



香港城市設計學會
Hong Kong Institute of Urban Design

Reference Number: PAC/21/001

13 January 2021

By email: sdev@devb.gov.hk

Mr. WONG Wai Lun, Michael, JP

Secretary for Development

Development Bureau

18/F, West Wing, Central Government Offices,

2 Tim Mei Avenue, Tamar, Hong Kong

Dear Mr. Wong,

Re: Comments of the Hong Kong Institute of Urban Design on the Demolition of the Underground Cistern at Bishop Hill in Shek Kip Mei

On behalf of the Hong Kong Institute of Urban Design, we would like to submit, on the attached file for your consideration our comments on **the Demolition of the Underground Cistern at Bishop Hill in Shek Kip Mei**. We are also pleased to meet relevant officers to further explain the contents therein if necessary. Should further information be required, please kindly contact me or Ms. Cherry Lau, our Administrative Officer at 2235 9057.

A handwritten signature in black ink, appearing to read 'Donald Choi', written over a horizontal line.

(Donald CHOI)
President, HKIUD

A handwritten signature in black ink, appearing to read 'P. Y. Tam', written over a horizontal line.

(P. Y. TAM)
Chairman, Public Affairs Committee, HKIUD

Hong Kong Institute of Urban Design Limited



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Comments of the Hong Kong Institute of Urban Design on the Demolition of the Underground Cistern at Bishop Hill in Shek Kip Mei

HKIUD's comments regarding the demolition of the WSD's disused underground cistern at Bishop Hill, Sham Shui Po are as follows:

1. We note that in response to recent public outcries about the commencement of demolition of the underground cistern the Government has promptly responded by stopping the demolition work.
2. We should however not be complacent about the relatively quick response of Government, which is anyhow quite rare but appreciated. However, if it were not for the vigilance of the socially and environmentally conscious local community, this fine piece of 100-year old waterworks structure would have perished under the sledge hammer in no time. It thus calls for a systematic, critical, impartial and thorough assessment into the underlying problems that have led to the system failure and the prompt implementation of corrective procedural action to avoid future repeat of such government's mishap.
3. This incident has exposed a number of fundamentally flawed matters in Hong Kong's heritage conservation.
 - 3.1 **The set-up** -- Firstly, the Antiquities Advisory Board is "advisory" – advisory implies that it has no responsibility and resources for implementation after having identified potential projects worthy of conservation. Secondly, whilst there is an Antiquities and Monuments Office (AMO) with more than 30 staff under the Commissioner for Heritage in the Development Bureau, the Commissioner who heads this setup is an Administrative Officer instead of a professional with relevant background in heritage conservation.
 - 3.2 **The laws** -- The way that the Antiquities and Monuments Ordinance is written is mainly aimed at tackling the property rights of private properties, and is rather lopsided – by giving the property owners' rights and interest much higher priority consideration above public interests. Ironically, this time the subject structure is not a private development. Even a Government property slipped through the system. Despite the Water Supplies Department and AMO have consulted the AAB, it still slipped through. Lack of detailed information in its papers can by no means be an acceptable excuse. It transpires an incident of carelessness in the process, and would demand rigorous assessment and mitigation action to be made to avoid any similar omissions in the future.

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- 3.3 **Other laws** -- Although there is a requirement for water-works projects to carry out Heritage Impact Assessment under the EIAO, the “Designated Projects” definition under the EIAO does not cover “small” projects like this one.
4. **The assessment mechanism** -- The current mechanism of “Grading” by AAB is inadequate because only “monuments” would be conserved and besides, the threshold for this may be very high. Whilst the definitions of gradings are only administrative guidelines adopted by the AAB and the AMO, the real problem lies in the lack of protection for the “graded” (non monument) items. It is noted that unless there is a sufficiently powerful mechanism to uphold the public interests, the “grading” of a building arguably would trigger the owner to take risk of being fined, to damage or even demolish the building without first obtaining permission.
5. **Need for review** – The above issues are not new as the Office of the Commissioner for Heritage was set up in 2008. It is high time that an overhaul should be made. There have been too many missed opportunities and arbitrary and make-shift examples. To quote just one recent example - There was a very important archaeological discovery in 2017 during the construction of the Shatin Central Link. Two stone wells and large amounts of ceramic relics dating back to the Sung Dynasty were unearthed. That was a rare discovery that could have offered a good opportunity for creation of a unique character to the MTR Station and nearby district, but unfortunately Government only looked at it as a problem that would delay the completion of the railway. The heritage investigation and conservation was carried out in a rather unprofessional manner. Today’s Bishop Hill case shows that the mindset of Government towards heritage conservation has much room for improvement and an urgency for change.
6. **The mentality matters** – Despite the adequacy or otherwise of staff and number of communications, the following players should be mindful of their respective roles or duties in conservation: the Board (AAB) should strive in acting as gate-keeper and adopt a more active role in overseeing the Administration’s work; the Office (AMO) – apart from needing the necessary heritage conservation related knowledge and adequate resources, it should appreciate the positive side of community participation and the public interest, and social value in conservation. Simply put, it should and must engage the public more.
7. **The Bureau at the helm** – In the review as suggested, the Bureau should recognise the positive side of conservation and social value in fostering a sense of belonging of the public and the forging of a harmonious and inclusive society instead of seeing conservation as a hindrance to progress of development. It

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should also take stock and recognise of “graded” buildings, since “grade” buildings would become increasingly “older” and their physical conditions would deteriorate to an extent beyond repair or conservation and would fall down whether under the pressure of development or not. When that happens, we could envisage another round of whistle blowing, public outcries, and Government to step in to halt the emergency, to salvage the broken pieces, and so on in a perpetuating, repetitive nightmare.

8. As regards the possible **ways to conserve the subject cistern - and the site**, there are many visionary proposals, including those being conceived by members of this Institute. We would support the participation of the community and holding of design competitions and etc. However, before the next typhoon season comes, Government should first of all provide proper shelters on the site to prevent it from further damages, since such design competitions and public engagement may likely take some time.

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