to cooperate with private corporations in order to initiate more privately-sponsored trust fund aiming at heritage preservation. In many overseas cities, public-private partnership in heritage preservation is a common practice. It can lessen government's burden on one hand, and enhance public awareness on the other hand.

If Hong Kong Government commits to preserve built heritage, viable solutions are always out there as long as the government can listen to public voices. It is welcoming news that the conservation policy in Hong Kong is now under review. Apart from providing a concrete timetable and enhancing consultation transparency, it is hoped that the Environment, Transport and Works Bureau will take built heritage preservation into account and regard the issue as an integral component of building a more sustainable city.

Appendix 1

Interview Report: Hong Kong Museum of Medical Sciences

Interviewees:

A. Andrew Lam, Curator 0

William W. T. Cheung, Part-time helper

- He has been working in the Old Pathological Institute, the former use of the building since 1952.
- He lived in the staff residence for 10 years.
- After retirement, he worked as a volunteer in the museum. He works as receptionist and tour conductor. As he can speak fluent English, he introduces the museum and its exhibits to foreign visitors.
- His deep understanding towards the development of the building arouses visitors' interests in the museum tour.
- When there is any interview request, his rich experience prompts him to answer the interview questions.

Background of the museum

- It is difficult to find the museum. It situates at 2, Caine Lane, Mid-levels
- There was a drive leading directly to the museum. However, it was damaged by heavy rain in 1982. The government refuses to reconstruct the drive afterwards.
- Coaches cannot park near the museum entrance. It can be reached either by walking along the Ladder Street or Caine Road. Both ways are inconvenient. Therefore, few visitors go there.
- It has about 8 to 10 visitors per day. On weekends, more group tours visit there.
- The Caine Lane Garden in front of the museum was the animal farm of the Old Pathological Institute. The animals were kept for the purpose of medical research. A building located ahead of the museum was the staff residence.
- At present, the number of museum staff is 6.

1. Historical Background

The Hong Kong Museum of Medical Sciences is the first and the only museum of its type in South-east Asia.

The Government Property Agency rents the land to the Hong Kong Museum of Medical Sciences Society at a nearly free of charge price. The Society mainly relied on private donation to renovate the building to a museum, without any government subsidy.

2. Maintenance and preservation

The museum building is a declared monument owned by the government. The government is supposed to be responsible for its preservation. However, since the building is not used by the government, the Buildings Department is only responsible for the external and structural maintenance. There is neither regular inspection nor maintenance. Some volunteer architects help us to survey the building and submit a report which will be discussed in directors' meeting. If the problem seriously endangers the building's structure, we will leave the problem to Building Department or AMO. The Society is in charge of the interior preservation. Due to the limited fund, we cannot manage to inspect the building regularly. Instead, we can only refurbish parts that are really damaging such as peeling ceiling and cracked columns.

3. Constraints in development

All the development plans of the museum have to be approved by government departments. For example, we would like to construct a slope at entrance to encourage the disabled to visit the museum. However, it has to go through a lot of complicated process. We have to obtain the approval from various departments such as the AMO and Central & Western District Welfare Association. We cannot yet implement the proposal so far even after a long period of consultation. There is undue delay in government administration.

We come across difficulties in collaboration with the government. We would link the nearby Caine Lane Garden up with our entrance. The Caine Lane Garden is managed by the Leisure and Cultural Services Department (LCSD) but is seriously underused. It is beneficial to both sites by increasing the number of visitors. However, the LCSD is too stringent in approving our application. Such inflexibility hinders the development.

4. Funding

The relationship between the museum and the government is like a landlord-tenant one. The government will not take care of the interior part of the museum, as long as the museum structure is not affected. We attempt to apply to some charitable organizations like the Jockey Club and the LCSD. But they have their own museums to manage and no budget left to us. So our main source of finance comes from private donation. We cannot make any profit from entrance fee because the income is inadequate in paying off our salaries.

Maintenance and operations of the museum require a huge sum of money. The electricity bill costs us over 10 thousands dollars per month. The preservation of exhibits requires good ventilation. The operation of the air-conditioners and the water pumps in the Herbal Garden cost a lot.

Lacking of fund, we organized two charitable concerts to raise money for the museum. We could receive 2 to 3 millions, which was sufficient enough to support our expenditure for 1 to 2 years.

5. Government involvement

There is inadequate support from the government. In the past, when the Museum runs into financial difficulties, the Government had suggested to take over the management of the museum. However, the Society considers the Government policy towards museum operation is frozen and inflexible. Therefore, the Society is unwilling to give up and hand over to the Government the museum, as it symbolizes the continuous efforts of a group of dedicated doctors.

6. Future Development

Despite repeated failures, we will keep on applying for charitable fund but we understand it is difficult to apply successfully.

Museum management is costly and a heavy burden to the Government and it is heading towards the direction of decentralization and patronization. In overseas countries like United States, every museum is backed up by a trust. The society can generate income to maintain their museums. We believe Hong Kong can adopt similar direction in this regard.

Appendix 2

Interview Report: Antiquities and Monuments Office

Interviewee:

Miss Angela Siu, Curator (Historical Buildings)

A. Classification of Historical Buildings

1. What factors would the Antiquities and Monuments Office consider in declaring a historical building as a monument?

Under Section 3 of Antiquities and Monuments Ordinance, tangible heritage such as place, building, site or structure is considered. Historical, archeological and palaeontological significance are the factors to be considered in the declaration of monuments. At present, nearly half of the 77 declared monuments are privately-owned.

2. Can you give us some examples to illustrate how a historical building is declared as a monument?

- (1) AMO first identifies the historical buildings and does research on them. AAB will then either classify the historical building into Grade I, II, III or leave it unclassified.
- (2) After ascertaining the heritage significance of the historical building, AMO will seek the owner's consent to the declaration.
- (3) If the building is privately-owned, a notice signed by the Authority, i.e. Secretary for Home Affairs (SHA), in writing of the intention of declaring a monument together with a plan clearly showing the boundary under Section of the Antiquities and Monuments Ordinance shall be sent to the owner and fixed at the building for one month.
- (4) If the building is government-owned, AMO has to consult and reach consensus with the user department.
- (5) Chief Executive's approval on the declaration will be sought if no objection is received during the one-month period of serving the Section 4 Notice.

(6) With the approval of the Chief Executive, the Authority will declare the building to be a monument by notice in Gazette.

(7) Before publication of the declaration, the Authority will deposit and register a plan clearly showing the monument boundary of the historical building to be declared in the appropriate Land Registry.

3. What difficulties would you come across in declaration process?

Obtaining private owners' consents.

4. Can you give us some examples to illustrate how a historical building is classified under the three-tier grading system?

We will classify them according to their age and architectural merits, their association with local historical events and figures and group value.

5. Is there any limitation in the existing three-tier grading system?

The grading system is an internal reference. The graded building is not under protection because the system carries no statutory force. The alert system is a mitigation measure. The AMO will notify the owners his property has been graded. When the government department receives the notice of demolition of graded building from the owner, it will inform AMO. In the past, we could directly declare the valuable building as monument. With the establishment of grading system in 1980s, we have chosen a more gradual process by transforming graded building to monuments.

The purpose of grading system:

- a. Resources allocation: Grade I building has a higher priority of resources allocation.
- b. Justification of negotiation
- c. A priority to declare the graded building to monument

B. Status of Proposed Monument (Case Study: Ho Fuk Tong Centre)

6. Why did the AMO declare Ho Fuk Tong Centre as a proposed monument, instead of monument or graded historical building?

As graded building has no statutory force and AMO do not have enough time to declare it as monument, it was declared as a proposed monument.

Within 12 months, it is treated as declared monument. This measure offered a cooling off period for us to negotiate with the owner. The status of proposed monument gives us a justification to put the matter on the negotiation table in order to reach consensus.

7. What are the difficulties faced by the AMO in protecting the proposed monuments in the long run?

We have to settle all things in 12 month. As the building is privately-owned, we cannot extend the duration of declaration of proposed monument.

C. Preservation of Monuments and Historical Buildings

8. Do you consider the existing resources allocated to the AMO are adequate for heritage preservation?

The resources are inadequate but improved. The number of staff working for historical building increases from 4 to 13 in a few years. The government provides \$1.8 million for the regular maintenance of buildings. We will apply to the Treasury for funding the large-scale project.

9. Do you think other government departments coordinate well with the AMO? Can you give us some examples?

We coordinate well with other government departments through the alert system. The alert system has been running for 5 to 6 years. The operation may not be perfect. When they have any uncertainties, they are willing to take the initiative to forward the matters to us.

10. The Hong Kong Museum of Medical Science relies heavily on private donors. It has to organize fund-raising campaign to support the operating cost. It raises the issue of inadequate funding towards historical buildings maintenance. How would the AMO comment on this case?

The museum is managed by Government Property Authority. The government is only responsible for the structural maintenance. Our role is to advise the Secretary of Home Affairs in granting permits and give technical assistance in repair work.

11. Being classified as grade II historical building owned by a private corporation, why did the Government put so much effort in preserving the Tiger Balm Garden?

We understand the affection of general public towards the Tiger Balm Garden. But when we approached the matter, the developer had bought the land. We do not have a system of transferring plot ratio and development right in Hong Kong. In order to balance the interest of developer and public, we preserved the mansion which had high architectural and historical value after consulting the AAB.

12. Do you consider the re-location of Murray House to Stanley a good method in preserving the monument?

The re-location of Murray House to Stanley was the last solution to preserve the monument. The re-location and the new structure failed to reflect the historical development and architectural significance in 18th century. It therefore diminished the values of the building. After all, it was the first re-location project and failed to meet international standard of heritage preservation. The Murray House was re-built 20 years after it was demolished. Many architectural records and materials were lost and damaged. It causes construction discrepancy between the old Murray House and the new building. For example, the engineer and architects used steel and cement to build the structure. As the new building is entirely different from the old one, the AAB has decided to remove the originally Grade I Murray House to an ordinary building after visiting the place.

D. Deemed Monument

In 1980s, owners of historical buildings did not have much understanding towards declaration of monuments. They were reluctant to let the government declare their properties into monuments. Finally, the Government signed mutual agreements with the owners. The owners agreed not to demolish their buildings, whereas the Government promised to undertake the responsibility of maintenance for a certain period of time. With time lapsed, the agreement has come to an expiry, we have to persuade the owners to allow the buildings be declared as monument. As the measure of deemed monument does not serve the function of long-term preservation but waste government resources, we have abandoned this system nowadays.

E. Criteria in allocation of funding

Priority will be given to buildings which are on the Heritage Trail, opened to the public and whose owners agree to declare monument.

F. Future Direction

Taking social value into account. We can preserve buildings which can reflect the historical and cultural value in a district.

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