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Steven Brian Gallagher

Protecting Built Heritage in Hong Kong



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Protecting Built Heritage in Hong Kong

 Springer

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ISSN 2192-855X

SpringerBriefs in Law

ISBN 978-981-16-5070-3

ISSN 2192-8568 (electronic)

ISBN 978-981-16-5071-0 (eBook)

<https://doi.org/10.1007/978-981-16-5071-0>

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The registered company address is: 152 Beach Road, #21-01/04 Gateway East, Singapore 189721, Singapore

Preface

Hong Kong is a modern vibrant city, characterised as a city of skyscrapers around the Victoria Harbour with little place for old buildings. However, Hong Kong still has a surprising number of buildings and sites that have cultural and historical significance. These include buildings and sites from its pre-colonial and colonial period (Hong Kong was a British colony between 1841 and 1997¹). This book considers that built heritage and the problems that arise with protecting it in Hong Kong. These problems include the usual issues in achieving a balance between development and loss of built heritage in a dynamic city. For example, pressures of population, fashion, finance and politics driving development and redevelopment of its built landscape. A further complication for Hong Kong's built heritage preservation is its small reserve of developable land. Furthermore, Hong Kong has faced and still faces a unique problem in built heritage protection; it has long been considered a "borrowed place".

This book provides a history of the development of protection for built heritage in Hong Kong and considers different forms of protection that have been involved, including private, legal and popular protection. In particular, the book notes the problems built heritage has faced and is facing in Hong Kong and the importance of social unrest movements in developing the administrations' policies and legal protection for the built heritage of Hong Kong.

Among the book's conclusions are that protecting built heritage was not a major concern for the colonial administration and has not been a major concern for the post-handover administration in their plans for urban development. It also concludes that an important factor driving the policy of development of built heritage post-1997 was an attempt to distance Hong Kong from its colonial past. However, as the people of Hong Kong have seen their built heritage threatened and demolished, there has been more popular discontent voiced over this loss of heritage, increased questioning of government policy and, in particular, criticism of the fitness for purpose of the legal and regulatory regime intended to protect built heritage. The book concludes by

¹ The geographic extent of the colony changed during that period. Originally, the colony consisted of Hong Kong Island alone; Hong Kong extended with the inclusion part of the Kowloon Peninsula in 1860, and finally the rest of Kowloon and the new territories with the leasing of this area for 99 years in 1898. In 1997, the whole of Hong Kong ceased to be a British colony and became the Hong Kong Special Administrative Region (SAR) of the People's Republic of China.

considering the future for built heritage and its protection in Hong Kong, including how to improve the legal and regulatory framework to achieve a balance between the pressures on developable land in Hong Kong and maintaining built heritage.



Hong Kong Victoria Harbour at night (colour)

Shatin, Hong Kong

Steven Brian Gallagher

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Chapter 1

Built Heritage in Hong Kong



Abstract A number of terms have been used to describe old buildings and archaeological and historical sites that should be protected for future generations. The term “Built Heritage” most appropriately identifies humankind’s effects upon the natural landscape which should be protected as examples of humankind’s activities and achievements and passed on to future generations. Surprisingly to many Hong Kong has a wealth of built heritage. This heritage faces the usual problems common to most modern cities, for example pressure of population growth and pollution, but also is threatened by some problems specific to Hong Kong—especially the identification of Hong Kong as a “borrowed” or temporary place.

1.1 Introduction—Why “Built Heritage”?

There are different terms which may be used to refer to evidence of humankind’s effect on the natural landscape which are significant to a society. This book will use the term “built heritage”, for a number of reasons. First, although other terms have been popular in the recent past they do not cover all examples of humankind’s effect on the environment as clearly as the term built heritage. For example, the term “immoveable heritage”, although linked to the lawyer’s favoured term “immoveable property”, is inappropriate for much built heritage today. This is because this term derives from property law, which separates real property (land and interest in land) from personal property (everything except land). In Hong Kong we define the terms “immoveable property” and “movable property” in our ordinances,¹ and have different legal rules for the treatment of both. Thus, the concept of immoveable, a fixture on the land, communicates that it forms part of the land and so is subject to the law affecting real property (land). This is in contrast to the concept of a “fitting” which is easily removed

¹ The concept of “immoveable property” is defined in s 3 of the Interpretation and General Clauses Ordinance (Cap 1) as: (a) land, whether covered by water or not; (b) any estate, right, interest or easement in or over any land; and (c) things attached to land or permanently fastened to anything attached to land. Moveable property is defined as property of every description except immoveable property.