

立法會
Legislative Council

LC Paper No. CB(2)1009/07-08

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Panel on Home Affairs

Subcommittee on Heritage Conservation

Minutes of meeting

held on Tuesday, 2 October 2007, at 4:30 pm

in Conference Room A of the Legislative Council Building

- Members present** : Hon CHOY So-yuk, JP (Chairman)
Hon James TO Kun-sun
Hon Daniel LAM Wai-keung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man
- Members attending** : Hon Albert HO Chun-yuen
Hon CHAN Yuen-han, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LEE Wing-tat
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
- Members absent** : Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LI Kwok-ying, MH, JP
Hon CHEUNG Hok-ming, SBS, JP
- Public Officers attending** : Agenda Item II
Development Bureau
Mrs Carrie LAM, JP
Secretary for Development

Ms Ivy LAW
Deputy Secretary (Planning & Lands) 2 (Acting)

Leisure and Cultural Services Department

Mr CHUNG Ling-hoi, JP
Director of Leisure & Cultural Services (Acting)

Urban Renewal Authority and Consultant

Mr Billy C. L. LAM, SBS, JP
Managing Director
Urban Renewal Authority

Mr Kenneth J. LI
Senior Manager (Planning and Development)
Urban Renewal Authority

Professor Bernard V. LIM
Principal, Architecture Design and Research Group
Limited

Agenda Item III

Development Bureau

Mrs Carrie LAM, JP
Secretary for Development

Leisure and Cultural Services Department

Mr CHUNG Ling-hoi, JP
Director of Leisure & Cultural Services (Acting)

Clerk in attendance : Ms Joanne MAK
Senior Council Secretary (2)2

Staff in attendance : Miss Vivien POON
Council Secretary (2)3

Ms Anna CHEUNG
Legislative Assistant (2)2

Action

I. Confirmation of minutes

[LC Paper No. CB(2)2743/06-07]

The minutes of the meeting on 18 July 2007 were confirmed.

II. Conservation of Nga Tsin Wai Village

[LC Paper Nos. CB(2)2749/06-07(01), CB(2)2417/06-07(01) & (03) and CB(2)2743/06-07]

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).
3. The Secretary for Development (SDEV) and the Managing Director of the Urban Renewal Authority (MD/URA) briefed members on the actions taken by the Administration and URA respectively to follow up discussion on this subject at the meeting held on 18 July 2007. SDEV informed members that URA would announce the commencement of URA Project K1 Nga Tsin Wai Village (the Project) and conduct an occupancy survey at the Village that day for the purpose of compensation and rehousing. URA would strive to arrange compensation and rehousing for the tenants concerned as soon as possible. The consultant engaged by URA presented the layout design for the Project with the aid of PowerPoint.

Suggestion of conducting an archaeological survey

4. Some members expressed concern about the refusal of the major owner's representatives for the Antiquities and Monuments Office to conduct an archaeological survey within the Village. MD/URA assured members that good progress had been made in URA's discussion with the major owner. SDEV pointed out that the major owner's representatives only opined that the proposed survey could be conducted at a later stage after demolition of all relevant existing structures and removal of residents. The Chairman asked about the arrangements to be made in case historic relics were uncovered at the construction site of the residential towers. MD/URA responded that during preliminary ground penetrating radar survey, possible watchtower ruins had been found at the northeast corner of the Village. Excavated historic relics would be preserved in-situ or within the conservation park. The Chairman considered that any remaining historic relics found should be preserved in-situ.

Latest layout design

5. In response to Miss CHAN Yuen-han's questions, the consultant said that in the present conceptual scheme, the elevated residential towers would step down from about 28 to 20 storeys from west to east to provide a varied skyline and their height would be compatible with the adjacent residential towers of Tung Tau (II) Estate. It was estimated that the residential towers would include about 500 residential units, subject to the ultimate flat mix to be adopted. URA hoped that

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the residential towers to be built could be pushed outward as far as possible to allow more space for the conservation park. Liaison with the Lands Department and other relevant departments on the matter was underway.

6. Some members expressed concern about the layout design and the impact of the residential towers on the open conservation park. Dr Fernando CHEUNG considered that the conservation park, with residential towers positioned along the northern and southern boundaries, looked more like the open space of the property development. Miss CHAN Yuen-han considered that the Administration failed to explain the basis for adopting the proposed conservation strategy which only sought to preserve partially the Village. She said that some academics had expressed disagreement to this strategy. She remained of the view that the Administration should re-activate the statutory procedures to seek re-zoning of the site of the Village and, in the course of planning review, public views could be sought and re-considered. She, however, emphasised that this should be done without causing any delay to the compensation arrangements to be made for the villagers.

7. SDEV responded that the villagers and Wong Tai Sin District Council had been consulted on the latest layout design and they had expressed support for it. Nevertheless, the layout design could be subject to further consultation and refinement if necessary. She pointed out that the current conservation plan was a pragmatic approach for achieving a right balance between heritage conservation and development. She added that the implementation of a redevelopment project, if deviated from the established procedures and practices, would possibly run the risk of legal challenges and set a bad precedent.

8. Miss CHAN Yuen-han queried whether it was possible for the residential towers to be 40 metres apart as claimed, as they would accommodate as many as 500 household units. She considered that the residential towers at the upper level would be in such close proximity that only very narrow space would be allowed in-between. The Chairman asked whether the layout plans were to-scale. The consultant responded that the perspectives had been prepared very carefully to ensure a faithful representation of the conceptual layout design. Professor Patrick LAU suggested that the Administration should consider producing a model for illustration.

9. Summing up the discussion, the Chairman requested the Administration and URA to refine the conservation plan for the Village, taking into consideration the views and comments made by members.

Admin
URA

III. Preservation of King Yin Lei
[LC Paper No. CB(2)2749/06-07(02)]

10. SDEV briefed members on the Administration's paper setting out details of

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the preservation of the Building at 45 Stubbs Road (King Yin Lei). Members noted the declaration of the building and its garden at 45 Stubbs Road (the Building) to be a Proposed Monument under the Antiquities and Monuments Ordinance (the Ordinance) made by SDEV, in her capacity as the Antiquities Authority, on 15 September 2007. The declaration had an effect of 12 months which allowed the Administration time to -

- (a) confirm or otherwise the "monument" status of the Building which in this case would have to take account of the damages done and whether reinstatement works could be carried out to restore the former appearance of the Building; and
- (b) negotiate an appropriate conservation plan with the owner of the Building.

11. Some members took the view that the incident had reflected that there was room for improvement in the Administration's internal procedures of handling letters on heritage conservation matters received from the public. SDEV responded that the Administration had introduced enhanced measures to prevent the recurrence of similar incidents.

12. Members in general considered that the incident had reflected inadequacies of the existing mechanism for preventing demolition of privately-owned heritage from being carried out without notifying the Administration. SDEV explained that the Administration had relied on the Buildings Ordinance which required an owner to apply for the Building Authority's prior approval for structural works, including demolition of buildings. However, the removal works carried out on the Building on those few days before 15 September 2007 did not involve the structure of the Building and did not affect the safety of the public. The works were, therefore, exempted building works under section 41(3) of the Buildings Ordinance and did not require the owner to apply for the Authority's prior approval. SDEV agreed that the Administration would have to explore ways of enhancing the mechanism.

13. SDEV informed members that the Administration would also expedite the heritage assessment work for the some 1 400 historic buildings (including 495 already graded buildings), in order to come up with necessary information and data to facilitate the Administration's working out a plan for the conservation of the buildings involved.

14. Professor Patrick LAU declared interests as a member of the Antiquities Advisory Board (AAB). He said that in 2004, AAB had been told that the Building's owner was launching the property for sale. In order to prevent the Building from demolition, AAB had recommended declaration of the Building as a Proposed Monument. The Administration, however, had not done so as the owner had scrapped the sale. He asked whether the Administration had all along

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monitored the threat of demolition of the Building. As regards ways of enhancing the existing mechanism for the protection of heritage, Professor LAU suggested that the Buildings Ordinance should be amended to empower the Director of Buildings to order suspension of removal works on a building when such works were being carried out in a large scale.

15. SDEV acknowledged that the Administration noted that AAB had discussed the issue in June 2004. During that time, the Administration had remained of the view that the mechanism relied upon to prevent demolition of historic buildings under the Buildings Ordinance was able to prevent such demolition in the way as explained above, thus allowing the Administration to interfere with demolition threats of heritage buildings under private ownership. Acknowledging the need for enhancement, SDEV said that the Director of Buildings had been tasked to review relevant provisions under the Buildings Ordinance with a view to enhancing the mechanism for heritage protection and revitalisation.

16. The Chairman commented that the incident had, to a certain extent, reflected the Administration's serious negligence of the importance of heritage conservation in the past. Some members considered that the Administration would have to restore the public confidence in the Government's work in heritage conservation by introducing a coherent policy on heritage conservation which should include a package of conservation measures.

Admin

17. In response, SDEV assured members that the Administration would shortly release its heritage conservation policy and the Panel on Home Affairs would be briefed of the details. She added that she would also be pleased to report on any progress made in relation to the preservation of the Building, including the outcome of her discussion with the Building's owner or estimated cost of the restoration of the Building when such information was available.

IV. Any other business

Next meeting

Clerk

18. At the suggestion of Professor Patrick LAU, members agreed to include the subject "The old site of the Central School" on the agenda of the next meeting to be scheduled by circulation of paper.

19. There being no other business, the meeting ended at 6:42 pm.

**Proceedings of the meeting of the
Subcommittee on Heritage Conservation
on Tuesday, 2 October 2007, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 001429	Chairman Admin	<p>Confirmation of minutes [LC Paper No. CB(2)2743/06-07]</p> <p>Conservation of Nga Tsin Wai Village</p> <p>Briefing by the Secretary for Development (SDEV) [Speaking note of SDEV was issued vide LC Paper No. CB(2)116/07-08 on 18 October 2007]</p>	
001430 - 003040	MD/URA Consultant	<p>Briefing by the Managing Director of the Urban Renewal Authority (MD/URA) on the conservation paramount concept known as "Conservation by Design" developed for Nga Tsin Wai Village (the Village). [Annex A to LC Paper No. CB(2)2749/06-07(01)]</p> <p>Briefing by Professor Bernard LIM, consultant engaged by URA, on the conservation design for the Village [LC Paper No. CB(2)2782/06-07]</p>	
003041 - 003625	Miss CHAN Yuen-han Admin Consultant	Miss CHAN Yuen-han's enquiry and the Consultant's response that the elevated residential towers would be about 40 meters apart. The towers would include 28 levels with about 500 residential units. The conservation plan had the support of Wong Tai Sin District Council.	
003626 - 004754	Mr Albert HO URA Admin Mr LEE Wing-tat	<p>Concern expressed by Mr Albert HO and Mr LEE Wing-tat about the refusal of the major land owner of the Village to the Antiquities and Monuments Office (AMO)'s request for conducting an archaeological survey at the lots under their ownership.</p> <p>MD/URA's response that good progress had been made in URA's discussion with the major land owner. SDEV's clarification that the major owner's representatives only opined that the proposed survey could be conducted at a</p>	

Time marker	Speaker	Subject	Action required
		later stage after demolition of all existing structures and removal of residents.	
004755 - 005343	Professor Patrick LAU Consultant Admin Chairman	<p>Professor Patrick LAU's enquiry and the Consultant's response that the permitted plot ratio was 9, with 7.5 for domestic purpose and 1.5 for non-domestic purpose. Only about 0.5 of the permitted 1.5 non-domestic plot ratio would be utilized in the Project. Professor LAU's suggestion of lowering the permitted domestic plot ratio. SDEV's view this might have to activate the statutory planning process again and delay the implementation of the project.</p> <p>Professor LAU's view that excavation in the Village should be conducted as soon as possible and that any village wall found should be preserved.</p> <p>Professor LAU's concern about the close proximity of the residential towers to the conservation park. The Consultant's response that the four corners of the previous village wall would be shifted outward as far as feasible to allow more space for the conservation park.</p>	
005344 - 005936	Mr James TO URA Dr Fernando CHEUNG Chairman	<p>Mr James TO's enquiry about the cost involved if URA acquired the lots not owned by the major owner and offered compensation to all tenants concerned.</p> <p>Mr TO's concern that the major owner would benefit most under the proposed conservation strategy. Dr Fernando CHEUNG's concern that the conservation park seemed to be more like the open space of the residential development of the Project. Mr TO's suggestion that URA should consider compensating villagers first so that URA could be in a better position to negotiate with the major owner.</p> <p>MD/URA's response that negotiation with the major owner was in smooth progress and URA was confident that an option in the interests of all parties concerned could be worked out.</p>	
005937 - 011015	Dr Fernando CHEUNG URA Chairman URA Consultant	Dr Fernando CHEUNG's enquiry and MD/URA's response that compensation arrangements would be made expeditiously.	

Time marker	Speaker	Subject	Action required
		<p>The Chairman's questions of the extent of excavation work to be carried out and what arrangements would be made in case historic relics were uncovered at construction sites of residential towers.</p> <p>MD/URA's response that discussions were being held with the major owner. During preliminary survey, the wall of a watchtower was discovered at the north-eastern corner of the Village. Underground relics would be restored and preserved in-situ or within the conservation park. The Chairman's view that any excavated historic relics found should be preserved in-situ.</p> <p>The Chairman's concern as to whether the layout drawing was to-scale and whether the actual size of the conservation park would be much smaller than the one drawn in the plans submitted. Her suggestion of constructing more village houses along with the preserved ones to create the village ambience. URA's agreement to explore this suggestion in consultation with DC concerned.</p>	
011016 - 011539	Miss CHAN Yuen-han URA Consultant Admin	<p>Miss CHAN Yuen-han's indication of support for Mr James TO's suggestion of compensating the villagers first.</p> <p>Miss CHAN's query that the towers, which would include 500 flats, would be quite large in size and, therefore, the towers could not be 40 metres apart. Her view that the Administration should apply to the Town Planning Board for re-zoning of the site and invite public views on the conservation strategy to be adopted for the Project.</p> <p>SDEV's response that the current approach for the Project would avoid running the risk of legal challenges or setting a bad precedent for deviations from the established procedures.</p>	
011540 - 011802	Chairman Professor Patrick LAU Miss CHAN Yuen-han	Members' suggestions of items for discussion at the next meeting.	
011803 - 012229	Chairman Admin	<p>Preservation of King Yin Lei</p> <p>Briefing by SDEV on the preservation of the Building at No.45 Stubbs Road ("the Building") [LC Paper No. CB(2)2749/06-07(02)]</p>	

Time marker	Speaker	Subject	Action required
012230 - 012522	Mr Daniel LAM Admin Chairman	Mr Daniel LAM's suggestion that the Administration should learn from the incident and introduce standardised procedures for handling incoming mails on heritage conservation matters to avoid improper handling and delay in saving a built heritage under threat. SDEV's acknowledgement that there was room for improvements in relevant work procedures and the Administration had introduced enhanced measures already.	
012523 - 013032	Miss TAM Heung-man Admin Chairman	<p>Miss TAM Heung-man's query on how the Administration could restore the original appearance of the Building, given the extent of the demolition works carried out.</p> <p>SDEV's response that assessment was being carried out by experts on whether the former appearance of the Building could be restored by reinstatement works. The Administration would shortly release a package of improvement measures for heritage conservation work.</p> <p>Miss TAM's further queries and the Administration's response on the timeframe of its work as follows -</p> <ul style="list-style-type: none"> - an assessment report to be drawn up by experts by the end of 2007; and - a detailed restoration plan would be drawn up, within about three to four months, based on the assessment report. 	
013033 - 013804	Ms Audrey EU Admin	<p>Ms Audrey EU's queries on -</p> <ul style="list-style-type: none"> (a) the possible strategies for the preservation of the Building e.g. the option of transfer of plot ratio; (b) measures to be taken to prevent the recurrence of similar incidents; and (c) whether urgent assessment of existing historical buildings should be conducted in terms of the threat of demolition they faced. <p>Response of SDEV on the chronology of events leading to the declaration of the Building as a Proposed Monument and her meeting with the owner of the Building arranged to be held soon.</p>	

Time marker	Speaker	Subject	Action required
		<p>SDEV's response that the Director of Buildings had been tasked to look into the constraints caused by stringent requirements under the Buildings Ordinance to heritage conservation work and to seek improvements. SDEV's undertaking that the heritage assessment for the some 1 400 historical buildings would also be expedited.</p>	
013805 - 014313	Professor Patrick LAU Admin	<p>Declaration of interests by Professor Patrick LAU. His suggestion of amendments for the existing Buildings Ordinance, and his enquiry on whether permission had to be applied for carrying out any works for the garden of the Building.</p> <p>SDEV's acknowledgement that there was room for improvement in the existing mechanism as reflected in the incident.</p> <p>The Administration's explanation that it was necessary to subject the garden to the statutory protection by the declaration in order to ensure the Building to be intact as far as possible. Assessment had yet to be made as to whether the garden should be declared a monument.</p>	
014314 - 015849	Mr James TO Admin Mr Albert HO Chairman Mr LEE Wing-tat	<p>Mr James TO's question and SDEV's response on the actions taken by the Home Affairs Bureau upon receipt of the letter issued by the representative of the owner of the Building in April 2007.</p> <p>Mr Albert HO's suggestion that the Administration should conduct heritage as well as risk assessments for the 1 400 historical buildings expeditiously.</p> <p>Mr LEE Wing-tat's view that the Director of Buildings was empowered, as the Building Authority, to take intervention at the earlier stage of the demolition works of the Building. For example, he could have appointed authorised persons to carry out investigation in relation to water pipe, drain or sewer and request the owner to stop the demolition works for the investigation. His view that the Director of Buildings had acted over-prudently in the incident. SDEV's response that the Director of Buildings had to act in full compliance with the law, and she noted that the Director of Buildings had sought legal advice on the matter.</p>	

Time marker	Speaker	Subject	Action required
015850 - 020509	Miss CHAN Yuen-han Admin Chairman	Miss CHAN Yuen-han's enquiry on the timetable for release of the policy and implementation measures for heritage conservation.	
020510 - 021219	Dr KWOK Ka-ki Chairman Admin	<p>Dr KWOK Ka-ki's criticism of the Administration's failure to take prompt action to prevent the demolition of the Building as there had been news as early as in 2004 that the owner concerned was inviting buyers to bid for the Building. His view that the Administration would have to introduce concrete new measures to restore confidence in the Administration's ability to prevent the recurrence of similar incidents.</p> <p>His request for provision of a timetable for conducting the heritage assessment for the 1 400 historical buildings and the review of heritage conservation policy.</p> <p>The Chairman's reiteration that policy matters would be dealt with by the Panel on Home Affairs. SDEV's undertaking to provide details of the heritage conservation policy and new package of policy measures as soon as possible.</p>	
021200 - 021239	Chairman	The Chairman's summing up of the discussion and members' views.	
021240 - 021336	Chairman	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
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