

*Heritage protection in the built environment in Hong Kong and Queensland:
a cross-cultural comparison*

by

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[Abstract]

Comparative study of the conservation policies or practices in different places is certainly a useful means of achieving a better approach to the conservation of the built cultural heritage in urban areas. In spite of the abundant literature in this field, it appears that the cultural dimensions of the issues have always been neglected. With this background, the origins of this study lie in two sets of ideas. First, protection of built heritage is a people-centred exercise so it is largely influenced by the culture of the community. Second, the effort to transfer heritage protection ideologies from the West to the East (or vice versa) may be in vain because of the pre-existing perspectives of people or the cultural impasse. A comparative study of the policies for the protection of the built heritage in Hong Kong and Queensland was thus conducted. The two centres selected for study are a representative sample because they experienced colonial regime by the same sovereignty while they are dominated respectively by Eastern and Western cultures.

It is found that the Chinese approach to conservation is building-centric whereas it is setting-centric for the Western one. This difference can be attributed to the divergent cultural beliefs in the East and West. The Eastern wisdoms rooted in Confucianism and Taoism advocate a self-to-the-state model for heritage protection. Therefore, declaration of buildings as monuments is always done on a building-by-building basis and there is a lack of area conservation provision in heritage protection laws in Hong Kong. Contrary to this approach, and in addition to the listing of individual properties, designation of conservation

areas or districts is accorded legal backup in Queensland with a view to conserving both building and the substance (i.e. the setting) in a more macroscopic manner. In addition, as prescribed by the traditional Chinese wisdoms, harmony in personal relationships is emphasized so the Hong Kong government tends to engage in lengthy negotiations with the property owners in cases of disagreement rather than to resort to the court, even though this option is reserved in the legislation.

Based on these findings, we contend that community education is the vital prerequisite for the integration and assimilation of conservation ideologies from places with different cultural backgrounds. In the case of Hong Kong, the success in applying conservation policies imported from Western countries rests on the sense of ownership of the culture in the community. Only by making people appreciate that conservation is a household affair, concrete support can be obtained from the public to drive an effective conservation campaign. The same principle for conservation ideology exchange can apply to other parts of the world.

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[Keywords]

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1. INTRODUCTION

Cultural heritage in every built environment plays an important role in forming the sense of self and identity in the community (Chu and Uebergang, 2003). It sustains people's values and communities, and allows them to share a collective history. Therefore, cultural heritage is essentially an invaluable public asset that represents aspects of 'social capital' of a city and thus is worth conserving. When talking about the built cultural heritage, we contend that ideas about land and building are central to every culture (Rapoport, 1984) as characterized by the recording of the relationship between culture and building as a topic of intense discussion for thousands of years.

However, the dilemma between development and conservation is admittedly an often-encountered issue in many developed urban areas. Although there seems to be a general consensus globally supporting the protection of built cultural heritage, policies and practices of conservation differ substantially from place to place. Comparative study of conservation policies and practices in different places is certainly a useful mean of achieving a better approach to conserving the built cultural heritage in urban areas. In fact, there is abundant literature in this regime (e.g. Chan *et al.*, 2004; Pickard, 2002). However, these studies tend to focus on the 'hardware' of different policies and the cultural dimensions of the issue have always been ignored.

To seal this research gap, two *post*-colonial centres, namely Hong Kong and Queensland, were selected for this study with a dual purpose: firstly, to examine the extent to which knowledge of conservation entities and processes varies according to different human life experiences and cultural traditions; secondly, to highlight the interconnection between conservation practices and culture. It is suggested that any proposed conservation policies should be customized to suit their cultural environment. This is of particular importance in Hong Kong's current situation when the government is thinking about 'borrowing' the ideas

of built heritage conservation from other countries.

Within this contextual frame, the remaining sections of this paper are organized as follows. Section 2 gives a brief introduction of the histories and demographic compositions of the centres under investigation. An overview of heritage protection in the two centres is presented in Section 3. A comparison of the policies and practices of heritage protection is made in Section 4, followed by the presentation of culture-centred models for built heritage conservation in Section 5. Section 6 is the conclusion.

2. INTRODUCTION OF THE SUBJECT CENTRES

2.1 Facts about Hong Kong

Hong Kong, or officially the Hong Kong Special Administrative Region (HKSAR), was once a colony of Britain and is now a part of the People's Republic of China. As at December 2004, the area of Hong Kong is 1,104 sq.km. and the developable land is only 400 sq.km. With a population of about 6,900,000 people, Hong Kong is characterized by a high-density, high-rise built environment. Although Hong Kong is renowned for its status as an international financial centre, people seldom rate Hong Kong as a historic city. In fact, Hong Kong has a 5,000-year long history (Lung, 1999). Although Hong Kong has a large variety of population¹, the community is still dominated by the Chinese who constitute over 80% of the total population of Hong Kong.

2.2 Facts about Queensland

After some 15,000 to 30,000 years of non-urban settlement by Aboriginal and Torres Strait Islander peoples, Queensland was established as a colony of the British government in 1859 following a period as part of the Colony of New South Wales since about 1788.

¹ The total foreign population in Hong Kong as at December 2004 is 536,800. The top three nationalities are Philippines (141,700), Indonesia (100,400) and United States (30,200).

Statehood was achieved in 1901 when the Commonwealth of Australia was created. As at August 2005 (Geoscience Australia, 2005), Queensland has an area of 1,730,648 sq.km. and a population of 3,655,139, giving an average population density of 2.1 people per sq.km. Brisbane, the state capital and largest city, with a population of 888,449 (Office of Economic and Statistical Research, Queensland, 2005), has a low density urban environment with single storey dwellings the norm outside the central urban commercial areas. A little under a fifth (17.2%) of the population is overseas born, coming from the UK (5.1%), New Zealand (3.6%) and Germany (0.6%) (Office of Economic and Statistical Research, Queensland, 2005).

3. HERITAGE PROTECTION IN HONG KONG AND QUEENSLAND

Despite the fact that Hong Kong and Queensland both experienced British colonial administration, the policies of heritage protection adopted in these centres are quite different.

3.1 Overview of Heritage Protection in Hong Kong

In spite of her 5,000-year long history, Hong Kong is one of the latest Southeast Asian places to advocate a conservation policy for her built cultural heritage (Kiang, 1991). Heritage conservation was first introduced to Hong Kong in the mid-1970's as the community's cry for heritage protection was triggered by the demolition of old Kowloon-Canton Railway Station in Tsim Sha Tsui. In 1976, the government enacted *the Antiquities and Monuments Ordinance* (Chapter 53 of *the Laws of Hong Kong*) with the aim of protecting historical monuments and promoting awareness of heritage values. The Ordinance, providing support and secretarial services for the Antiquities Advisory Board, assists the Antiquities Authority in implementing the Ordinance. According to section 3(1) of the Ordinance, the Antiquities Authority may, after consultation with the Antiquities Advisory Board and with the approval of Chief Executive, declare any place, building, site or structure, which the Antiquities Authority considers to be public interest by reason of its historical, archaeological or palaeontological site or structure.

Declaration, which is facilitated by the Antiquities and Monuments Office, is the dominant means of ensuring heritage survival. Once a building is declared as a monument, no person can undertake demolition or alteration to the building, unless a permit is obtained from the Antiquities Authority under the Ordinance. There are currently 79 declared monuments in Hong Kong (Antiquities and Monuments Office, 2005a). However, some 9,000 historic buildings have been identified by the Antiquities and Monuments Office as either because they were built before 1950 or as a consequence of exhibiting other cultural value. Once identified as having potential for conservation, buildings are entered into a record and are 'graded' by the Office to show their relative importance. Nonetheless, these graded buildings do not receive any legal protection against demolition or alteration under *the Antiquities and Monuments Ordinance*.

The control under *the Antiquities and Monuments Ordinance* is mainly confined to the works carried out to the declared monuments. However, it cannot cater for the case where certain works or operations in the close vicinity endanger the monuments. In order to control these 'external' threats to the monuments, provisions were made under the Environmental Impact Assessment Ordinance (Chapter 499 of *the Laws of Hong Kong*). Instituted in 1997, *the Environmental Impact Assessment Ordinance* requires the developers or other operators to conduct an environmental impact assessment for development projects which may pose detrimental influence to any heritage. The report of the assessment would be vetted by the Director of Environmental Protection and the projects would be approved, rejected, or approved with conditions prescribed.

However, there has long been a lack of an official long-term policy for heritage conservation in place in Hong Kong. There are no codified principles regarding what built heritage should be conserved and how the heritage should be conserved in the public interest.

3.2 Overview of Heritage Protection in Queensland

Similarly it was also in the in 1970s that heritage control through statutory means was initiated in Queensland. Town planning schemes focussed on statutory considerations for the preservation of (undesigned) places to be applied in the decision making process and such controls were adopted in the 1978 Town Plan for the City of Brisbane and in a number of other local government schemes. By 1985 the first development control plan was adopted for the Cook Shire Council's planning scheme covering Cooktown and the objectives of this planning instrument included the retention of heritage qualities and over thirty sites were listed for the retention of buildings. A 1989 amendment to the Brisbane Town Plan incorporated a Table of Heritage Places which identified approximately 90 central city sites for retention with strict penalties for demolition and the innovative inclusion of compensatory measures such as transferable development rights (Armitage and Baker, 2003).

The recognition of an immediate and more substantial control was foreshadowed in 1990 with state legislation under the Heritage Buildings Protection Act 1990 broadening the ambit of heritage conservation. This legislation, which had a sunset clause of two years, introduced an interim register of places accorded protection by the legislation. The current legislation – the Queensland Heritage Act 1992 – was enacted in 1992 and provides for the protection of approximately 1300 properties listed on the Queensland Heritage Register. These properties are regulated through the requirement for approval prior to carrying out a variety of works such as demolition, or other works which may impact on the appearance of the place including alterations, additions or painting. Provisional listings and injunctions also ensure an immediate protection is available in cases of places under threat which are not listed (Armitage and Baker, 2003). Of all the Australian states, Queensland is unique in its provision of appeal to the Planning and Environment Court on judgement as to significance (Aplin, 2002). The State Register also provides for some benefits for approved conservation expenditure which may include local government rating reductions, State land tax and other tax rebates.

To warrant inclusion on the Queensland Heritage Register requires significance to be demonstrated the State level. Other properties with importance in a more localised context are protected by the separate system of local government listings and in a corresponding manner at the federal level, properties and places under the control of the Commonwealth of Australia may be entered on the Commonwealth Heritage List. The Commonwealth Department of Environment also maintains the Register of the National Estate for natural, indigenous and historic places of significance to the nation (Department of Environment and Heritage, Australia, 2005) and its management and legislative frame was substantially reviewed in 2003.

The nature of controls imposed by planning schemes on heritage places varies considerably. However, there is a general requirement to conserve the visible exterior of the place. In most cases the planning scheme provisions do not prevent interior modifications or extensions or alterations that are not visible from the street. In this regard they are generally not as onerous as the restrictions imposed on places included on the State Register, nevertheless they present other additional constraints over development on the site.

Heritage control at the local government level is also able to offer benefits of a slightly different ilk to those of the state: there may, for example, be a relaxation of development obligations or of restrictions on site development or an expansion of the lawful rights pertaining to the building being conserved, if appropriate. Floor space bonuses may be considered or the option to transfer development rights to another site – usually in a neighbouring precinct. Local authorities may choose to ameliorate the cost of development fees and provide free heritage advice for projects involving listed properties.

At the time of writing, October 2005, the Australian Government is in the process of reviewing the impact of heritage listing on economic productivity through a national inquiry being undertaken by the Productivity Commission. Whilst it is pertinent to note that the findings of the Commission may lead to some changes and updating of the current practice of

heritage management, they are unlikely to do other than confirm the existing cultural perspective.

4. SIMILARITIES AND DIFFERENCES IN HERITAGE PROTECTION

4.1 Identification of heritage

The identification of heritage in Hong Kong is principally government-initiated. There is no official mechanism for the public to launch a request for designating a building as a monument. Even there are such requests, there are no black-and-white procedures in the Antiquities and Monuments Office or Antiquities Advisory Board to deal with the requests. Also, the identification practices rest on the departmental level only. The issues have never reached the bureau level, and needless to say the apex of the overall political hierarchy. Therefore, no attempt has been made to consider the designation of built cultural heritage in a territory-wide manner. By contrast in Queensland, virtually anyone can initiate a listing: an individual who has a concern, an owner, a community organisation (e.g. the National Trust) or any arm of government, state, local or federal on any one of a number of lists or registers.

4.2 Incentives for property owners

In Hong Kong, there is no tax-allowance for monument-related works or schemes. Although the concept of transfer of development rights was introduced to Hong Kong many years ago, its popularity has never been realised due to the lack of governmental commitment. In Queensland, as in most Australian states, the opportunity for incentives is varied and may include reductions in tax liability, financial support for works or tradable development rights in some cases.

4.3 Compensations for property owners

Although there are provisions in the Antiquities and Monuments Ordinance for people

in Hong Kong who have suffered financial loss due to the designation of a building as monument, there have never been any court cases arising from these provisions as the government prefers to engage in long negotiations with the property owners or people affected by the designation. A recent example is the negotiation between the government and the Last Christ Church over the preservation of Kam Tong Mansion. To preserve the 90-year-old Kom Tong Hall, the Hong Kong government acquired the building from the Church of Jesus Christ of Latter-Day Saints at a consideration of HK\$53 million.² It is quite obvious that the Hong Kong government have no standards or guidelines for granting compensation to the property owners. In Queensland, as in most states of Australia, the issue of compensation for heritage listing is a similarly sensitive matter but listing is not generally compensatable *per se*. However, if loss can be proved under other appropriate legislation, a case may be brought before the courts. Similarly, since development potential is not considered a right which is accessible without approval from a relevant statutory body, the withholding of such development rights by the Crown does not generally entail a claim for compensation. Informally, the principle which prevails is that, since betterment due to an enhancement in value due to public regulation is not pursued by the government, its corollary – worsenment (of which heritage listing may be considered an example) – falls into the same category of invisibility unless, as noted above, loss can be proved.

4.4 Conservation areas

Hong Kong has long been criticized for the lack of power in the government to designate conservation districts or areas (e.g. Lung, 1994). By contrast, Queensland has panoply of controls at each level of government and across the community (see Armitage and

² For more details about the case, please refer to the article “Church Makes Headlines with Sale of Kom Tong Hall” at the website http://www.lds.org/hk/english/features/kom_tong_hall_headlines.htm

Baker, 2003).

4.5 Public participation

In Hong Kong, conservation matters have attracted little public concern until the last few years. Therefore, the momentum of public participation is still being built up. In Queensland it was during the 1970s, in an emergence of national awareness reflected in the election of a left-wing national government after many years of more conservative control, that a commitment to the conservation of the built and natural environment became a part of the national psyche. This high level of politicisation and grass-root involvement gave rise to the legislative outcomes upon which the present system is founded.

4.6 Sanction and coercive measures

Although there are provisions in the Antiquities and Monuments Ordinance to prohibit any unauthorized alterations, demolition or defacing of the declared monuments, the punishment for the offence is criticized as being too lax and ineffectual (Lung, 1994; Chu and Uebergang, 2003). In Queensland, community sentiment supports the intentions of heritage listing but individuals whose properties are affected may challenge such listings as there is often a fear of a negative impact on value. However, once a listing is confirmed or the provisions of a planning scheme gazetted, their status will be supported by due legal process.

5. CULTURE-CENTRED MODELS FOR BUILT HERITAGE CONSERVATION

In this section, attempts are made to explain the differences in the heritage protection policies in Hong Kong and Queensland from a cultural perspective. Unlike the West, where the English medium has popularized Western thoughts and thinking through the world, the same cannot be said of Eastern beliefs and philosophies. Apart from being constrained by the Chinese language which is not spoken nor written to a large extent in most

parts of the world except Asia, the Orient is often viewed with a tinge of mysticism which makes it almost impossible for Westerners to penetrate. While there is no lack of ancient and present-date thinkers as well as philosophers in the East, their thoughts and philosophies are still not well circulated throughout the world.

5.1 The Chinese Culture and Conservation

The unifying intellectual philosophies in the Chinese 'great tradition' are Confucianism and Taoism. Definitely, harmony is the foundation of Chinese culture. The Chinese term *he* denotes 'harmony', 'peace', 'unity', 'kindness', and 'amiableness'. *He* permeates many aspects of Chinese personal relationships. The Chinese are then inspired to achieve unity with other people and the surrounding environment. In particular, Confucianism's ultimate life concerns are based on the relationship among people (Yu, 1996), which are mainly prescribed in *Zhong Yong* (or *The Doctrine of the Mean*). It is thus essential to have harmonious relationships amongst people. No policy should induce conflict between people. Therefore, policies or laws for conservation should aim to disturb as few people as possible. Also, although there have been cases of conflicts between the government and private property owners over conservation issues, recourse to the courts has never been attempted. The government prefers negotiating with the owners, even if it proves to be a lengthy process, in order to ease the fragile relationship between the disputants.

Further to the emphasis on personal relationships, the traditional Chinese thinking on the dynamics of change in the universe and *wuwei* paradigm have contributed much to the shaping of heritage protection laws in Hong Kong. The Confucians were interested in natural phenomena and human nature and wondered about the relationship of human beings to the broader world around them (Graham, 1989; Schwartz, 1985). However, their thoughts in this regard are not as influential as those from Taoism. The Taoists thought the sense of completing and harmonizing with the fecundity of life that underlies *I Ching* (or *The Book of*

Changes) which mainly discusses the measure of heaven and earth, and its order (Wilhelm, 1960, 69), was at the heart of this dynamic system of cosmology and cultivation. It is posited in *I Ching* that everything in the universe, be it a creature (e.g. human, plant or animal) or object without life (e.g. lake, mountain or building), has its own cycle of fate, and the cycles of different individuals are interlocking with each other. One should follow what the fate dictates and respect the relationship between the interlocking cycles. Or put in another way, one should, rather than pushing to make things happen, allow processes to unfold of their own accord. Interventions with this ruling will eventually result in disequilibrium among interacting individuals or chaos, which are undesirable. In the same vein of thought, the deterioration of a building and replacement of a building by others are natural processes that should not be arrested. To discern correct actions, humans must lie in relationship to the movements of the universe.

Similarly, in *Tao Te Ching*, a strategy of non-artificial action (or *wuwei*) is advocated as a means of achieving the optional state of harmonic integration between the various dimensions of life (Jung, 1950; Lau, 1963). In that holy book of Taoism, the idea of *wuwei* is that 'doing less' is the equivalent of 'being more'. Therefore, a non-interventionist approach is promoted in the governance of a corporation or a nation. Applying the above ideas to conservation, there is no ground to stipulate in law what types of work should be done to the built heritage. As in the case of Hong Kong, *the Antiquities and Monuments Ordinance* does not explicitly require the owners of a declared monument to carry out any necessary repair and maintenance works. In addition, unless there is an outcry from the public, the government officials do not bother to formulate any long-term conservation policy which may trigger political turbulence or conflict in the community. The recent emergence and development of the conservation laws and review of conservation policy are good illustrations of this point.

Another major aspect of cultural thinking of the Chinese is that the individual is the

central object (Sinolingua, 1996). The *Great Learning* from Confucianism posits that if one cannot cultivate or develop one's own self well, how can one manage the family; if one cannot manage the family unit, how can one manage the state in a similar context. In other words, there is a tendency for people to think about themselves first, then their family and, finally, the community. When such traditions are applied to conservation, we can easily explain why there is a lack of public participation in such activities in Hong Kong. Also, this can explain why there was no provision for conservation areas or districts when *the Antiquities and Monuments Ordinance* was first drafted. It was largely because people tended to put emphasis on the subject buildings rather than their settings and surrounding environment. Other than the lack of a broad consideration in conservation policies and planning, the other implication is that conservation matters have been accorded low-level attention within the government structure.

5.2 The Western Culture and Conservation

What is striking about most of the current discussions of conservation questions is just how parochial are the terms in which they are conducted – presupposing a Cartesian-Newtonian view of natural world as a mass of 'dead matter in motion', deriving from the natural-scientific discourse that arose in Western Europe during the seventeenth century. The Industrial Revolution in the 18th century brought about technological and ideological changes to the way the aesthetic and functional relevance of historic monuments would be valued and presented (Soane, 2002). This has had a continuing impact and eventually integrated into the world of the 20th century. Since then, built heritage conservation has been about "how, in an age of greatly increased urban scale and pluralistic complexity, can surviving historic buildings be reinterpreted so that their artistic and practical worth can be fully appreciated by every element of modern society" (Soane, 2002, 270). Historic buildings are then regarded as a kind of cultural asset which link past and present. There is a consensus among people that these vital assets should be conserved by any means.

Intervention, particularly restoration, has been used frequently to prolong or revitalize the lives of these monuments.³

5.3 Proposed Culture-centred Models for Cultural Heritage Protection

Rothbaum *et al.* (1982) have reported that in the West, a dominant way to attain one's goals and wishes is to attempt to bring about objective changes in the environment; this type of control is called primary control. Weisz *et al.* (1984) further argued that while primary control is the predominant strategy in the West, a different type of control – secondary control – is prevalent in the East. Under this strategy, because of the emphasis on interdependence and harmony in groups, people should show a stronger tendency to adjust themselves to fit the environment. Based on this argument, it is possible Chinese people may believe that secondary control is a more effective means of attaining their goals than is primary control.

Founded on the discussion above, the conservation principles adopted in Hong Kong and Queensland can be summarised in two 'culture-centred' models, which are graphically represented by Figures 1 and 2. Figure 1 represents the conservation principles adopted in Hong Kong over the past forty years, which was dominated by a building-centred ideology. Conservation efforts were concentrated in those historic buildings only; the surroundings of these buildings were beyond the purview of conservation. The self-to-state ideology results in piecemeal localized conservation projects. A holistic approach to conservation covering a wider area has been rare. The involvement of the community in the conservation process was relatively limited. This can be interpreted in two ways. First, the conservation policy at the outset of individual projects aimed at minimizing the disturbance or impact on other

³ The pioneer British conservationist William Morris (1834-1896) advocated that ancient buildings should be treated as monuments to a bygone art that modern art cannot meddle with without destroying. Any conjectured restorations to historic buildings should be prohibited. Yet, although faithful conservation has been the guiding principles in many internationally recognized charters, conjectured restorations can still be seen in many conservation projects across the globe.

people created by these actions. It was considered desirable to limit the affected parties to the property owners only. Second, the general public was not encouraged to express their views in support of the conservation projects.

As for the case in Queensland, as symbolized in Figure 2, the extent to which the conservation efforts affected the community and the built environment is much larger. The presence of provisions for designating a conservation area is strong evidence of the coverage of the wider built environment by the conservation efforts. This setting-centred conservation coincides with the dictates of the Venice Charter (International Council on Monuments and Sites, 2005) and subsequent charters for the conservation of setting. Also, this undoubtedly would affect more people as more stakeholders are involved in the conservation process. The degree of relevance of conservation efforts to the community is even more substantial when the future generations are regarded as members of the stakeholder group and the channels for public participation in the conservation policy making and project consultation are recognized.

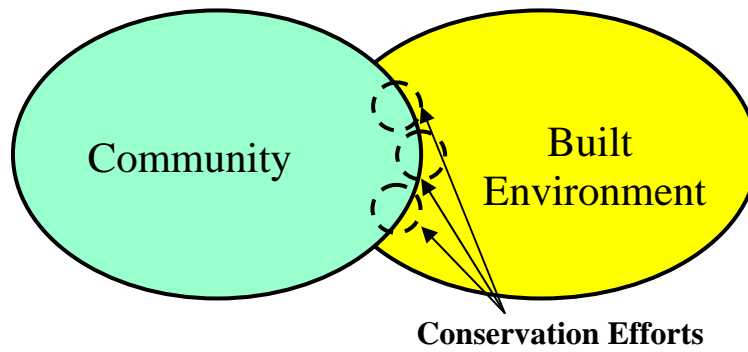


Figure 1: Building-centred conservation in Hong Kong

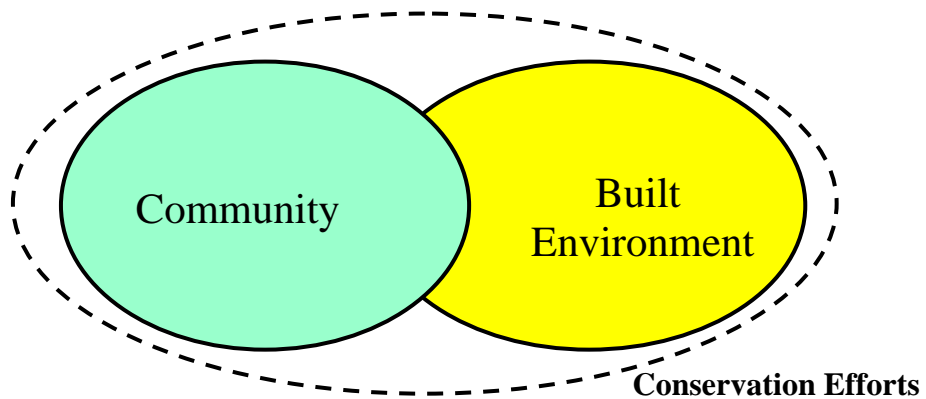


Figure 2: Setting-centred conservation in Queensland

6. CONCLUDING REMARKS

The protection of built cultural heritage in Hong Kong and Queensland was analyzed from the cultural perspective. However, it is certainly not the intention of this study to belittle the culture or philosophical thoughts from the East nor does this study seek to suggest that Western ideals and philosophies are superior to their Eastern counterparts or vice versa. The true contention of this study is that such cultural differences should be accorded a great deal of attention and consideration during the knowledge transfer with respect to the conservation of built cultural heritage. Through integration, or assimilation at least, of heritage conservation theories and practices a community can help to preserve its irreplaceable and invaluable cultural assets for future generations. Nonetheless, without taking these cultural differences into account, such process is a mere replication. The

imported conservation ideologies from the Western perspective would only be handicapped by their lack of relevance when placed in an oriental or Eastern perspective.

In the 2004, the HKSAR government launched a public consultation process to review their policy on built cultural heritage protection. Based on the experience and practices in other countries, suggestions such as the designation of conservation areas, transfer of development rights etc. were filed in the consultation process (Home Affairs Bureau, 2004). However, framed within the traditional Chinese culture, cross-cultural replications of conservation policies may be in vain unless there is full understanding of the cultural differences in both the giving and receiving communities. For an effective integration or assimilation of the western experiences in the local context, education of the public in Hong Kong should be put at the top of the agenda. People's mindsets should be offered the opportunity to accept that Hong Kong is their very own home so conserving cultural heritage is a household affair. Only with this shift of mentality, will more public participation and sources of finance for the conservation campaigns eventuate.

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