

Achieving Heritage Conservation in Sustainable Development

-- Transfer of Development Rights as a Sustainable Solution

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Role of Heritage Preservation in Sustainable Development

Hong Kong was once known as “borrowed time, borrowed place”. In a place of rapid development for immediate economic returns, heritage conservation was regarded as a taboo. Many beautiful historical buildings were demolished for redevelopment, not only by private owners (e.g. the popular Lee Theatre), but also by the government (e.g. the old Tsim Sha Tsui Railway Station). In our countryside, vast areas of greeneries and historical settlements are turned into open storages intermingled with 3-storeyed “Spanish style” village houses, all unsympathetic with the rural environment.

Indeed, heritage and nature conservation has long been neglected. Our heritage, including historical/archaeological and natural heritage are represented in architecture, landscape and artifacts. They are “Objective reminders of cognitive presence and help us formulate the path to the future.”⁽¹⁾ As urban theorist Aldo Kossi says, “the city is the collective memory of the people”⁽²⁾ and “memory is the basis of self identity”⁽³⁾. Only with proper self identity, we would be able to realize that our heritage is part of us and what we do now will become part of our future and that of our future generations, and then we would endeavor to advocate for a sustainable development.

In the 1999 Policy Address, our Chief Executive of HKSAR clearly stated that “it is

important to rehabilitate and preserve unique buildings as this not only accords with our objective of sustainable development but also facilitates the retention of the inherent characteristics of different districts, and helps promote tourism. The concept of preserving our heritage should be incorporated into all projects for redeveloping old areas.”⁽⁴⁾ With a changing vision in heritage conservation, how can we achieve this objective in the future development of Hong Kong?

Existing Policy in Heritage Conservation, or the Lack of it

The Hong Kong Government does not have any dedicated conservation policy or strategy, not for historical heritage nor for nature conservation.

“The AFCD claims to have a conservation policy which includes

- - protecting existing conservation areas and heritage features
- - identify new areas for conservation, and
- - compensating for conservation areas lost to development projects ⁽⁵⁾

However, in implementing this “policy”, AFCD has done little apart from designating country parks, marine parks, and SSSIs, and afforestation and prevention of hill fires. Moreover, only government land are designated for country park. It is not uncommon that pockets of village areas in the middle of country park are excluded from the designation because of private ownership, regardless of their conservation and ecological value, e.g. Sha Lo Tung. For areas falling into private ownership, AFCD has refrained from active conservation measures.

Besides, there is no legal framework to enforce heritage conservation, and no government organization with sufficient statutory and hierarchical authority to plan, implement, co-ordinate and execute heritage conservation work. Although the Government is statutorily empowered under the Antiquities and Monuments Ordinance (Chapter 53) to repossess sites or buildings with heritage value, such a legal means to heritage conservation is difficult to execute given Hong Kong’s socio-political sensitivity and the economic reality in land and property value.⁽⁶⁾

Funding for heritage conservation is extremely limited, the government has been reluctant to resume the valuable heritage buildings mainly because of the financial implications, and more importantly, lack of dedication in conservation. More sarcastically, it is heard from the newspaper that the Hong Kong Medical Museum might have to be closed down because of lack of fund. Our City Hall in Central will have to be demolished to give way to the New Legislative Council Building.

Therefore, it is only by luck that historical sites are saved, but probably on a temporary basis, because the redevelopment pressure has not been strong enough to pull them down.

On the other hand, there is no coherent integration of heritage conservation within the town planning framework. Heritage conservation has been given an obscure and low priority. The symbol showing antiquity/site of historical interests are annotated on the non-statutory Outline Development Plans, but are not zoned/reflected appropriately on the respective statutory Outline Zoning Plans. Since Outline Development Plans are not gazetted plans, have no statutory effects and are mainly for internal/departmental use, the public may not be aware of the intention of conservation. Even the Government may not given due respect to the designation. It is this lack of concern and dedication in conservation that the Government proposed to pull down the “Woodside” in Quarry Bay for redevelopment into high rise residential uses. Luckily, with the community’s support, we were successful in requesting the Government to change the plan, and the old ‘Victorian” red brick house together with the green landscape and ecology could be conserved.

In the recently gazetted Tai Long Wan Outline Zoning Plan, the Planning Department (and the Town Planning Board) identify the area having high ecological values and significant archaeological interest dated back to late Neolithic and Bronze Age. The clusters of village houses in Tai Long, Lam Uk Wai and Ham Tin have history over 100 years and has high group value for preservation. The Immaculate Conception Chapel is classified as Grade 3 historical building. However, the zonings on the OZP are inadequate to protect the significant value of the area. Although the ecologically sensitive area of sandy beaches is zoned for SSSIs and the adjoining large area is zoned for Conservation Area, these zonings can only deter development but cannot prevent disturbances to the ecological and archaeological sites. With a plan to allow over 300 village houses to be developed in such a delicate area where all infrastructure including road, water supply, sewerage and drainage facilities are

lacking, there will inevitably cause significant environmental impacts, not to mention that the “Spanish” style houses are not sympathetic with the traditional rural character of the area. On the other hand, as the area falls within the archaeological sites and according to the Explanatory Statement, AMO should be consulted before the village houses are built. Since the Explanatory Statement does not form part of the OZP and is no statutory in nature, there is no statutory protection for this significant site.

Therefore, it is demonstrated that the Government’s attitude has been ambiguous and action in conservation is uncoordinated and half-hearted. With the changing attitude seen from the Policy Address, a more proactive approach in conservation is called for.

Transfer of Development Right as a Sustainable Solution to Heritage Conservation

While we advocate for conservation, we all respect private development rights, not only for those in the urban area, but also for the building lots in the traditional villages, as well as for the rights of the indigenous villagers under the Small House Policy.

In order to sustain our heritage without too much financial burden to the community, transfer of development right to other areas is one of the workable mechanisms. Others might include bonus plot ratio or waive in premium.

Issues pertinent to transfer of development right mainly include

- Identification of building lots for which transfer of development right should be applied
- Where should the development right be transferred
- Detail mechanism on how to transfer the development rights.

For the identification of sites for which the Transfer of Development Right should be applied, first of all, not every old house should be retained and require transfer of development right. Therefore, a detail data base should be maintained and priority should be set to determine the sites (whether a single house or a group of houses) should be preserved and transfer of development right should be applied.

Alongside with this mechanism to protect private development from planning blight, it is required to impose statutory control over the heritage sites as soon as possible to prevent demolition of heritage buildings. In the Town Planning Bill, a new zoning “Special Design Area” is proposed for architectural, archaeological, cultural or historical interest or environmentally sensitive area. Although this zoning is supported especially for a wider area where the whole setting or neighbourhood should be conserved to be compatible with the heritage site, it does not give a very clear message that certain elements are intended to be conserved. In this regard, we propose that a “SSHI” (Sites of Significant Heritage Importance) should be incorporated urgently on the statutory Outline Zoning Plans or Development Permission Area Plans. Like “SSSIs”, existing building in this zone can be redeveloped upon approval by the Town Planning Board to give immediate protection to the significant heritage sites. This can eventually go hand in hand with the “SDA” to strengthen the conservation message.

On the other hand, the sites should have an existing development right, e.g. they are building lots under the lease and therefore may entitle for the transfer of “additional” GFA which would be able to be developed should the site not being identified for heritage conservation.

This include housing sites in both urban and rural areas. More importantly, we propose that the same principle should also be applied to the village houses under Small House Policy. As discussed earlier, the 3-storeyed village houses are not a sympathetic built form compatible with the rural, traditional village setting. In Sha Lo Tung, the Hakka villages have high preservation values. However, if hundreds of 3-storeyed “Spanish type” houses are allowed all over the village environ, the rural setting will be destroyed. Similar to Sha Lo Tung, are the Tai Long and Ham Tin Village where development of new village houses will further affect the archaeological sites. Therefore, we urge the Government to consider transferring the development right of these indigenous villages for small houses to other more appropriate areas, e.g. new towns, special growth are, etc., not necessarily in the typical 3-storeyed free-standing built form, but should open to relax the right to the entitlement of certain amount of GFA in other high rise buildings. Similar to existing requirements, an indigenous villager who owns a piece of private land in the designated heritage sites should apply to the District Lands Office who could issue a certificate of development right. He can exercise the right in collaboration of private developers upon payment of certain premium. This would then facilitate the conservation of heritage sites without adversely affecting the rights of indigenous

villagers under the Small House Policy.

Conclusion

Heritage Conservation has a price to be paid. However, if we agree to the importance of heritage conservation in the development of a sustainable future, then heritage conservation is a public purpose and worth the effort. Transfer of Development Right is seen as a workable solution to conservation without adversely affecting the development rights of private landowners. Whether it is a historical heritage, building, an archaeological site, a cultural artifacts or a traditional village setting, what is gone will be gone forever. Let us dedicate our effort to protect them before it is too late.

Notes

- (1) Lung, David, 1999, In Search for Soul, *Memory and Identity : Heritage in Hong Kong's Urban Development* in Planning & Development, Vol. 15, No.1, 1999.
- (2) Rossi, Aldo 1982, *The Architecture of the City*, MIT: The Institute for Architect and Urban Studies, p.130.
- (3) Lynch, Kevin, 1972, *What Time is this Place?*, MIT Press, p.124.
- (4) Lau, Sin-pang, 1999, *Nature Conservation in Hong Kong* in Central Policy Unit Seminar on Conservation and Hong Kong's future development, 28 October 1999.
- (5) Tung, Chee Wah, 1999 Policy Address
- (6) Lung, David, 1999, *Notes for Central Policy Unit* in Seminar on Conservation and Hong Kong's Future Development, 28 October 1999.