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MEMO

From Secretary for Development
Ref. () in DEVB/CHO/1B/CR/139
Tel. No. 2906 1521
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**Development Bureau
Technical Circular (Works) No. 1/2022**

Heritage Impact Assessment Mechanism for Capital Works Projects

This memo informs you of the following changes to the Circular with immediate effect -

Paragraph 30 To replace the Paragraph 30 with the following new paragraph -

Submissions

30. For submissions to AMO with regard to the HIA Mechanism for Capital Works Projects, including but not limited to the HIA checklist, the HIA report, TFS, Study Brief, PWSC paper and Category D item paper, on top of the hard copy the works agent is required to provide a scanned / searchable scanned copy of the submissions to this email, HIA@amo.gov.hk for processing.

Paragraph 31 To add the following paragraph -

Enquiries

31. Enquiries on this Circular should be addressed to Chief Assistant Secretary (Works) 2.

2. Should you have enquiries, please contact Ms. Christy CHAN, Assistant Secretary (Heritage Conservation)1, at her office telephone No. 2906 1523.

(Ivanhoe CHANG)
for Secretary for Development

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Ref. : DEVB/CR 1/2022
Group : 12

6 April 2022

Development Bureau
Technical Circular (Works) No. 1/2022

Heritage Impact Assessment Mechanism for Capital Works Projects

Scope

This Circular provides the procedures and requirements for assessing heritage impact arising from the implementation of capital works projects.

Effective Date

2. This Circular takes immediate effect.

Effect on Existing Circular

3. This Circular replaces Technical Circular (Works) No. 6/2009 which is hereby cancelled.

Background

4. In response to the rising aspirations from the public on heritage conservation, Chief Executive announced in his 2007/08 Policy Address a package of initiatives for enhanced conservation of historic/heritage sites and buildings / structures. The initiatives include the requirement for assessing impacts on historic/heritage sites and buildings / structures arising from the implementation of capital works projects so that their conservation will be given due consideration.

Policy

5. In the implementation of new capital works projects (including both projects approved individually by Public Works Subcommittee (PWSC) / Finance Committee (FC) as well as Category D items but excluding those as listed in paragraphs 23, 24 and 27 below), the works agent is required to:

- (i) confirm with the Antiquities & Monuments Office (AMO) of the Development Bureau whether there is/are any declared monuments, proposed monuments, sites and buildings / structures graded by the Antiquities Advisory Board (AAB), sites of archaeological interest or Government sites identified by AMO (hereafter together referred to as “Heritage Sites”) within or in the vicinity of the project boundary. The responsibility to identify the presence of “Heritage Sites” should rest with the works agents. Based on the detailed submitted information (refer to paragraph 9), AMO will advise whether the works agent should conduct a Heritage Impact Assessment (HIA) for the project; and
- (ii) the works agent should conduct a HIA for its project should AMO advise it is necessary to do so. Before conducting the HIA, the works agent is required to submit a proposed Study Brief and agree with AMO on the scope of the HIA.

“Heritage Sites”

6. As mentioned in paragraph 5 above, “Heritage Sites” include:

- (i) all declared monuments;
- (ii) all proposed monuments;
- (iii) all sites and buildings / structures graded by AAB;
- (iv) all sites, buildings / structures in the list of new items pending for grading assessment by AAB;
- (v) all sites of archaeological interest; and
- (vi) Government sites identified by AMO.

7. The updated information of the Heritage Sites listed above can be obtained from AMO's website through the following links:

<https://www.amo.gov.hk/en/historic-buildings/monuments/index.html>

<https://www.aab.gov.hk/en/historic-buildings/definition-of-the-gradings/index.html>

https://www.amo.gov.hk/filemanager/amo/common/form/list_archaeolog_site_eng.pdf

https://www.amo.gov.hk/filemanager/amo/common/form/build_hia_government_historic_sites.pdf

The Heritage Impact Assessment Mechanism for Capital Works Projects Excluding Category D Items

8. The details of the heritage impact assessment mechanism at various stages of a capital works project being not a Category D item are outlined below:

A. Project Inception Stage

9. Except for projects mentioned in paragraph 10 below, once a capital works project is identified, its works agent is required to assess, preferably during preparation of Technical Feasibility Statement (TFS), whether there is/are "Heritage Sites" either at grade or underground within the project boundary (inclusive of works area) or in its vicinity (usually interpreted as not more than 50 meters measured from the nearest point of the project boundary (inclusive of works area). The works agent should then, via a checklist (as attached in **Appendix A**) to be signed by a Directorate Officer, together with information including but not limited to site plans, building plans / record information, historic and recent photos of external and internal of "Heritage Sites", confirm with AMO their findings on the above. In determining the boundary of projects possibly affecting "Heritage Sites", every effort should be made to minimize the possible adverse impact on "Heritage Site" if site

conditions permit. For any subsequent revision or expansion of project boundary (inclusive of works area), the works agent is required to review whether the change should warrant a re-submission of the checklist to AMO and if affirmative, the re-submission should be made as soon as possible.

10. However, the boundary (inclusive of works area) for certain projects cannot be ascertained at the project inception stage. Under such circumstances, submission of checklist should be made as soon as its boundary is determined.

11. Upon receipt of the checklist, AMO would first affirm the findings of the works agent and then review on the wider front if the project will affect the heritage value of any “Heritage Site” within the works sites or in its vicinity. The project proponent should facilitate AMO to carry out site inspection when necessary. Subject to receipt of all required information stated under paragraph 9 above and any other supplementary information requested by AMO, AMO will endeavor to advise the works agent on whether a HIA is required within 30 calendar days from receipt of the checklist.

12. A HIA will be required by AMO if:

- (i) the project is wholly or partly within a “Heritage Site” and AMO considers that the project will affect the heritage value of the “Heritage Site”; and/or
- (ii) AMO considers that the heritage value of any “Heritage Site” in the vicinity of the project will be affected.

13. For capital works project requiring the submission of TFS, the works agent should include a statement in the TFS along one of the following three lines:

- (i) We have consulted AMO on the necessity for conducting a Heritage Impact Assessment for this project. AMO has advised that such an assessment is not required; or
- (ii) We have consulted AMO on the necessity for conducting a Heritage Impact Assessment for this project. AMO has advised that such an assessment is required.

- (iii) The project boundary cannot be ascertained at this stage. We shall submit a checklist to AMO to seek their advice on whether a Heritage Impact Assessment is required for this project as soon as the project boundary is determined.

For (i) and (ii) above, a copy of AMO's advice should be attached to the TFS.

14. The initial finding on whether a HIA is in need or not together with other factors such as environmental protection and sustainability development will be key considerations of the works agent in determining whether the project is technically feasible on a prima facie basis. This will ensure that the needed balance between development and heritage conservation is deliberated at an early stage.

B. Investigation and Design Stage

15. When a project requiring HIA has attained Category B status with funding available for carrying out the HIA, the works agent should conduct the HIA of the project and upon completion submit the HIA Report to AMO for endorsement. Generally, each HIA will contain the following:

- (i) Baseline Study;
- (ii) Methodology;
- (iii) Impact Assessment;
- (iv) Mitigation Measures; and
- (v) Conservation Proposal and/or Conservation Management Plan (only for projects involving large scale conversion works/alteration works/addition works/demolition works within historic buildings/sites in the "Heritage Sites" list).

The requirements for (i) to (iv) above are similar to those as set out in Annex 19 of the Technical Memorandum on Environmental Impact Assessment Process. Before conducting a HIA, the works agent should first submit a proposed Study Brief for the HIA to AMO for agreement. AMO will endeavor to process Study Brief submissions within 30 calendar days. After the Study Brief is agreed with AMO, the works agents should conduct the HIA according to the agreed Study Brief and submit the HIA Report to AMO for approval. The submitted HIA Report will be processed by AMO within 60 calendar days save for those which AMO requires supplementary information/assessment from the works agents.

16. Every effort should be made to avoid total or partial demolition of “Heritage Site” or minimise adverse impact of the proposed works on the “Heritage Site”. However, where adverse impact is unavoidable because of project viability, design constraints or cost implications, and public interest is at stake, the project proponent in collaboration with the works agent should engage the public (e.g., District Councils, Area Committees, concern groups, communities and other stakeholders on heritage conservation) and consult them on the proposed works project at the earliest opportunity, letting them know about the anticipated adverse impact on the “Heritage Site”. In particular, should a HIA be required for a capital works project, the AAB being a major stakeholder on heritage conservation should be engaged and its endorsement should be sought following approval of the HIA Report by AMO. The works agent may need to prepare options of the project design with corresponding cost and other implications for the public to consider or even involve the public in developing the project design. As the conditions of each project are unique to its own, the project proponent and works agent should determine the public engagement strategy that is most suitable for the project. Taking into account the feedback received in the public engagement exercises, project proponents should decide how their projects should proceed.

17. When a project is a “designated project” under the Environmental Impact Assessment Ordinance (EIAO) and when the project proponent is required by the Director of Environmental Protection (DEP) to conduct an “assessment of impact on sites of cultural heritage (CHIA)” for a particular affected “Heritage Site” under the Environmental Impact Assessment (EIA), a separate HIA on the same “Heritage Site” is not required. The works agent shall follow the statutory requirements of the EIAO¹. In a case when an EIA is required for a project but a CHIA is not required in the EIA for the affected “Heritage Site(s)”, then a separate HIA as required under this Circular for the affected “Heritage Sites” will still be necessary.

C. Submission to PWSC

18. In the submission to PWSC for funding capital works projects , the

¹ Before submitting the Project Profile to apply for the EIA Study Brief, the works agent should preferably consult AMO on the necessity of a CHIA for its project and if affirmative, agree with AMO on the CHIA Study Brief. AMO will also decide the merits and timing of consulting AAB on the CHIA, preferably before AMO advises EPD on the CHIA findings submitted by the works agent to apply for approval of the statutory EIA report.

works agent should include a “Heritage Implications” paragraph in the PWSC paper, to be cleared by AMO, stating clearly whether the project will affect any “Heritage Site” and if so, what mitigation measures will be taken and whether the public were in support of the proposed measures in the public engagement process.

19. As a general practice, works agents should include AMO in their circulation list whenever the first draft of the PWSC paper including the “Heritage Implications” paragraph is sent out for comments. For projects which have gone through the process of checklist submission in their project inception stage in accordance with the requirements in paragraph 9 or the HIA Reports of which have been vetted by AMO, AMO will normally take five working days to clear the “Heritage Implications” paragraph.

20. For consistency, the following standard “Heritage Implications” paragraph should be adopted for projects not affecting “Heritage Sites” –

“The project will not affect any Heritage Sites, i.e. all declared monuments, proposed monuments, graded historic sites/buildings / structures, sites of archaeological interest, all sites, buildings / structures in the new list of proposed grading items; and Government historic sites identified by the Antiquities and Monuments Office.”

D. Construction Stage

21. The works agents are responsible for checking that the works and the mitigation measures carried out for heritage conservation, if any, comply with the requirements stipulated in the HIA Report as approved by AMO.

The Heritage Impact Assessment Mechanism for Category D Items

22. For Category D items except those handled by Home Affairs Department (HAD) in paragraph 23 below and those mentioned in paragraph 24 below, the contents as outlined in paragraphs 9 to 12, 14 to 17 and 21 should apply. For full or partial demolition works under Category D items, a “Heritage Implication” paragraph to be cleared with AMO should be included in the Category D Paper, similar to paragraphs 18, 19 and 20.

23. In view of the substantial number of district minor works anticipated to be carried out by HAD every year, discretion is given to HAD to consider whether to submit checklists to AMO for processing, after ascertaining (in accordance with the requirements in paragraph 9 above) that there is no “Heritage Sites” within or in the vicinity of the project boundary (inclusive of works area), for the following types of works:

- (i) minor district greening and street beautification works;
- (ii) construction of signage, rain shelters, pavilions, arbours, benches, pedestrian covers, railings and fencing;
- (iii) general district improvement works such as construction or improvement of footpaths, van tracks, drainage system and stream courses; and
- (iv) improvement works along walking trails.

24. It is also noticed that there are substantial number of the following two types of minor works to be implemented each year:

- (i) installation or relocation of village/street lighting; and
- (ii) slope works of all nature.

Given the fact that the potential impact of the above two types of minor works on “Heritage Sites” is relatively minimal, discretion is given to works agents to consider whether to submit checklists to AMO for processing, after ascertaining (in accordance with the requirements in paragraph 9 above) that there is no “Heritage Site” within or in the vicinity of the project boundary (inclusive of works area).

25. In exercising their discretion for the minor works mentioned in paragraph 24 above, works agents should consider whether there will be any adverse visual impact on “Heritage Sites” arising from the village/street lighting works or adverse visual/physical impact arising from the slope works, even if the “Heritage Sites” are located at a distance more than 50m from the project boundary. If adverse impact is anticipated or suspected, the works agents should still submit the checklist to AMO for processing.

Flow Chart for the Heritage Impact Assessment Mechanism

26. A flow chart showing the heritage impact assessment mechanism is outlined in **Appendix B**.

Exemption

27. The following projects are exempted from the heritage impact assessment mechanism:

- (i) Routine maintenance and minor repair works;
- (ii) Category D items involving alteration/addition, refurbishment, improvement and fitting-out works in existing building compounds being not “Heritage Sites” themselves;
- (iii) Category D items involving alteration/addition, refurbishment and improvement works in Government open spaces, parks etc. being not “Heritage Sites” themselves and with no “Heritage Sites” within;
- (iv) Ground investigation works not within “Heritage Sites”;
- (v) Traffic control and surveillance projects not within “Heritage Sites”;
- (vi) Non-works items such as purchase of property and consultancy study; and
- (vii) Emergency repair works.

28. It is expressly stated that discretions and exemptions given in paragraphs 23, 24 and 27 do not remove the responsibility of the works agents to fully comply with the requirements as set out in the EIAO pertinent to impacts on “sites of cultural heritage”. DEP will consult AMO over its specific requirements under EIAO on need basis.

Items with Possible Heritage Value But Not Included in the List of “Heritage Sites”

29. During the course of implementation of a project, if the works agent considers that the project might affect item(s) with possible heritage value, which is/are not included in the list of “Heritage Sites”, the works agent should seek advice from AMO on the actions that need to be taken with provision of the same information stated under paragraph 9.

Enquiries

30. Enquiries on this Circular should be addressed to Chief Assistant Secretary (Works) 2.

(Ricky C K LAU)
Permanent Secretary for Development (Works)



M E M O

<p><i>From</i> Works Agent</p> <hr/> <p><i>Ref.</i> <i>in</i></p> <hr/> <p><i>Tel. No.</i></p> <hr/> <p><i>Fax No.</i></p> <hr/> <p><i>Date</i></p> <hr/>	<p><i>To</i> Antiquities & Monuments Office,</p> <hr/> <p><i>(Attn. :</i> _____ <i>)</i></p> <p><i>Your Ref.</i> <i>in</i></p> <hr/> <p><i>Dated</i> _____ <i>Fax No.</i> _____</p> <hr/> <p><i>Total Pages</i> _____</p>
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Heritage Impact Assessment (HIA)

**Checklist:
Capital Works Projects**

Project Title: _____

Pursuant to DEVB Technical Circular (Works) No.1/2022, I confirm the following:

- (i) There is no Heritage Site[#] partly or wholly within the project site boundary (inclusive of works area). There is also no heritage site within 50 metres of the project site boundary (inclusive of works area). Please advise whether a HIA is required for this project.
- (ii) There is no Heritage Site partly or wholly within the project site boundary (inclusive of works area). However, the following Heritage Site(s) is/are found within 50 metres of the project site boundary (inclusive of works area). Please advise whether a HIA is required for this project.
 - (works agents to list the concerned Heritage Site(s))
- (iii) The following Heritage Site(s) is/are found partly or wholly within the project site boundary (inclusive of works area). Please advise whether a HIA is required for this project.
 - (works agents to list the concerned Heritage Site(s))

2. A copy of the location plan* with the 50-metre zone from the project site boundary (inclusive of works area) indicated and the project scope to substantiate our above assessment is attached for your reference.

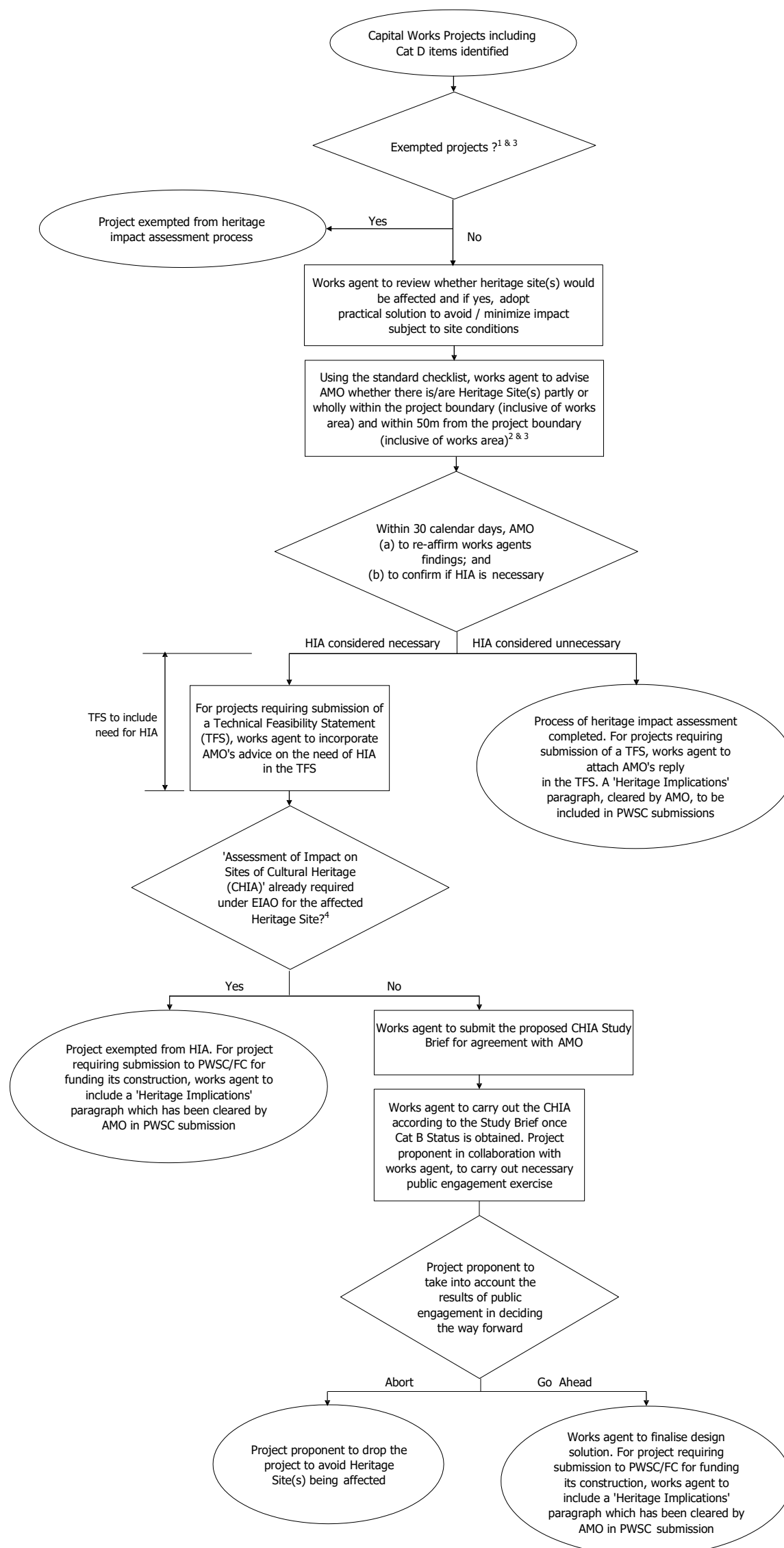
(Name/Title/Department)
(Date)

c.c. Policy Secretary
Client Department
DEVB (Attn: CAS(W)2)

Remarks:

- Please tick in one of the boxes as appropriate
- # Heritage Sites refers to paragraph 6 of DEVB Technical Circular (Works) No. 1/2022
- * For scenarios (ii) and (iii), all the concerned Heritage Site(s) inside the 50-metre zone from the project site boundary (inclusive of works area) should be shown in the location plan.

Flow Chart Showing Determination of the Necessity of Heritage Impact Assessment (HIA) for Capital Works Projects (Including Cat D Items)



Remarks:

1

Exempted projects include:

- (a) Routine maintenance / minor repair works;
- (b) The following Category D items within an existing building being not a monument or graded building :
 - (i) alteration & addition works;
 - (ii) refurbishment works;
 - (iii) improvement works; and
 - (iv) fitting out works;
- (c) The following Category D items within Government open spaces and parks with no declared monuments, proposed monuments or graded historic buildings inside :
 - (i) alteration & addition works;
 - (ii) refurbishment works; and
 - (iii) improvement works
- (d) Non-works items such as purchase of property and consultancy study; and
- (e) Emergency repair works

2

For the following Category D projects, discretion is given to works agents on the submission of checklist to AMO if no Heritage Site is partly or wholly within the project boundary (inclusive of works area) and within 50m from the project boundary (inclusive of works area) -

- (a) HAD's district minor works including:
 - (i) minor district greening and street beautification works;
 - (ii) construction of signage, rain shelters, pavilions, arbours, benches, pedestrian covers, railings and fencing;
 - (iii) general district improvement works such as construction/improvement of footpaths, van tracks, drainage system and stream courses; and
 - (iv) improvement works along walking trails
- (b) installation or relocation of village/street lighting;
- (c) slope works of all nature

3

The exemptions and discretions mentioned in Remarks 1 and 2 do not remove the responsibility of the works agents to fully comply with the requirements as set out in the EIAO pertinent to impacts on "sites of cultural heritage". DEP will consult AMO over its specific requirements under EIAO on need basis.

4

Before submitting the Project Profile to apply for the EIA Study Brief, the works agent should preferably consult AMO on the necessity of a CHIA for its project and if affirmative, agree with AMO on the CHIA Study Brief.