

Annex A

**Note covering the contents of the papers
of the Antiquities Advisory Board (AAB) discussed at its meetings**

On 14 September 2004, the owner of 128 Pok Fu Lam Road (the Building) submitted to the Buildings Department (BD) an application for approval of plans for demolition of the Building. BD informed the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department of the receipt of the application on 15 October 2004. In view of the then imminent threat of demolition, the AMO proposed that the Authority should declare the Building as a proposed monument under section 2A of the Antiquities and Monuments Ordinance (Cap. 53) (the "Ordinance"). The AAB was consulted at its meeting on 3 November 2004. The contents of the AAB paper are set out at Enclosure 1. The gist of the discussion of that meeting is set out at Enclosure 2.

2. As there were insufficient AAB members present at the meeting on 3 November 2004 to form a quorum, the recommendation reached at the meeting that the Building should be declared as a proposed monument was circulated together with a copy of the paper to all its members after the meeting. 14 out of the 18 AAB members who returned the reply slip indicated support for while 4 were not in support of the intended declaration of the Building as a proposed monument.

3. The required procedure for declaring the Building as a proposed monument was not proceeded with immediately after the AAB had formulated its advice to the Antiquities Authority as the owner subsequently suspended the demolition plans. The AMO maintained close monitoring of the owner's demolition plan and kept AAB informed of the situation from time to time.

4. In late 2006, the owner resumed the pre-demolition procedures by applying to BD for approval of amendments to the approved demolition plans on 10 November 2006. BD granted the approval on 7 December 2006. The owners filed an application to BD on 29 March 2007 for consent to commence the actual demolition works. The statutory deadline for BD to reply to the application was 25 April 2007. Under the circumstances, the Secretary for Home Affairs, in his then capacity as the Antiquities Authority, decided to declare the Building as a Proposed Monument under section 2A of the Ordinance in order to protect the Building from demolition. The declaration was made by notice in the Gazette on 20 April 2007.

5. Since the proposed monument declaration, the AMO has successfully gained access to the Building with the consent of the Building's owner and has been able to obtain new information through on-site inspections. The AMO has therefore been able to carry out a comprehensive assessment of the heritage value of the Building. The AMO has also compared the heritage value of the Building with that of other historic buildings of similar use that have been declared as monuments.

6. The AMO organised a visit for members of the AAB on 16 November 2007. The purpose of the site visit was to enable AAB members to have a better understanding of the case and, in particular, to provide AAB members with an opportunity to inspect the architectural characteristics of the Building. Invitation was issued to all members, and 12 of them attended the visit. After the visit of AAB members and the completion of the comprehensive assessment of the heritage value of the Building by the AMO, the AMO issued a discussion paper to AAB members before the meeting of the AAB on 25 January 2008. The contents of the AAB paper are set out at Enclosure 3.

7. At the meeting on 25 January 2008, the AAB unanimously supported the Antiquities Authority's intention not to declare the Building as a monument under the Ordinance and to withdraw the declaration of the Building as a proposed monument. At the same AAB meeting, AAB accorded a Grade III status to the Building under its administrative grading system. The gist of the discussion of that meeting is set out at Enclosure 4.

Antiquities and Monuments Office
Leisure and Cultural Services Department
March 2008

**Contents of the Antiquities Advisory Board Paper
on 128 Pok Fu Lam Road, Hong Kong
discussed at the AAB meeting on 3 November 2004 and circulated to
AAB Members on 4 November for advice**

The purpose of the paper was to seek AAB Members' advice on whether the Antiquities Authority (the "Authority") should declare 128 Pok Fu Lam Road (the "Building") as a Proposed Monument under section 2A of the Antiquities and Monuments Ordinance (the "Ordinance").

2. Built in around 1931, the private residence known as "Jessville" at 128 Pok Fu Lam Road is named after Jessie Tam (杜佩珍), the wife of William Ngar Tse Thomas Tam (譚雅士), more popularly known as Thomas Tam. The building is a two-storey European house with a total floor area of about 1,380m². Thomas Tam was a barrister and an influential social figure in Hong Kong from the 1930s to 1960s. He had served at different levels of the crown magistracies and was appointed the judge of the Central Magistracy in 1947. He was the Chairman of Po Leung Kuk Board in 1936 and 1937, and an Unofficial Member of the Legislative Council between 1939 and 1941. He was also enthusiastic in charity and a number of charitable organizations including the Jessie and Thomas Tam Centre (安家舍) and the Society for the Promotion of Hospice Care (善寧會) were founded under his auspices. As such, the building could be regarded as a testimony of not only the life of a distinguished social leader, but also the history of Hong Kong in the mid-20th century.

3. As regards architectural characteristics, the mansion is a Classical Revival residence of Italian Renaissance style. Features of this style like entablatures of cornice and frieze of expressive dentils extends around the roof level of the building. Geometrical decorations on corner columns and friezes give a glimpse of the Art Deco variations which add much interest to the building's architecture. There appears to be no major alteration to this 73-year-old mansion which is structurally sound and well-maintained on the whole. Setting against a background of pleasant greenery, the building presents a gracious cultural landscape which is rare in Hong Kong nowadays.

4. The gist of the AMO's heritage assessment on the Building is as follows –

- (a) Historic Value: The building is the private residence and a living reminder of William Ngar Tse Thomas Tam (Tam Ngar Tse 譚雅士 or 譚夏士), a representative figure of the Chinese elite class in Hong Kong in the mid-20th century. His influence as a social leader was rooted in different spectra of the community, illustrated by the many social positions he led, such as the Chairman of Po Leung Kuk Board in 1936-1937, Unofficial Member of the Legislative Council in 1939-1941 and Member of the Court of University of

Hong Kong in 1954.

- (b) Architectural Value: The Building is an epitome of the Classical Revival residence of Italian Renaissance style with interesting Art Deco variations. It is elaborate and distinct in design, decoration and craftsmanship. Application of reinforced concrete reflects the transition in architecture of the inter-war period. Window shutters and top ventilation windows are adopted to facilitate ventilation and shading which is a typical colonial adaptation of the European architecture to the sub-tropical climate of Hong Kong.
- (c) Authenticity: There does not appear to be any notable alteration or addition to the external façade of the Building, which remains impressively overlooking the Pok Fu Lam area. The authenticity is enhanced by the well-kept garden, the ornate fountain and the greenery in the immediate environ. All these elements combine to give a vivid picture of the glamorous European lifestyle in one of the richest areas of the territory in the mid-20th century.
- (d) Rarity: The Building is a rare surviving example of European-style mansions in the Southern District. Credits must be added to the relatively undeveloped surrounding which embraces the mansion with tranquil and pleasant greenery. Such a cultural landscape is extremely rare in the highly urbanized Hong Kong. The Building is also one of the very few examples featuring a Chinese vernacular styled annex in a European architecture.
- (e) Integrity: The Building is a very important component of an integral architectural and historic complex in the Southern District. It is physically close to a number of heritage buildings including the Old Alberose at 132B Pok Fu Lam Road, the Bethanie at 139 Pok Fu Lam Road, the Old Dairy Farm Cowshed Compound at 141 Pok Fu Lam Road, and the Douglas Castle (the present University Hall), which come together to illustrate the history of the area.
- (f) Social Value: The Building is a cultural landmark which reminds people of the role played by the Tam family as a member of the Chinese elite class in the territory. It also physically stands on a site which marks the dramatic difference in living conditions and styles between the upper class on top of the hill and the common grass roots down in the Sheung Wan area. The building is thus an important illustration of the history of social development and urbanization of Hong Kong in the early to mid-20th century.

5. On 19 October 2004, the Antiquities and Monuments Office (the “AMO”) received a circulation of a demolition application of the Building submitted to the Buildings Department (the “BD”). Under the existing legislation, the Building Authority (the “BA”) could not reject a demolition application on heritage grounds unless the concerned building is a Declared Monument or a Proposed Monument. The statutory deadline for the BA to reply to this application is 12 November 2004.

In receipt of BA's no objection to the demolition proposal and the consent to commence demolition granted by the BA, the owner may proceed with the actual demolition work provided that the hoardings and other on-site safety measures are completed to the BA's satisfaction. The BA has to reply an application for consent to commence works within 28 days upon receipt of the same. Assuming that the owners immediately submit such an application to the BA on 12 November 2004, the statutory deadline for the BA to reply would be 10 December 2004. The BD advised that as an administrative arrangement, the letter in reply to the application would be dated 9 December 2004 at the latest. Hence, the actual earliest date of commencement of demolition work would be 9 December 2004 if the application is approved.

6. Based on existing researches on its historical value and architectural merits, the AMO is of the view that the Building at 128 Pok Fu Lam Road is of considerable heritage value. However, since the demolition may occur as soon as 9 December 2004, there is not enough time to consider whether the Building should be permanently preserved or not. Under section 2A(1) of the Ordinance, for the purpose of considering whether a place, building etc. should be declared to be a monument the AA may, after consultation with the Antiquities Advisory Board (the "AAB"), by notice in the Gazette declared it to be a Proposed Monument. Upon declaration, the owner of a Proposed Monument may not demolish it except in accordance with a permit from the Authority. The declaration has effect for 12 months, subject to earlier withdrawal by the Authority, and the objection procedures under section 2C. The lead-time to declare the Building as a Proposed Monument would be around 6 weeks, which could barely catch up with the deadline for commencement of the BA to grant consent for the demolition.

7. By bestowing statutory protection for up to 12 months, the declaration of the Building at 128 Pok Fu Lam Road as a Proposed Monument would allow the Authority to fully consider whether a declaration of Monument should be made. While the Building has considerable heritage value, other relevant factors, including the will of the owners, the views of the community and the cost of preservation must be carefully examined and balanced before a final decision could be made. It should be noted that declaration of a Monument does not necessarily follow after a declaration of Proposed Monument expires. It would be up to the Authority, after consultation with the AAB, and having considered various related factors, to decide whether the Building should be declared permanently as a Monument. CE's approval is also required for a declaration of Monument.

8. The other alternatives are set out below -

(a) To allow the Owner to proceed with the demolition

The other option would be to allow the granting of approval by the BA for the demolition application. The Building will then be pulled down and give way to new development. With the growing concern for heritage preservation among the community, the demolition of the building may invite criticism from professional and conservation groups as well as the community at large. The adverse consequence of taking this option, therefore, must be carefully considered.

(b) To declare the Building as a Monument

By declaring the Building as a Monument under the A&M Ordinance, the Building may not be demolished except in accordance with a permit granted by the AA. The protection will be permanent. The lead-time to effect the declaration of the Building as a Monument would be around 21 weeks. After the Building has been declared a Monument, the compensation provisions as mentioned in paragraph 12 will also apply. However, in view of the long lead-time and the fact that the Building is not statutorily protected until the declaration has been made, this option cannot be pursued without making a prior declaration of Proposed Monument.

9. It is proposed that if the Building is to be declared as a Proposed Monument, an area of 3,820m² within the site of 128 Pok Fu Lam Road should be included in the monument boundary, covering the Building and its annex garden, and part of the access road to reach the site from Pok Fu Lam Road to allow inspection and maintenance. The garden is included in the proposed monument boundary because it was built together with the Building in around 1931 and was an integral part of the compound of equal historical significance. Its preservation would be indispensable in preserving the original setting of the Building. Inclusion of adjoining land under a declaration of Proposed Monument for providing or facilitating access thereto is permitted under section 2A(2) of the Ordinance.

10. In case the Building is declared a Proposed Monument, the owners will need to apply under section 6 of the Ordinance for a permit to carry out any works within the proposed monument boundary, including demolition works for redevelopment. If the Authority refuses to grant the permit, the owners may make a claim for compensation under section 8 of the Ordinance. With prior approval of the Chief Executive, the Authority may pay compensation to the owners in respect of financial loss suffered or likely to be suffered by reason of the refusal. The amount of compensation may be agreed between the owners and the Authority, and in default of an agreement, may be assessed and awarded by the District Court as it thinks reasonable in the circumstances (section 9).

11. In the meantime, the AMO will approach the owners of the Building to persuade them to withdraw the demolition application and discuss possible preservation plans for the Building. The declaration, if approved, would be effected before 9 December 2004, which is the anticipated time the owners may obtain the BA's consent to commence demolition works.

**Closed Session of the Antiquities Advisory Board Meeting
held on 3 November 2004 at 9:15 am**

Gist of Discussion

**Item 5 Declaration of the Building and its Annex Garden at 128 Pok Fu Lam Road as a Proposed Monument
(Board Paper AAB/63/2003-04)**

The majority of the Members present at the meeting supported the declaration of the building as a Proposed Monument in view of the urgency to give the building interim protection from demolition and to allow more time to address the various issues raised by Members such as the heritage value of the historical building, the balanced approach in heritage preservation and collective memory. It was suggested that AMO should urgently liaise with the owner to see if he would agree to withdraw or defer his demolition application. If unsuccessful, Government would have to proceed with declaration of the building as a Proposed Monument;

Some Members did not agree to the declaration of the Building as a Proposed Monument. A Member considered that the owner of the building, Mr Thomas Tam, was not a publicly known figure to form part of the community's collective memory. Some were concerned about the compensation that had to be paid to the owner arising from the proposed monument declaration.

There were insufficient Members present at the meeting to form a quorum. It was decided that the Board Paper and notes of the discussion of the meeting would be circulated to Members who would be requested to forward their written reply on their recommendation not later than Saturday (6 November 2004).

**Contents of the Antiquities Advisory Board Paper
on 128 Pok Fu Lam Road, Hong Kong
discussed at the AAB meeting on 25 January 2008**

The purpose of the paper is to consult Members on the intention of the Antiquities Authority (“the Authority”) to withdraw the declaration of 128 Pok Fu Lam Road (“the Building”) as a proposed monument under the Antiquities and Monuments Ordinance (“the Ordinance”).

2. The proposed monument declaration of the Building was made by the Secretary for Home Affairs under section 2A of the Ordinance on 20 April 2007 in his then capacity as the Authority under the Ordinance. The purposes of the declaration are to give the Building temporary statutory protection from demolition (there was a threat of the Building being demolished because its owner filed an application to the Buildings Department on 26 March 2007 for consent to commence demolition works) and to allow time for the Authority to consider in a comprehensive manner whether it should be declared as a monument. Unless it is withdrawn earlier, the proposed monument declaration will expire after 19 April 2008.

3. The declaration of any building as a proposed monument does not have to be followed by its subsequent declaration as a monument. It is up to the Authority, after having considered all relevant factors and consulted the AAB, to decide whether it should be declared as a monument. Under the Ordinance, the Authority has to seek the approval of the Chief Executive (“CE”) for monument declarations.

4. At the time when the Authority declared the Building as a proposed monument, the decision was based on the then assessment of the Antiquities and Monuments Office (“AMO”) on its heritage value. That assessment on the architectural value of the Building was restricted to the external appearance of the Building as viewed from a distance and that on its general heritage value was based on information available to the AMO at the time because the AMO had not been able to gain access to the Building.

5. After the declaration of the Building as a proposed monument, the AMO has successfully gained access to the Building with the consent of its owner. With new and detailed information about the Building obtained through on-site inspections and from the owner and its previous owner in the course of his petition to CE against the proposed monument declaration, the AMO has been able to carry out a comprehensive assessment on the heritage value of the Building. A comparison between the Building’s heritage value and that of other historic buildings of similar type that have been declared as monuments has also been made. After completion of this comprehensive assessment, the AMO considers that while the Building possesses some heritage value, it is not up to the threshold that justifies its declaration as a monument. The AMO has recommended to the Authority that the Building should not be declared

as a monument and that its proposed monument declaration should be withdrawn. The gist of the AMO's assessment is as follows –

- (a) Historical value: the influence of the owner of Jessville, Mr. Thomas Tam, in the society was short-lived. He was socially less active and influential than other social figures at the time. His contribution to and prominence in the society were not so significant as have left a long lasting memory among the people of Hong Kong. The Building does not possess strong association with any significant events of much importance in the history of Hong Kong in comparison with other historical former residential buildings such as University Hall and Morrison Building that have been declared as monuments. The historic value of the Building was limited to the lifetime of Mr. Thomas Tam.
- (b) Architectural value: The Building is a two-storey Classical Revival residence of Italian Renaissance style with interesting Art Deco influences. Application of reinforced concrete reflects the transition in architecture of the inter-war period. Window shutters and top ventilation windows are adopted to facilitate ventilation and shading which is a typical colonial adaptation of the European architecture to the sub-tropical climate of Hong Kong. However, on close inspection, the dome and the pavilion are of ordinary workmanship and their architectural merits are not high. The interior décor, which has been revealed to the AMO for the first time, is not of extraordinary style. While the Building is an example demonstrating the eclecticism in the local architectural design during the early 20th century, it is not an extraordinary one. The Building is not on par with those residential buildings which have been declared as monuments in terms of architectural and aesthetic merits taking its exterior and interior details into account.
- (c) Authenticity: There does not appear to be any major alteration or addition to either the exterior or the interior of the Building.
- (d) Rarity: The Building is one of few examples of European-style mansions in the Southern District. Credits must be added to the relatively undeveloped surrounding, albeit small in area, which embraces the mansion with tranquil and pleasant greenery. The building is also one of the few examples featuring a Chinese small pavilion on the roof of a European architecture. However, the design of this roof-top structure cannot be regarded as a distinctive one in comparison with other examples.
- (e) Integrity: The Building is an important component of an integral architectural and historic complex in the Southern District. It is physically close to a number of heritage buildings including the Old Alberose at 132B Pok Fu Lam Road, the Bethanie at 139 Pok Fu Lam Road, the Old Dairy Farm Cowshed Compound at 141 Pok Fu Lam Road, and the University Hall (formerly the Douglas Castle), which come together to illustrate the history of the area.
- (f) Social value: The Building physically stands on a site which once marked the

dramatic difference in living conditions and styles between upper class on top of the hill and the common grass roots down in the Sheung Wan area. The Building can illustrate the history of social development and urbanization of Hong Kong in the early to mid-20th century. Historical residences at landmark locations like Kom Tong Hall (甘棠第), Lui Seng Chun (雷生春) and King Yin Lei (景賢里) are well cherished by the community as part of their cultural landscape and social memory. The Building does not arouse similar public sentiment because it is physically segregated from its neighbourhood, being built on a raised and obscure platform above Pok Fu Lam Road and not known to the public at large. In fact, the Building is not visible from the road level of Pok Fu Lam Road. In its vicinity, the University Hall is significantly more popularly known by Hong Kong people than the Building not only due to its age, but also in terms of distinctive appearance.

- (g) Archaeological and palaeontological values: The on-site inspections have confirmed that the site does not possess any archaeological or palaeontological interest, i.e. possessing antiquities or relics as defined under the Ordinance.

6. All along, only buildings that are considered to be of public interest by reason of its significant historical, archaeological or palaeontological value have been declared as monuments under the Ordinance. Using the historical buildings of similar use which have been declared as monuments as a yardstick, it is plain that the threshold of historical, archaeological or palaeontological significance qualifying a building as a monument is very high indeed. At present, a total of five historical buildings built for residential use have been declared as monuments in Hong Kong, namely Flagstaff House, Island House, Government House, Morrison Building and University Hall. Only two of these five monuments are private residences, i.e. Morrison Building and University Hall. While acknowledging that the Building has some heritage value, on the whole the Building's overall heritage value is not significant enough to warrant its declaration as a monument.

7. Members of the AAB made a site inspection of the Building on 16 November 2007 and briefly discussed their assessment at the meeting on 20 November 2007.

8. To decide whether a building should be declared as a monument under the Ordinance, the Authority should take all relevant factors into account including its heritage value as well as the overall interest of the community. It is the Authority's view that the Building is not of such significant heritage value as would justify its declaration as a monument. The Authority therefore intends to withdraw the declaration of the Building as a proposed monument under section 2A of the Ordinance

9. There are compensation provisions under the Ordinance. After a building has been declared as a proposed monument or 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 building. 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 her power under the Ordinance to refuse granting a permit under section 6. The Authority may,

with the prior approval of CE, pay to the owner compensation in respect of the financial loss suffered or likely to be suffered by him. If the Authority and the owner could not reach an agreement on the amount of compensation, the owner may apply to the District Court to assess the amount of compensation.

10. Since the declaration of the Building as a proposed monument, the owner has been in discussion with Government on possible options for preserving the Building under the new measure of possible offer of economic incentives announced in the 2007-08 Policy Address. Any economic incentives offered would, of course, not be considered unless the owner agrees to preserve the Building. In this connection, given that the Building possesses some heritage value albeit not up to the threshold for its declaration as a monument, the AAB may wish to consider giving the Building an appropriate grading under its administrative grading system so as to facilitate the Government's consideration of the economic incentives that should be offered.

**Closed Session of the Antiquities Advisory Board Meeting
held on 25 January 2008 at 2:40 pm**

Gist of Discussion

**Item 5 The Building at 128 Pok Fu Lam Road, Hong Kong
(Board Paper AAB/44/2007-08)**

Members noted that while there was no statutory requirement for the Antiquities Authority (AA) to consult the AAB when she intended to withdraw the Proposed Monument status of a building so declared with the advice of AAB previously, legal advice obtained by the AA indicated that it would be reasonable for AAB's advice to be sought.

All members present supported the AA's view that the Building did not warrant a monument status.

To provide a reference for conservation arrangements, members agreed that the building should be given a grading. Members went through the grading system by way of voting. No member voted for Grade I status for the Building. The meeting then proceeded to consider whether the Building should be given a Grade II or Grade III status. More members voted for giving the Building a Grade III status than Grade II. The meeting confirmed that the Building be granted a Grade III status under its administrative grading system.

The meeting confirmed that AAB accorded a Grade III status to the building, and concluded that the AAB agreed to the Antiquities Authority's intention to withdraw the proposed monument declaration of the building at 128 Pok Fu Lam Road under the Ordinance.