

AN INVESTIGATION OF PRIVATE-OWNER-LED HERITAGE PROPERTY ADAPTIVE REUSE

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ABSTRACT

This paper provides a new approach to examine privately-owned heritage property for their adaptive reuse. Two cases from Tasmania and Hong Kong were investigated. Private owners' roles in adaptive reuse of property while effectively conserving heritage values is evaluated for their incentives and costs in the course of adaptive reuse innovation. Details from the two cases from different jurisdictions reveal: first, private ownership may allow higher degree of innovation in heritage building adaptive reuse. Second, the private property owner is entitled to stronger control of the heritage property's use. However, privately owned heritage property does not guarantee free will in transforming heritage value; the process may incur extra social cost when the owner tends to pursue her own interest that needs be self-enforced. Thirdly, the control right over heritage buildings conservation and transformation vary by their adaptive reuse conservation strategies. For example, business operation (the Hobart case) and owner public use (the Hong Kong case). This study contributes insights to the adaptive innovations in the context of privately-owned heritage properties.

Keywords: Heritage adaptive reuse; property rights transfer; private ownership; Tasmania; Hong Kong.

INTRODUCTION

The tangible and intangible historical values are primarily socially shareable goods. Built heritage conservation and revitalisation, as in urban renewal processes, are often publicly financed, delivered and managed. Many heritage conservation cases in the urban context are conducted by government entities or NGOs (Yung et al., 2014), but their conservation via adaptive reuse by private owners are rarely studied. Heritage conservation is assumed as public concern, which is consistent with public land use policy and finance strategy. Compared to large-scale *complex* urban public built heritage conservation operated by professional managers (Hou and Wu, 2019), privately-owned heritage buildings are thought easier be adaptively reused due to their clear ownership structure, stakeholder and simpler physical condition. Unfortunately, the same heritage conservation idea and adaptive reuse by public entity may not be applicable in privately-owned heritage property contexts. Relative to adaptive reuse to conserve publicly-held heritage buildings, the situations of privately-owned and facilitated processes are likely to be represented by *distinctive property rights arrangements*, which may reveal different efficiencies and outcomes. This paper focuses on private owner's practice of heritage property adaptive reuse. It examines two cases of heritage property on private owner's motivation, adaptive reuse strategy and challenge that they adopted and faced. And leads to new insight about the often conflicting public-private interests for the adaptive reuse of built heritage under private control and direct intervention.

Built heritage conservation is popular collective interest in Australia. Tasmania counts a significant portion of heritage-listed public and private building sites (Alexander, 2005). The heritage housing stock has faced both *renovation* and *conservation* pressures (Judson et al., 2014). And it is foreseeable that the highly demanding built heritage conservation and low tax base in relatively lowly populated urban economy such as Hobart, the capital city of Tasmania Australia, demands substantial direct intervention by private property owners. This paper shows the owner of a state-heritage-listed property (the Claremont House) converted it into a boutique guesthouse. To generate revenue to sustain and conserve the heritage property, he is also heavily engaged in

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service operations of the business and a culture heritage tour program. The owner has gone through a 10-year cycle of extensive *effort* to conserve the heritage property and convert it with a viable economic use. It involved direct bilateral interactions between the entrepreneur owner and the heritage protection planning agencies. The conditions under which the heritage property transform to achieve conservation revitalisation and the obstacles alongside the process are main questions that motivate this study.

Consistently being a vibrant tier-one world city, the high land value in Hong Kong demands efficient adaptive reuse of heritage properties. A case of private-owner driven built heritage adaptive reuse is analysed that echoes the Tasmanian case. The owner of a heritage-listed “shop-house” has committed considerable financial and social resources to convert the heritage property into a private museum. With the background as a professional conservationist who has experience in major heritage conservational works in Hong Kong, the private property owner’s capacity in adaptive reuse of built heritage won him the reputation as a heritage conservation promoter. The heritage revitalisation case is found to be an example of privately-conducted conservational revitalisation that is concurring Hong Kong’s social context.

In a strict sense, this case study does not involve direct comparative analysis. With support of a property rights conceptual framework, it identifies uniqueness and similarities, as well as experience in two contexts. Adaptive reuse of heritage property is treated as a property rights redistribution process. A clearly identifiable individual who is property owner and act as renovator represents process certainty and legal clarity. Property rights system governs heritage building revitalisation managed by individual private property owner of built heritage with conflicting property interests.

This paper starts with an in-depth overview of adaptive reuse and revitalisation of built heritage for heritage conservation. It then conducts a conceptual discussion on interactions of property rights and built heritage conservational revitalisation under specific institutional arrangement. This conceptual discussion then directs the description and analysis of the two cases. Finally, the adaptive reuse of the Claremont House and the Shop House as privately-conducted heritage conservational revitalisation is further discussed, leading to insights and concluding remarks.

HERITAGE ADAPTIVE REUSE

Physical capital such as building and infrastructure ages overtime. Without appropriate top-up investment, maintenance, and innovative treatments, their use and cultural values will decline. According to Gustavo (2011), new paradigm of heritage conservation rests not only on preserving its physical fabric and form but its emphasis on the *intangible cultural and historic values* that it carries. Poulios (2014) suggests that heritage conservation approach has evolved from material-based to value-based, and more recently, a heritage living approach to sustainable life style is emerging in the urban context. The heritage living approach is regarded as the most advanced built heritage conservation approach as it focuses on the three dimensions of sustainability, namely, to sustain the historic value of the heritage; to sustain the well-being and community value exist within or adjacent to the heritage; to sustain the level of interconnectivity between the heritage and the broader community (Tweed and Sutherland, 2007; Al-hagla, 2010; Poulios, 2014). It also expects a heritage to possess high level authenticity and originality. A value-based approach has been applied in heritage conservation and management, which integrates scientific conservation principles and practices as well as engages stakeholders’ interests throughout the conservation processes. This approach is complicated as the value attached to each heritage site differs according to characteristics of heritage and combination of stakeholder groups as a social construction process that encompasses broad range of collectively organised values (McClelland et al., 2013).

Contemporary conservation framework considers adaptive reuse an important *heritage conservation strategy* (McClelland et al., 2013), where adaptive reuse emphasises a scientific approach of heritage intervention and alteration that helps sustain its use and cultural values. Stemmed from the principles and practice of *material- and value-based* conservation, adaptive reuse can be understood as “reusing the built structure adaptively” while *preserves historic value* and *creates use value*. Lichtfield (1988) defines obsolescence of built heritage as “the mismatch between the services offered by the fabric and the contemporary needs”. He believes adaptive reuse represents *innovative actions* to counter-balance heritage deterioration, decay and loss in historic value. He argues that built heritage shall continue to serve the contemporary needs. To reuse is purpose and outcome of conservation while “adaptively” induces several concerns, such as whether the heritage is suitable for reuse, what “new use” should be ‘attached’ to the built heritage, how to sustainably reuse the heritage, etc?

These discussions may find their origin from Eugene Emmanuel Viollet-le-Duc (1814-1879), one of the first batch of architects to recognise adaptive reuse as a way of heritage conservation (Viollet-le-Duc, 1990), and

John Ruskin (1819-1900) who “favours regular care and maintenance to ensure the conservation of heritage buildings” (Ruskin, 1849). Clearly, a *conflict* exists between at least two groups of *competing human values*, namely, commemorative values such as age, historic or intentional commemorative value, and present-day values such as use, aesthetic or newness value. Building or site embodies these values constantly faces the social dilemma associated with the economics of scarcity derived *conflicting and competing interests* (Graham, 2002).

The recent literature of adaptive reuse is rapidly expanding on built environment research (Kurul, 2007; Bullen, 2007; Langston et al., 2008; Shen and Langston, 2010; Bullen and Love, 2010; Plevoets and van Cleempoel, 2011; Cheung and Chan, 2013; Judson et al., 2014). In an adaptive reuse project, the *decision* on “new use” is a key concern as it determines the degree of physical intervention to the heritage building and possible impact on the associated community. By “new”, it implies viability, feasibility and innovation, which reinforce the *commemorative value* of built heritage and extend the *present-day value* to wider scope of *public interests* as well *efficiency and productivity* (Gould, 2016). Some argued that “new use” of built heritage shall address the broader environmental concerns to facilitate sustainable development (Bullen and Love, 2010). Although the concept of adaptive reuse is well received, in *practice*, its delivery in projects is not straightforward. In the domain of built heritage conservation, historian, architects and conservationists stress authenticity as the core of heritage conservation and alteration or changes to the heritage should be confined in an utmost manner (Kelly, 2009). The practical value of adaptive reuse to *effectively balance conflicting interests* in heritage conservation and revitalisation is under-addressed, which demands innovative theoretical and empirical studies of built heritage conservation actions and revitalisation outcomes.

PROPERTY RIGHTS AND ADAPTIVE REUSE OF BUILT HERITAGE

Being part of the urban built fabric, built heritage determines the overall urban layout and its transformation. Therefore, appropriate built heritage conservation practices are critical to national and local governments who develop built heritage conservation and revitalisation policies when they are declared monument or granted status of national or state heritage. The extent of control and the ability to claim heritage properties vary across their *property rights regimes*, which constrain actor intervention and asset performance. With a few exceptions (e.g. Lai and Ho, 2016; Benhamou, 2020), solving the social dilemma that built heritage faces as a concern of property rights redistribution via public policy and private action is rarely attained. Adaptive reuse of privately-owned built heritage is under-researched where few related inquiries are on heritage conservation, preservation and renovation development. One closely related area adopting a similar approach is urban redevelopment and urban village transformation (Webster et al., 2016; Wu and Qin, 2018; Wu and Liu, 2018; Li et al., 2019).

A property rights approach to heritage adaptive reuse injects new explanatory power to challenge built heritage *conservational revitalisation* faces. Lai and Ho (2016) is an early attempt to examine the relationship between property rights and conservation of public built heritage. They adopted three distinctive ownership regimes, namely, common, communal and private (Gordon, 1954; Cheung, 1970; Alchian and Demsetz, 1973; Cheung, 1987). They found publicly-owned heritage sites may face ambiguous property rights despite the property’s *official ownership*. Under a specific property right regime, *de jure* access right to heritage site may differ its *de facto* access situation such as open, partially restricted or restricted. They argue that property right does not necessarily lead to superior conservation management, but clarification of property right helps define physical access to heritage sites where it may trigger active management and Schumpeterian innovation. When treated in a common property regime, heritage sites are subject to substantial hidden and asymmetric information, that is costly for discovery and revelation.

Property right regime is highly relevant to physical condition and operation of built heritage. Clearly defined and enforceable property rights of heritage property strengthens its owner’s ability to control, adaptively reuse, manage and strategically invest. In the situation where the property rights of privately-owned monument or national-listed built heritage are clearly defined and effectively enforced, besides land use control and eminent domain, property owner’s decision on whether and the extent to which the heritage property is conserved and reused is exclusively contractual (Cheung 1970; 1987). Conservation decision of privately-owned heritage property directly relates to the owner’s private interest or willingness to act where government negotiates with property owner for conservation planning and delivery. To preserve heritage values, government may formally acquire legal rights by compulsory acquisition though this can be a costly exercise due to the property rights regime contains bundles of rights on the built heritage. A generalised bundles of rights that capture the idea of *private property* contains access, withdrawal, management, exclusion and alienation rights which implies the

an individual's complete control of or the ability to act on some 'thing' in relation to other individuals (Schlager and Ostrom, 1992; Ostrom, 2005; Ostrom, 2010).

The owner of a heritage private property is entitled to a bundle of rights such as use, improve and alter it whilst the actual situation is subject to restrictions. This implies the private ownership rights are not fully controlled by private owner of heritage property. When private property owner makes a decision to conserve the building by adaptive reuse, he acts as an 'entrepreneur', who is responsible for future operation of the building. From economics perspective, Schumpeterian innovation emerges when the property owner allows open access, information transparency and asset management (Lai and Lorne, 2014; Lai and Ho, 2016). Adaptive reuse is an approach aiming to tap in social and economic value through changing the use of the heritage buildings so that they obtain sufficient management and public attention (Ho and Hou, 2019). This approach spontaneously endows property owner an entrepreneur identity for him to make complex decisions that substantially influence the "new life" of the heritage building. Thus, the design of adaptive reuse strategy, including defining new use, physical alterations, or operation under the new use, is essential to the success of conservational revitalisation. The positive value of cultural heritage is a form of public good which implies that its associated property rights do not belong to the private property owner. This complication could be understood as the combination of both public and private goods embodied in the heritage property in a specific property regime. The property interests associated to the property include a mix of public, private, communal and un-defined '*residual*' rights (Ostrom, 2010). The exact property rights structure remains evolving as an indeterminant (*uncertainty*).

The identification and selection of conservation and adaptive reuse approach in a civil society may involve multiple stakeholders where their right of being informed for relevant decisions are retained (Aas et al., 2005; Watson and Waterson, 2011). This means that social and technical negotiations coming along with the process of adaptive reuse can be highly costly, relating to risk, learning, negotiation, collaboration and communication, difficult to be uniformly measured in financial terms. Bearer of the cost is usually the property owner. In other words, privately-managed built heritage adaptive reuse generates significant social cost due to uncertainties associated with decision-making, formation of innovative approach, negotiation with government, execution and collaboration with other stakeholders. In this study, we presume that heritage sites and their improvements naturally engage common property rights, and regard planning policy over heritage sites as "heritage control". This paper argues that conflicting interests exist between private ownership and heritage conservation practice and the two values may be aligned when the private owner of the built heritage claims its historic value and is willing to act innovatively to use it to produce income to help preserve and sustain heritage value. We propose this value alignment will only occur within a certain context under special conditions.



Figure 1. A framework for conservational revitalisation of heritage property

Figure 1 summaries the conflicting interests in heritage property as combination of public and private property rights and the key elements considered. It is through this framework it examines different practices and identify similar pattern and unique feature in conservational revitalisation cases of heritage properties for their adaptive reuse in different jurisdictions.

METHODOLOGY

This study adopts qualitative approach and use case studies as the main research method. Individual-led heritage adaptive reuse projects are rare practice compared to government or entity-led heritage adaptive reuse. Case study method is in line with the aim and the enquiry of this research, which enables a deeper

understanding of the unique phenomenon with the application of theory. Though often criticised in not to be sufficient scientific as the testable generalisation cannot be developed based on the findings (Yin, 2009), case studies provide details of the phenomenon, which helps to develop a comprehensive view of the contemporary bounded system (Creswell, 2013). The rare but unique phenomenon of two individual led heritage adaptive reuse cases has drawn parallel between the Hong Kong and Tasmania contexts. These two cases have significant commonalities where both properties were owned by faith driven individuals – they both took the lead in converting the heritage properties and managed the adaptive reuse. Difference in adaptive reuse initiatives and strategies incurred different adaptive reuse challenges and consequences, which offer implication to future practices.

Case study data were retrieved through key documents and plans. Newspaper articles about the interviews of the owners of the heritage buildings were used as important reference for the case analysis. For the Tasmanian case (the Claremont House), important documents such as Tasmanian Historic Cultural Heritage Act 1995, Tasmanian Planning Scheme – Heritage, Land Use Planning and Approvals Act 1993, Glenorchy City Council Interim Land Use Planning Strategy, the Claremont House Conservation Plan by Paul Davies Architect Heritage Consultant, the website of Heritage Tasmania were reviewed. For the Hong Kong case (shophouse of the 11 Yuk Sau Street), Practice Guidebook for Adaptive Re-use of and Alteration and Addition Works to Heritage Buildings, reports of Heritage Impact Assessment, results of the Assessment of 1,444 Historic Buildings, historic building appraisal of No. 11 Yuk Sau Street (Number 695), the website of Antiquities Advisory Office. The authors also conducted site visits to observe the adaptive reuse details and photos capturing the physical characteristics of the two heritage places were presented in this paper.

In the following sections, the heritage adaptive reuse practice of the two places: Tasmania and Hong Kong, are introduced followed by illustration of the case details, including the history of the heritage properties, the physical changes, the adaptive reuse process and the owners' involvement in the process.

HERITAGE ADAPTIVE REUSE IN AUSTRALIA AND HONG KONG

Conservation practice

The best practice standards for managing cultural heritage places in Australia was provided by The Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter and the associated series of Practice Notes (Australia ICOMOS, 2013). The Burra Charter was produced by the Australia ICOMOS and is periodically updated to reflect the understanding of the theory and practice of cultural heritage management since it was first adopted in 1979 (Australia ICOMOS, 2013). It defines the basic principles and procedures on assessing and evaluating heritage places (Australia ICOMOS, 2013). In the Burra Charter, “adaptation” is often referred to “adaptive reuse”, and shall exert minimal impact on the cultural significance of the place. It may “involve additions to the place, the introduction of new services, or a new use, or changes to safeguard the place” (The Burra Charter, 2013). The internationally recognised document has further defined the scope of heritage place, cultural significance of heritage and fabric (Ahmad, 2006), which is widely adopted to guide conservation practice outside Australia and has been consistently cited as the benchmark (O’connor, 2008). Barber (2014) suggested that the Burra Charter has substantial influences on the Hong Kong heritage conservation practice and enables it to be innovative “in dynamic correspondence with understandings of the Burra Charter”.

In Australia, the society’s view towards heritage conservation is diverse and evolving. A fair and scientific recognition of “heritage value” is central to conservation practice and the definition of “heritage value” affects the conservation approach, activity and consequence (Bowdler, 1981; Russell, 1997; Brown, 2008). The progress so far achieved include the definition of “value” and the assessment criteria for the significance of cultural heritage (Canning and Spennemann, 2001). The composition of heritage values means some value the significance of fabric material, some value benefits that the public and community gains, some value the cultural uniqueness or representativeness. Since the rise of sustainable development as a core value of conservation, it turns out that adaptively reused built heritage in Australia are blended in the urban community that revives in their new forms (Bullen and Love, 2011). The types of built heritage range from public building, housing settlement, to industrial and commercial buildings.

Hong Kong has similar duration to Australia for heritage conservation practice. “Adaptive reuse” in the context of heritage conservation in Hong Kong refers to “modifying a building for use other than its original use” (Practice Guidebook for Adaptive Re-use of and Alteration and Addition Works to Heritage Buildings, 2012), which highly resembles with that from the Burra Charter. As it is a commonly recognised approach in retaining

the historic value of heritage buildings, the Hong Kong Government launched its *Revitalising Historic Building Through Partnership Scheme* (the scheme) in 2008 with the aim to sustain both the physical function and historic spirit of built heritage while adding value to the buildings through their revitalisation (Conserve and Revitalise Hong Kong Heritage, 2020). Over 90% of historic buildings selected by this scheme are public properties, for some, their property rights have been transformed from private to publicly-owned, such as police station, hospital, magistracy, military barracks, public housing estate, street market, etc. (Conserve and Revitalise Hong Kong Heritage, 2020). So far, the scheme has facilitated over 20 conservational revitalisation projects.

According to documents of heritage conservation practice guidelines, Australia and Hong Kong share similar views and practice on heritage adaptive reuse, such as promoting the historic significance of the heritage, encouraging minimal impact on the heritage significance of the building and its setting, pursuing sustainable development through giving a new use to the building, etc. (Department of Agriculture, Water and the Environment, 2021) The main difference in conservation practice of the two places lies in the different governing mechanisms, which will be elaborated in the next section.

Conservation governing mechanisms

Heritage conservation and adaptive reuse in both places is monitored under two levels of governing mechanism: national/state level conservation policies and city/municipal level of planning regulation. The historic value of the heritage property is recognised under the conservation mechanism and any internal changes within the buildings needs to comply with the conservation policies. Changes to the heritage sites are regulated by the local planning scheme or ordinance.

Australia possesses rich heritage resources and with over 40 years of history committing to professional heritage conservation practice, it has developed comprehensive statutory and non-statutory protection mechanisms at national, state and territory levels (National Trust, 2021). The Heritage Law exist at the National level and at each of the State and Territory levels. Local government regulations, such as planning schemes also enable heritage protection. In Tasmania, the Historic Cultural Heritage Act 1995 promotes the protection and conservation of places of historic cultural heritage significance (Tasmanian Legislation, 2021). The Act established the Tasmanian Heritage Council and Tasmanian Heritage Register. Up to January 22nd 2021, 12,002 heritage places are listed in the Tasmanian Heritage Register (Tasmanian Heritage, 2021). The Tasmanian heritage conservation practice was originated in the 1930s, marked by the establishment of the Tasmanian Society in 1935. In 1962, the National Trust of Australia (Tasmania) (hereafter: the Trust) was formed to acquire The Hollies (Franklin House), a fine late Georgian house built in 1838 on the outskirts of Launceston. Since then, the Trust actively protects, manages, presents and promotes heritage places across the state (Alexander, 2005; the Trust, 2019).

The establishment of the Antiquities and Monument Office (AMO) and Antiquities and Monuments Ordinance in 1976 officially marked the start of the city's journey in heritage conservation and management. In Hong Kong, historic assets are classified into "monuments" and "graded buildings". Up to the year 2019, 1444 buildings are assessed and 999 are graded as historic buildings by Antiquities A (AABc, 2020), among which 123 are declared monuments (AMO, 2020). Hong Kong adopts a non-statutory heritage grading system that contains 3 tiers of grading, which classifies historic buildings into Grade I, Grade II and Grade III, and is a reserve list from which buildings could be selected for declaration as Monuments (AMO, 2020). The historic buildings are graded based on six grading criteria: historic value, architectural value, group value, social value, degree of authenticity and degree of rarity. Over the years the assessment process and grading results have received some criticism. One being that the conservation of some graded historic buildings are subject to building owners' decision. This means being recognised as significant built heritage, some buildings may not be preserved if their owner(s) decides to demolish for redevelopment.

THE CLAREMONT HOUSE, TASMANIA

The Claremont House is located in Glenorchy, a city located north-western to Hobart in Tasmania. Hobart is the capital city of the Australian island state of Tasmania. Figure 2 illustrates the geographical information of the Claremont House in Tasmania (map 1) and its location within Glenorchy (map 2 and 3). The recognition of cultural heritage places' values in Tasmania fell behind its natural heritage conservation practice. The social attitude towards cultural heritage place conservation gradually emerged, which was firstly manifested as the community awareness towards scenic reserves (as tourist attractions) (Alexander, 2005). The recent tourism boom and economic struggle have made the economic value of cultural heritage places in Tasmania policy

priority, which means revitalising heritage is preferred heritage buildings conservation approach.

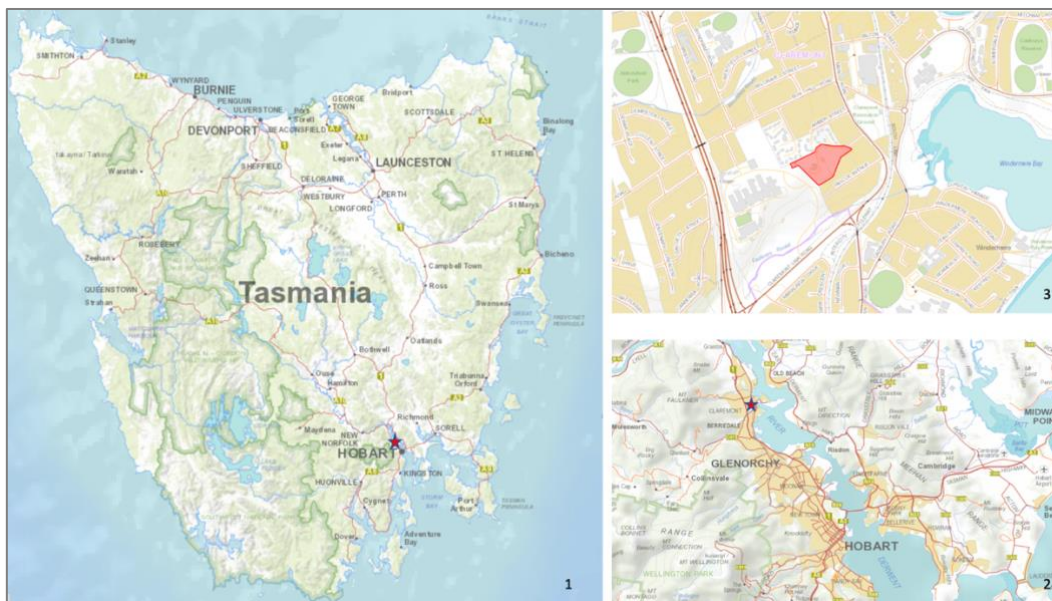


Figure 2. Geographic information of the Claremont House (Source: Heritage Tasmania (2021))

With over two centuries history, the Claremont House was initially built as a country residence with extensive gardens, farmlands and orchards. It has experienced changes in ownership, land use and physical features. Its historic significance is associated with the background of its owners being important figures with significant local influence. It was originally built as a private residence between 1825-1940 during which its ownership status changed six times. The property owners include wealthy powerful merchant, businessmen, politician and a former Australian test cricket captain. With diverse tastes and values, they have accumulated substantial historic value through their residence at the property during their tenure. In late 1940, the Red Cross acquired the House and turned it into the new Lady Clark Convalescent Hospital in 1941. With significant renovation and additions, the property became NGO-owned. During the World War II period, the house was converted into the Lady Clark Rehabilitation Hospital and operated by the Red Cross. In 1951, the Royal Hobart Hospital took it over and continued its operation. Between 1980-1996, the property became a site for Adult Education. Figure 3 is an illustrated timeline of ownerships, uses and physical conditions of the Claremont House over its historic life based on information extracted from its conservation plan (Paul Davies Architect Heritage Consultant 1996, hereafter: The Plan).

The “changes” themselves form part of the history of Claremont House – its heritage value. The property has witnessed its changes in ownership along which their associated physical improvements. In the conservation plan, the heritage consultant team spared substantial effort to document the changes of Claremont House to reach its assessment conservation plan based on its condition in 1996 (Paul Davies Architect Heritage Consultant 1996).

After being listed as state heritage, further changes exerted to the property are influenced by Tasmania’s conservation policy where the property owner does not have full liberty on its intervention. According to the Plan, Claremont House is a Heritage Item listed in the 1992 Glenorchy City Council Planning Scheme. Any use or intervention of the heritage site shall comply with the conservation policy designated for the property. The policy specified the scopes and features on the site that should be preserved, such as the c1912-1919 external form of the house, the chauffers residence, the grounds in their present form (The Plan, 1996). The policy points out future work at certain areas can be added and it should be subject to review by the Council. At the time of writing, the owner of Claremont House is Mr Joel van Sanden who bought the property on April 2007 and has invested \$1.5 million AUD (approximately 0.95 million USD) to refurbish the 33-room building (Humphries, 2017). Claremont House is the sixth heritage property Mr van Sanden purchased, from which he has acquired some solid experience of restoring heritage properties and has developed a passion in conserving them into viable properties (Bevan, 2017; Humphries, 2017). Formerly worked in hospitality industry, Mr van Sanden started to create a boutique hotel business at Claremont House (Bevan, 2017).

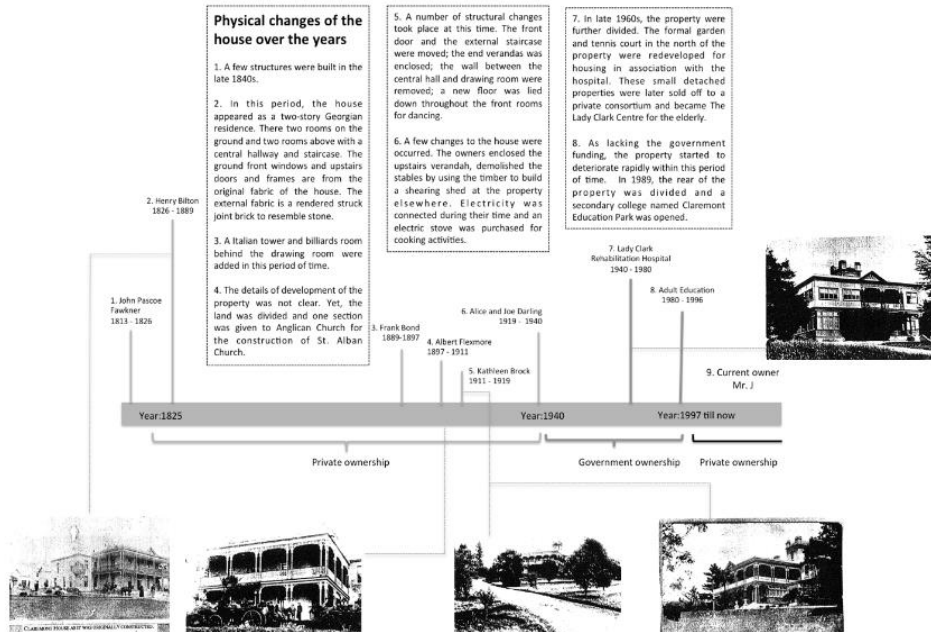


Figure 3: Timeline of ownership changes and physical changes of Claremont House (information extracted from the Claremont House Conservation Plan (1996))

Over the past ten years, Mr van Sanden has had significant challenge in the hospitality business operation in the heritage property. One being its intervention and management. For example, over the years he had battled the Glenorchy City Council on improvement of its car park area. Uncovered parking area is located at the back of the property (figure 4). The Resource Management and Planning Appeal Tribunal advised to have the 50 car park space sealed based on a Glenorchy City Council ruling (Humphries, 2017). Claremont House is located at a suburb area where public transport is not convenient for its hotel guests. Its targeted guests are mainly tourists with self-organised vehicles. A parking area is of critical value to the business. Though Mr van Sanden had the revitalisation work that largely complied Council policies, he insisted to retain the car park as is and logged an application in 2015 to appeal for the request (Humphries, 2017). In 2017, after a site visit by the Glenorchy City Council officers, the Council agreed pebble surface be used for the carpark and bitumen is no longer needed to be laid.



Figure 4. car park area

During the 10-year negotiation with the Council on different types of approvals, Mr van Sanden continued to improve and manage the heritage property and its hospitality business. He also runs weekend on-site heritage tours to the public and tourists. His commitment to the property has costed him a substantial amount of time, effort and money. In 2017, ten years after purchase, all plans and permits for the property were approved. Mr van Sanden is keeping the “revitalisation model” operating by sustaining the heritage property with a boutique hotel business. The on-going ‘competition’ with Council and management of the property is a financial drain. Due to his past experience with multiple heritage properties, he was aware of the high cost associated with heritage conservation through input of extra time and multi-party negotiation. At the time of writing, heritage property remained an owner-operation hotel hospitality business with a weekend program of heritage tours.

Claremont House is both capital and culture (Graham, 2002). The property has been on market for sale in 2017 and 2019 with an asking price of \$4.5 million with the potential of several alternative uses ².

11 YUK SAU STREET, HONG KONG

In Hong Kong, shophouses with significant heritage value usually receive grading based on the system by Antiquities Advisory Board (AAB) and most of them are under private ownerships. Some shophouse owners do not welcome the grading results as they prefer their properties complete market values. They reckon that the grading results would affect the property value for viable transactions as developers are required to preserve historic value of the building which means the redevelopment will incur significant cost on conservation work. Like most heritage redevelopment projects, they usually involve multi-stakeholder conflicts and social sensitivity. The grading system also raises opposite issue, which is that proposed historic buildings do not receive any grading and are not recognised as heritage buildings. Thus, ongoing debate over the grading system and the process continue and little has changed for the unsatisfactory cases.

11 Yuk Sau Street is an exemplary case of private-owner conducted heritage preservation and adaptive reuse. The Grade III historic building is located at 11 Yuk Sau Street, Happy Valley, Wan Chai, a popular area of the Hong Kong Island. Figure 5 illustrates the geographical information of the historic shophouse. It was built in circa 1929-1931 (AABa, 2020). The property was part of a Chinese village called Wong Nei Chong Village and it was a “Farm Lot” on a government lease under a seventy-five-year term commenced on 14 July 1863 (AABb, 2020). In 1923, the area was acquired for redevelopment. Designed by the British architect James Gibson, the three-storey Art Deco building was built for residential purpose with its ground floor was used by its owner as a garage (AABb, 2020). The property was sold in 1962 before being purchased by its current (third) owner, Mr Douglas So, JP – a former lawyer who is a passionate conservationist and photographer. The building experienced a succession of tenancies including a household shop, a Cantonese restaurant and a grocery store.



Figure 5. Geographic information of the historic shophouse – 11 Yuk Sau Street (Source: Geographic Information System on Hong Kong Heritage (2021))

As the last remnant of a row house, the building was facing demolition as the neighbourhood – Happy Valley district was subject to regeneration to make way to high-rise development. On 17 May 2010, the property was made a Grade III heritage building by the Antiquities Advisory Board (AABa, 2020). In 2012, the property was sold to the current owner, Mr So, for \$90 million HKD (approximately 12 million USD). Mr So then spent another \$15 million HKD (approximately 2 million USD) to convert it into a privately-managed showroom for cameras, photographs and photography books for like-minded collectors and film enthusiasts (DeWolf,

² themercury.com.au (2019) <https://www.realestate.com.au/news/ever-dreamt-of-owning-a-victorian-italianate-mansion/>, accessed on 04/05/2020.

2017). Although entitled to the Revitalising Historic Building Through Partnership Scheme supported by the Government, he did not pursue the scheme but took a lead for its adaptive reuse and conservation (figure 6).



Figure 6. 11 Yuk Sau Street, Happy Valley, Wan Chai

Mr So has developed personal connection with the three-story *art deco* historic building since his childhood when he was brought up in the neighbourhood. He felt obliged to preserve the shophouse from losing its historic value being demolished for redevelopment and believe that the property has witnessed Hong Kong's history and his cultural identity. He was aware that two similar shophouses on the same street were demolished and as an enthusiast of vernacular architecture and photographic art, he purchased and transformed the property into a private museum. In 2015, with him being the founder, the F11 POTO Museum was officially launched to promote cultural values of photography, architecture, and private museums. Later on, he became chairman of the Antiquities Advisory Board in 2019 (AABd, 2020) and serves in Built Heritage Conservation and Museum Advisory Committee. With solid knowledge on heritage conservation policy and practice, he had sought professional advice from heritage architects to assist the transformation of 11 Yuk Sau Street.



Figure 7 and 8 The back of 11 Yuk Sau Street, Happy Valley, Wan Chai (after adaptive reuse; source: authors)

Extensive research was conducted to comprehend the building's style, use of colour, staircases, past tenants and shops (Urban Diary, 2017). Dedicating efforts were committed to "re-designing" of the heritage shophouse, including exploring the original colour of the outer wall and adopting a colour scheme to resemble its original outer look, digging the historic stories and traditional architectural design in the shophouse. For example, the "Mui Tsai Stairs" (figures 7, 8) illustrates the owner's effort to restore the original elements of the property to

preserve its historic value³. Though no longer complies current building safety ordinance, the staircase is preserved for its original design and refurbished to reflect its original condition.

Although government authority has not exerted much intervention in the adaptive reuse process, there were challenges Mr So had to face for its conservational reuse. Although accessibility is not a requirement, universal access, subsequently-added lift, ramps and barrier-free design are required to be integrated in the adaptive reuse design. During the course of identifying a conservation design strategy to preserve original appearance of the shophouse, the design team encountered challenges of combining functional and modern design into the heritage space while retaining its originality (Perspective, 2018). As initiator and project leader, Mr So found the tight building schedule (18-months) made communications with the involved parties challenging. In order to manage, he set a on-site meeting with the project team by having each of them to hand in their work on each Thursday (Perspective, 2018). The private heritage museum, known F11 FOTO, has operated smoothly where a series of exhibition are launched in the heritage building and its value as a privately-run museum is strengthened by the property's cultural identity.

DISCUSSIONS

We approach built heritage revitalisation from their property ownership, conservational strategy, and adaptive reuse perspectives. Unlike many built heritage conservation projects, the cases face the conflicting interests of private value and public good. The question raised being: can individual private owner of heritage property mitigate the *conservation-reuse paradox* to achieve its conservational revitalisation and how does she achieve it? Our cases demonstrate private owners' innovative actions in heritage revitalisation. The Claremont House was converted to a hospitality business and a heritage tour program. Tourists consume the hospitality services while embracing the property's heritage value. The 11 Yuk Sau Street, F11 FOTO, is an operating private museum with carefully preserved heritage building features. The two cases reveal the *property owners' capacity* such as their personal interest of their property's heritage values, their knowledge/skill and their financial capacity. These have increased the likelihood of success for their heritage properties' conservational revitalisation. The owners' burdens are recognised. Confined by conservation policy and planning control for built heritage, the owners' adaptive reuse corresponds to their private property rights. The owners are the "entrepreneurs" holding significant control the adaptive reuse opportunities. They were able to choose conservation strategies, manage adaptive reuse and strategically interact with stakeholders such as local council⁴. Compared to public goods, private owners enjoy strong control, flexibility and freedom for adaptive reuse of built heritage⁵.

Conservation and property regimes sometimes dampen their motive for innovation in preserving their properties' heritage value, leading to substantial social cost/loss. This finding is demonstrated in the cases. The two properties, however, experienced unique challenges. They differ in public policy and owner's incentive. As to the social cost of alternative adaptive reuse strategies, it appears the hospitality business approach faced higher conflicts than the private museum approach due to legal hurdles, policy compliance and project risks are more exerted to the former scenario. We offer two reasons: heritage as public good naturally gains public support through conservation planning policies. Private interest of land use efficiency faces policy constraints to mitigate its external cost. The two cases show the subtle features in their respective alignments of the *private and public interests* when conserving and revitalising their heritage properties via adaptive reuse. Second, the owner's (11 Yuk Sau Street) primary incentive or project priority not being financial value is a critical factor.

The Claremont House is likely 'under-utilised' for land use efficiency because a large proportion of the site is left vacant⁶. It could also be an important reason for its owner's struggle to meet financial demand for adaptive

³ In an interview, Mr So described that the "Mui Tsai Stairs" was used by maids to "discreetly take out the night soil to a back alley" and was designed with "high risers and narrow treads" (Urban Diary, 2017; Perspective, 2018).

⁴ These may include activities relate to new use of the heritage, design, business plan for future operation of the heritage, communicate with consultants, interact with government for related approvals, etc.

⁵ Numerous examples in European countries such as private museums in Italy are valuable examples.

⁶ According to the real estate advertisement, the owner has approved plans for a two-story extension to the original house and the property has potential for apparently higher productivity land use such as residential subdivision and aged care facilities. (Bevan, 2019)

reuse. The owner is motivated and entrepreneurial in creating a semi-rural style tourism business. If the two hectare property is subdivided where the 'vacant' area is subdivided and developed to compensate or sustain the heritage elements, and the conservation is focused on the built heritage, it may improve financial feasibility of heritage revitalisation. One counter-concern is that this will affect the completeness and authenticity of the heritage property. The case displays one further character – the revitalised heritage property is partially open-access. It is not the public good cases that earlier studies have focused (e.g. Lai and Ho, 2016; Hou and Wu, 2019). Its heritage value is captured by the new business and the heritage tour which attract public awareness. It is arguable that a strength of the tourism business is for the property to raise its public exposure as the site is 'under-utilized'. It is uncertain how long, under the current situation, will the private owner be able to sustain the business without further improving the site and the built heritage's productivity. The site is not unique in the region – a disadvantage of the site's productivity and scarcity. A developer would go for vacant comparable sites for much lower social costs. It is our suspicion that if the government did not sell the property to a private owner, its heritage value evaporates as buildings become obsolete. Government may be more willing to facilitate and be flexible of the planning control of large-scale built heritage, which is less in Tasmania given its demographic and economic conditions. Other than University redevelopments, few are private-led projects.

CONCLUSION

The concern of privately-led heritage property revitalisation is a choice relevant to specific jurisdiction, policy and social contexts. This paper focuses on property rights approach to two cases of private owners' effort to conserve and revitalise their heritage properties by adaptive reuse. To the best of our knowledge, this has not been addressed in the literature. The private owner faces significant challenge to balance the opposite interests of preservation and adaptive reuse the heritage property at considerable private cost and efforts. The property rights perspective offers new approach to understand conservation process, outcome differential, and unique experience, that is different from public heritage building conservation policy (Lai and Ho, 2016), or large-scale publicly-led built heritage revitalisation (Hou and Wu, 2019).

In addition to the *private owner's capacity and strategy*, it also concerns government's role that incentivise and influence private owner's actions due to *public good* nature of built heritage. The private property owner's entrepreneurial skill is financial, cultural and knowledge- (experience-) based, which is possible to facilitate a proper heritage property adaptive reuse which demands constructive government policy intervention. Adaptive reuse for heritage conservation popular among conservationists and architects, and is often welcomed by local government because of its intention to balance built heritage's physical life while tapping its economic value. Self-funded adaptive reuse of built heritage by private owner is attractive as it avoids the conservation selection dilemma for the "most valuable" or "worthiest". The dilemma is due to resource scarcity. Although heritage value can be highly personal, public resource is to be spent on higher conservation priorities. If private parties are willingly and actively conserve heritage values, a much broader and more diverse range of built heritage, including lower priority heritage values, are more likely to be preserved.

Private property regime makes a unique case for built heritage conservational revitalisation due to the way it conducts preservation of heritage value as *public good* while allows *private interest* through adaptive reuse, controlled by its private owner. While government-led heritage revitalisation may be viewed as *public service delivery*, an inherent conflicting interest is imbedded in the private-led cases – the *conservation-reuse paradox*. Property market value depends on revitalization strategy, for example, hotel and museum differ by their values to consumers and communities. Government is naturally suited for these conservation actions. Nevertheless, private owners of strong interest and capacity to revitalise built heritage also has comparative advantage on property rights alignments. To understand private owner's motive and incentive to bear the risk in built heritage conservational revitalisation, future research needs to conduct in-depth micro-level inquiry of private owners interest (and incentive) to revitalise heritage buildings through adaptive reuse them. These should be compared to cases where their revitalisation is conducted by government or public entity. Both are worth further study.

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