

For discussion on
2 October 2007

Legislative Council Panel on Home Affairs

Subcommittee on Heritage Conservation

Preservation of Building at No. 45 Stubbs Road

Purpose

This paper sets out the latest situation on No.45 Stubbs Road (King Yin Lei) after being declared as a proposed monument on 15 September 2007 and the way forward.

Background

2. The background of the declaration of the building and its garden at No. 45 Stubbs Road to be a proposed monument under Section 2A(1) of the Antiquities and Monuments Ordinance (the Ordinance) by the Antiquities Authority, is set out in detail in the brief issued on 15 September 2007 to Members of the Legislative Council (copy attached).

Present Situation

3. Immediately after the declaration, all works within the site have stopped. Staff of the Antiquities and Monuments Office (AMO) and the Buildings Department have been closely monitoring the site situation to ensure strict compliance with the Ordinance.

4. Under Section 5(2) of the Ordinance, the Antiquities Authority or persons designated by her may enter the premises after having given to the owner and lawful occupier not less than 48 hours' notice in writing. Staff of AMO so designated entered the premises in the morning of 20 September 2007, after the lapse of the 48 hours' notice, to carry out an initial inspection which was witnessed by the owner's lawyer.

5. According to AMO's preliminary inspection, most of the Chinese roof tiles of the building and the ornaments imitating Chinese imperial style in the interior have been taken down. However, the overall structure, partitions and profile of the building remain intact. Parts of the wall facing Stubbs Road have been defaced while the other walls of red brickworks remain undamaged. The lintels, brackets sets and ornaments imitating Chinese architectural features have been damaged but their structural form and profile remain intact. Some stonework balustrades, parts of the railings and lighting have been taken down, while the remaining parts including carved rail partition remain largely intact.

The Way Forward

6. The declaration of proposed monument has 12 months effect which allows time for the Government to carry out two tasks. First, the declaration empowers the Government to enter that private property and allows staff of AMO to commence a study to ascertain whether reinstatement works could be carried out to restore the former appearance of the building. On this, the AMO will set up a special task force to consider the restoration of the building. It has also approached a number of experts both locally and from the Mainland to seek their advice on possible restoration options.

7. AMO, in the meantime, will conduct a thorough assessment on the historical and architectural significance of the building with the objective of making a recommendation on whether or not the building merits declaration as a monument under Section 3 (1) of the Ordinance.

8. The 12-month period also allows time for the Government to negotiate an appropriate conservation plan with the owner of the Building. On this front, the Development Bureau has made initial contact with the owner of the Building through his lawyer. Both parties agree to meet as early as possible to explore possible preservation options for the building.

Development Bureau

September 2007

LEGISLATIVE COUNCIL BRIEF

Preservation of the Building at 45 Stubbs Road

INTRODUCTION

The Secretary for Development, in her capacity as the Authority (“Authority”) under the Antiquities and Monuments Ordinance (“Ordinance”) (Chapter 53), has decided, after consultation with the Antiquities Advisory Board (AAB), to declare the building and its garden at 45 Stubbs Road to be a Proposed Monument under section 2A(1) of the Ordinance. The declaration will be made by notice in the Gazette on 15 September 2007.

JUSTIFICATIONS

Heritage Significance

2. The Antiquities and Monuments Office (AMO)¹ of the Leisure and Cultural Services Department has researched into and assessed the historical significance of the building. The AMO staff conducted a brief visit to the site to inspect the building and the garden on 15 December 2006. The AMO considers its historical significance lies in the building being a rare surviving example of Chinese Renaissance style in the early colonial period. Although the building is not open to the public, it has over the years become a famous scenic spot for tourist groups and locals to take pictures from the outside of the building. Based on the information available to the AMO, the Office considers that the building possesses the following historical significance -

Historical Value

- (a) The building is regarded as the first substantial residence in the Peak area owned by Chinese in the pre-war period. As the Peak area was a traditional residence of foreigners, the location of this building symbolizes the rise of the Chinese merchant class.

¹ The AMO is the executive arm of Antiquities Authority dealing with matters, amongst others, relating to research, examination and preservation of any place, building, site or structure, which is of historical, archaeological or palaeontological value. A section of this office also provides secretariat support to the AAB.

- (b) The Li family has been one of the famous Chinese merchants since the 19th Century, and its company was the first to apply western style management. Li Po-chun (李寶椿) devoted himself to a number of social welfare activities and educational institutions.
- (c) The Yows (邱氏) are one of the famous merchant clans in Hong Kong. Mr. Yow Mok-shing (邱木城) was appointed as Chairman of Tung Wah Hospital in 1979, and donated a large sum of money to build secondary schools in memory of his grandfather and uncle. He was also appointed Justice of the Peace in 1981 and appointed to the Board of Directors of the Hong Kong Chiu Chow Chamber of Commerce Limited (香港潮州商會會董).

Architectural Value

- (a) The building is a fine example of Chinese Renaissance style that demonstrates the building technology and craftsmanship in the early colonial period and the life style of billionaires in the Chinese community. The building is roofed by a full set of finely designed Chinese roof ornaments. Other Chinese architectural decorations like Chinese bracket sets (斗拱) can also be found.
- (b) The interior of the building is 1940s “Chinese Baronial” style and fully decorated by fine traditional Chinese furniture and valuable display of artwork.
- (c) In view of the richness and details in Chinese architectural features and the Western architecture’s influence in structure, material and plan, this historical residence could be most probably defined as an outstanding work of Chinese Renaissance style that reflects the design and construction excellence in both Chinese and Western architecture in Hong Kong’s pre-war period. It also signifies the status of Chinese merchant class among the Western community at Mid-Levels at that time.
- (d) There are fewer than ten buildings in Hong Kong characterizing the Chinese Renaissance style.
- (e) The building is a nice blend of outstanding Chinese and Western architectural works associated with the colonial culture in the upper-class society of pre-war Hong Kong.

3. It is AMO's professional assessment that the building is of sufficient historical significance that may warrant its declaration as a Monument under the Ordinance. A historical and architectural account, photographs and location plan of the building are at **Annexes A to C**.

Demolition Threat

4. The building is facing an immediate threat of being damaged because its owner has over the last few days carried out removal works on the building, comprising removal of roof tiles, decorative tiles on the internal parts and those on architectural features of the building, some stone features on the external balustrade and some window frames. According to the Buildings Department, such removal works are exempted building works under section 41(3) of the Buildings Ordinance because the works do not involve the structure of the building and do not affect the safety of the public. Therefore, it is not necessary to seek the approval of the Building Authority for the carrying out of such works.

5. The removal works have damaged the architectural and historical integrity of the building to a certain extent. The Authority, having regard to AMO's professional assessment of the historical significance of the building, considers it justified to declare the site as a Proposed Monument under section 2A of the Ordinance for the purpose of considering whether or not the building and the garden on the site should be declared to be a monument.

Declaration Proposal

6. The Authority has decided to exercise her power under the Ordinance to proceed with the declaration of the building as a Proposed Monument. The boundary of the Proposed Monument include the building and its garden. The garden is included because it was built together with the building in 1937 and is an integral part of the historic building. A plan showing the extent of the Proposed Monument boundary to be declared is at **Annex D**.

7. The Ordinance provides that, for the purpose of considering whether or not any place, building, site or structure should be declared to be a monument, the Authority may, after consultation with the AAB, by notice in the Gazette declare it to be Proposed Monument. Under section 6(1) of the Ordinance, no person shall (a) excavate, carry on building or other

works, plant or fell trees or deposit earth or refuse on or in Proposed Monument; or (b) demolish, remove obstruct, deface or interfere with a Proposed Monument, except in accordance with a permit granted by the Authority. The declaration has effect for 12 months, during which the Authority could consider in a comprehensive manner whether or not the building (taking into account the damage done by the recent works) should be declared as a Monument under the Ordinance; and allows AMO time to negotiate with the owner on possible preservation options.

8. There are compensation provisions under the Ordinance. If the building is declared to be a Proposed Monument, the owner can still apply to the Authority for a permit under section 6 of the Ordinance to demolish, remove obstruct, deface or interfere with the proposed monument. The owner will be eligible to claim compensation under section 8 of the Ordinance if he can prove that he suffers or is likely to suffer financial loss by reason of the exercise by the Authority of powers specified in section 5(1) or as a result of the refusal to grant a permit under section 6 or any conditions imposed in the permit. The amount of compensation shall be such as agreed between the Authority and the owner. If no agreement can be reached, the owner may apply to the District Court to assess the amount of compensation payable. The District Court may, on such an application, award to the applicant such compensation as it thinks reasonable in the circumstances.

9. The declaration will be made in the Gazette on 15 September 2007 and will take immediate effect. The item will then be tabled for negative vetting by the Legislative Council on 10 October 2007, which is the earliest opportunity as provided under established procedures. The Government cannot defer the effective date of the declaration till the completion of the normal full negative vetting period (i.e. 7 November 2007 or, if extended by the Legislative Council, 28 November 2007) because of the urgency to render statutory protection to the building.

IMPLICATIONS OF THE PROPOSAL

10. The proposed declaration is in conformity with the Basic Law, including the provisions concerning human rights. It does not have any productivity, environmental, or civil service implications. We are unable to accurately estimate the financial implications of the proposal until and unless we have had a concrete case of compensation in hand. If in future we do proceed to a further step to declare the Building as a Monument on a

permanent basis, the financial implications are expected to be much more significant should compensation to the owner be required given the potential redevelopment value of the site. We will further assess the financial and sustainability implications when deliberating on the permanent protection plan for the building.

PUBLIC CONSULTATION

11. The Antiquities Authority consulted the AAB on 14 September 2007, and the Board unanimously supported the Authority's declaration of the building and its garden at 45 Stubbs Road to be a Proposed Monument.

PUBLICITY

12. A press release will be issued. A spokesperson will be available to answer media and public enquiries.

BACKGROUND

13. The subject site accounts for an area of 4,706 m² and a plot ratio of 0.35 under the current use. The existing GFA of the building is estimated at 1,641 m². The site has been rezoned from R(C) to R(C)1 by Town Planning Board on 2 February 2001 with a maximum of 3 storeys including carports and a maximum plot ratio of 0.5.

14. The residence at the site was built in 1937 by Mrs. Shum Li Po-lun (岑李寶麟), the granddaughter of the renowned Chinese merchant and social leader Mr. Li Sing (李陸) in the 19th Century. Her father, Mr. Li Po-chun (李寶椿), was also a notable merchant and social leader in Hong Kong who made great contributions to many social welfare causes. Mrs. Shum sold the house to the Yow family in 1977. The Yow family is a successful merchant clan represented by Mr. Yow Qhei-man (邱子文) who ran dried fruit business in Hong Kong. His son, Mr. Yow Mok-shing (邱木城), is also a famous businessman who was appointed as Chairman of Tung Wah Hospital in 1979.

15. The site was sold at HK\$24,000,000 in 1977, and the Yow family named the house “Ultamia” (景賢里, King Yin Lei), literally “House of Virtuous View”. The name is inscribed on the *Pai-lau* (牌樓) at the entrance to the site. The decoration and adornment of the historic residence are palatial and luxurious.

16. The building within the site is basically a typical Chinese layout of one hall, one open courtyard and two side chambers with the courtyard facing south. The side chambers are tiled from right angle with the central hall to widen the courtyard, which deviates from strict traditional Chinese architectural layout. It is basically two-storey, with a small second floor loft above the central hall. Verandahs were designed to overlook the courtyard and the outer sides of the side chambers on the first floor. A swimming pool, a Chinese pavilion, a Chinese entrance gateway and a service wing are scattered around the garden.

17. The architecture of the building is basically in the Chinese Renaissance style, having regard to the richness and details in Chinese architectural features and the Western architectural influence in structure, material and plan. It signifies the status of Chinese merchant class among the Western community at Mid-Levels at that time. The building is regarded as the first substantial residence owned by Chinese in the pre-war period in this posh area and symbolizes the rise of the Chinese merchant class. The Li family has been one of the famous Chinese merchants since the 19th Century, and its company was the first to apply western style management. Li Po-chun (李寶椿) had devoted himself to a number of social welfare activities and educational institutions.

ENQUIRIES

18. For any enquiries on this brief, please contact Mr. Jack Chan, Principal Assistant Secretary (Works) 1 of the Development Bureau at 2848 2104.

Development Bureau
September 2007

A Historical and Architectural Account
of the Private Residence at 45 Stubbs Road, Hong Kong

Background

When the British first took over Hong Kong, property ownership at the Peak was limited to Europeans while Chinese were not permitted to live there, according to the *Peak District Reservation Ordinance* (山頂區保留條例) in 1888. However, after the commencement of the Peak Tram service in 1888, more Westerners moved to the Peak while the wealthy Chinese moved to the Mid-Levels. By the middle of the 20th century, Chinese began to build houses there, but the population was still small. After the Second World War, development of this area was much more accelerated. The private residence at 45 Stubbs Road (also known as Ultamia) is one of the very few historical private houses, which was owned by Chinese in the pre-war period.

Historical Appraisal

2. The house was built by Mrs. Shum Li Po-lun (岑李寶麟), the granddaughter of the famous Chinese merchant, Mr. Li Sing (李陞), whose company was the first to apply western style management and to join the Hong Kong Chinese Chamber of Commerce in the 19th century; and the daughter of Li Po-chun (李寶椿), the famous merchant in Hong Kong who had devoted himself to a number of social welfare activities and educational events such as primary and secondary schools, health centre and so on.

3. Her husband Shum Yat-chor (岑日初) was a herbalist who practised in Australia. Mr. Shum sent back bank drafts from Australia to his wife in Hong Kong, however, she did not cash the bank drafts but instead kept them in her safety deposit box. On her husband's return, he asked his wife about the money he sent from Australia. The reason for not cashing the bank drafts at once was that she realized there was a big windfall; either gold or Australian dollar was rising sharply in value against the Hong Kong currency. Therefore, Mr. Shum agreed with her to use the money to buy a piece of land and build a house.

4. The house cost HK\$500,000 which was very expensive for that time, the most expensive part being the site formation and the retaining wall. She won the open auction in 1936 for the site by bidding the highest annual crown rent at \$1069 per annum rent which leased for 75 years from 10 August 1936, and her friend, Mr. Chan Nam-cheong JP was the project manager and also her adviser for the site, who probably recommended such an auspicious location.

5. In 1977, after the death of Mr. Shum, Mrs. Shum sold the house to the Yau family. The house was trading under the name 'Yeo Qhen Man and Sons Co. Ltd' in 1978. The Yaus are one of the famous merchant clans which operated the dried fruit business in Hong Kong. Mr. Yau Qhei-man (邱子文), had immigrated to Hong Kong in 1940s and commenced the business of manufacturing traditional Chinese fruit sweets. His son Mr. Yau Mok-shing (邱木城) is also a famous businessman. In respect to his social welfare activities, Mr. Yau Mok-shing was appointed as the Chairman of Tung Wah Hospital in 1979, and donated a large sum of money to build secondary schools in memory of his grandfather and uncle. He was appointed a Justice of the Peace in 1981 and appointed to the Board of Directors of the Hong Kong Chiu Chow Chamber of Commerce Limited (香港潮州商會會董) in 1980-1982.

6. The house was valued at a cost of HK\$24,000,000 in 1977, and the new owner, Mr. Yau Qhei-man named the house The Ultamia (景賢里), literally "House of Virtuous View", which is inscribed on the *Pai-lau* (排樓) of the building. It might reflect both favourable view and moral virtue for residence. The decoration and adornment of the house are palatal and luxurious, especially the zi-tan (紫檀) wooden furniture.

7. Due to the sumptuous decoration and specific architecture of this building, many filmmakers choose the building for their scenes, for instance, 'Love is a Many Splendoured Thing' (生死戀) starring William Holden (威廉荷頓) in 1940s.

8. The building is regarded as the first substantial residence in the Peak area. In recent years, the Government planned to adjust the buildings' height restrictions to development within the Peak Areas so as to maintain the existing low-density development character and preserve the landscape features of the Peak Area. As the Peak area was a traditional residence of foreigners, the location of this building symbolizes the rise of the Chinese merchant class. The building should be preserved in-situ by reason of its considerable historical and architectural merit.

Architectural Appraisal

9. The building was built in 1937 by late Mrs Shum Li Po Lun to a \$500,000 budget as a residence. Mr. Chan Nam Cheong JP, Mrs. Shum's friend, was the project manager of this building. The house was built in a fine Chinese Renaissance style that demonstrates the building technology and craftsmanship in early colonial period and the life style of billionaire in the Chinese community.

10. Building was built on a slope along Stubbs Road which resulted in the site formation and retaining structure comprising most of the total construction cost. Basically it is a typical Chinese layout of 1 hall, 1 open courtyard & 2 side chambers with the courtyard facing south. The side chambers are tilted from right angle with the central hall to widen the courtyard that deviates from the strict traditional Chinese architectural layout. It is basically two storied, with a small second floor loft above the central hall. Verandahs were designed overlooking to the courtyard and on outer sides of the side chambers on the first floor. A swimming pool, Chinese pavilion, Chinese entrance gateway and a service wing are scattered around the garden.

11. The external wall is mainly made of distinctively fine red fair-faced brickwork. Chinese roofing tiles in traditional overlapping form the roofs of the building. According to some old photos, the interior floors are finished with polished stone tiles and small mosaics laid in circular patterns.

12. The building is roofed by two hip-and-gable roofs (歇山), one for the central loft and one for the main wings, with hip roofs. They feature a full set of Chinese ornaments which includes a pearl in the middle of the ridge on main roof, main-ridge-end ornaments (鸱吻), descending-ridge-end ornaments (垂獸), corner-ridge-end ornaments (戩獸), running animals (蹲獸) and corner animal-like masks (套獸). All these roof ornaments were designed in geometric (托古) style. Chinese architectural decorations constructed in concrete like Chinese bracket sets (斗拱), lintel (額枋) with grano finished pattern similar to *Wo-Sai* Painting (和西彩畫) and joint brackets (雀替) are adopted at the under-eave along roof edges.

13. Timber framed windows with Chinese pattern metal muntins and grano finished window casings are adopted on the elevations. The big round window on the

courtyard wall is very appealing and is a further feature of the style.

14. The interior is 1940s “Chinese Baronial” style and fully decorated by fine traditional Chinese furniture and valuable displays of artwork. Some of the *zi-tan* furniture is said to be purchased from the estate of Dr. Sun Yat Sen.

15. In considering the richness and details in Chinese architectural features and the Western architecture’s influence in structure, material and plan, this historical residence could be most probably defined as an outstanding work of Chinese Renaissance style that reflects the design and construction excellence in both Chinese and Western architecture in Hong Kong’s pre-war period. It also signifies the status of Chinese merchant class among the Western community at Mid-Levels at that time.

16. In historical aspect, the nice blend of outstanding Chinese and Western architectural works in the house, associates with the colonial culture in the upper-class society of pre-war Hong Kong. The surroundings of the Building, Mid-Levels, is made up of residential buildings which offer a quiet, low density and relax environment. Furthermore, the mountain scenery, rich greenery and broad view over Hong Kong Island compliment this heritage building and make it excellent pictorial composition. The surrounding buildings are new and tall which provides a strong contrast with the Building.

Photographs

相片



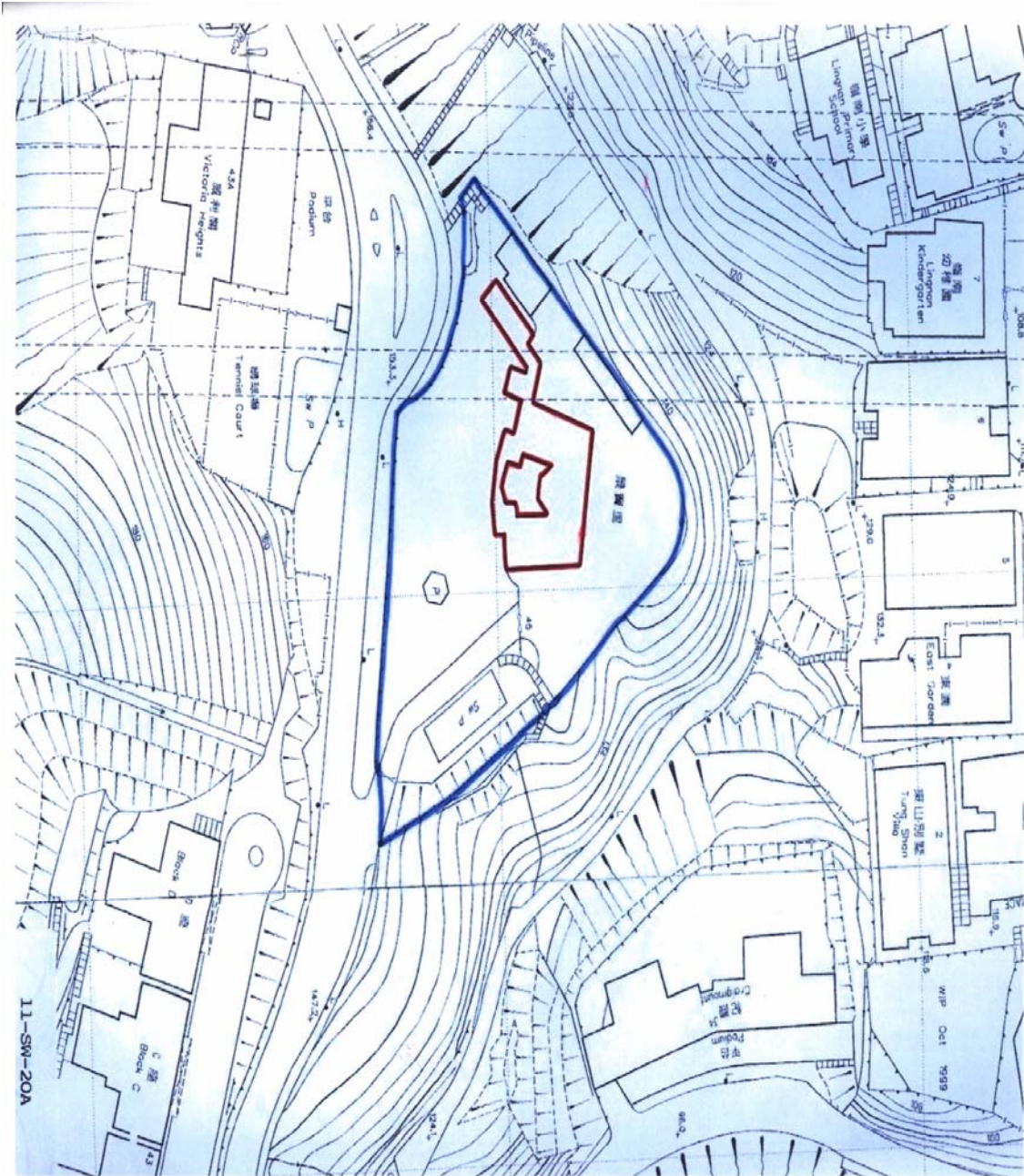
The Building at 45 Stubbs Road

位於司徒拔道 45 號的建築物



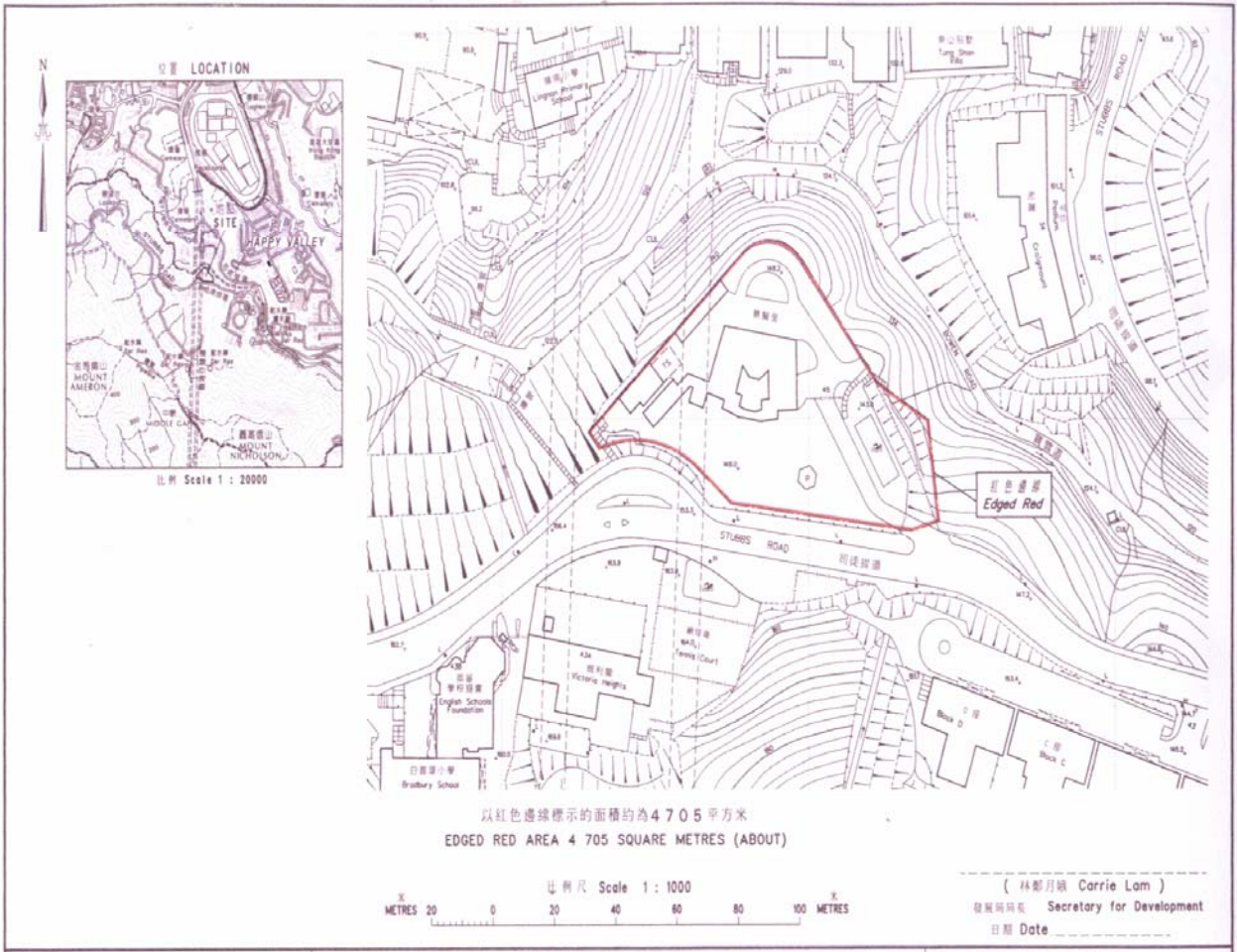
Entrance of the Building

建築物的入口



The Utarnia
邊利閣

Annex C
附件 C



以紅色邊線標示的面積約為4705平方米
EDGED RED AREA 4 705 SQUARE METRES (ABOUT)

(林鄭月娥 Carrie Lam)
發展局局長 Secretary for Development
日期 Date

只作識別用
FOR IDENTIFICATION PURPOSES ONLY
地政總署 地政處
District Survey Office, Hong Kong
Lands Department

古物及古蹟條例 (第53章)
根據第2A(4)條存於土地註冊處的香港測量條例45號
內地段7327號內的建築物及其鄰接土地圖則
ANTIQUITIES AND MONUMENTS ORDINANCE (CAP. 53)
PLAN OF THE BUILDINGS AND THE ADJOINING LAND WITHIN THE INLAND LOT No.7327,
No.45 STUBBS ROAD, HONG KONG
DEPOSITED IN THE LAND REGISTRY, UNDER SECTION 2A(4)

檔案編號 File No. LCS AM 52/1/10
測量圖編號 Survey Sheet No. 11-SW-20A
發展計劃編號 Layout Plan No.
參考圖編號 Reference Plan No.
圖則編號 PLAN No. HKM8205

日期 Date : 13/09/2007