

Annex C

Response to questions raised by Hon Lee Wing-tat

The response to the questions below should be read in conjunction with the Administration's response to the Sub-committee "Follow-up to meeting on 29 February 2008" dated 10 March 2008 on the buildings and the adjoining land within Rural Building Lot No. 324, No. 128 Pok Fu Lam Road, Hong Kong together with all structures erected on such land (the Building).

Q1: On what grounds did the Antiquities Advisory Board accord a Grade III status to the Building?

A1: The Grade III status for the Building has been accorded by the AAB under its internal administrative grading system. Under the system, historic buildings are classified into three grades¹. The AAB uses a comprehensive set of grading criteria including historic interest, architectural merit, group value, social value or local interest, authenticity and rarity of the historic building.

As we had explained in A3 in the Administration's response to the Sub-committee "Follow-up to meeting on 29 February 2008" dated 10 March 2008, the grading for the Building had undergone a comprehensive and elaborate process of the AAB. The AMO first 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.

At the meeting of the AAB on 25 January 2008, the AMO first briefed AAB members in detail about its comprehensive heritage assessment of the Building. AAB members then discussed and agreed unanimously that the Building should be given a grading under its administrative grading system. Subsequently, AAB members cast their votes for the

¹ The definitions of the three grades for internal reference are as follows –
Grade I Buildings of outstanding merit, which every effort should be made to preserve if possible.
Grade II Buildings of special merit; efforts should be made to selectively preserve.
Grade III Buildings of some merit, but not yet qualified for consideration as possible monuments.

grading of the Building. No member voted for Grade I status and the meeting then proceeded to consider whether the Building should be given a Grade II or Grade III status. More members voted for Grade III than Grade II. The AAB Chairman confirmed that AAB accorded a Grade III status to the Building.

AAB members discussed the Authority's intention to withdraw the declaration of the Building as a proposed monument under the Antiquities and Monuments Ordinance (Cap. 53) (the "Ordinance"). AAB members agreed unanimously to the Authority's intention to withdraw the proposed monument declaration.

Q2: Would the Government compare the report which recommended declaration of the Building as a proposed monument against the report which recommended the withdrawal of the declaration in a table form, in particular the assessment of the Building's heritage value?

A2: The main points of the two reports were set out respectively in the Legislative Council Brief (Ref: HAB/CS/CR 4/1/83) issued by the Home Affairs Bureau in April 2007 and the Legislative Council Brief (Ref: DEVB/CS/CR 4/1/83) issued by the Development Bureau in February 2008. As requested, a table showing the key points of the two reports is set out at Enclosure for easy reference.

It should be noted that the report issued in 2007 ("2007 report") was for the Authority to consider whether the Building should be declared as a proposed monument so as to save the Building from the then immediate threat of demolition and to allow time for the Authority to consider in a comprehensive manner whether the Building should be declared to be a monument. The 2007 report was made on the basis of the facts available at that particular time. The assessment in the report reflected mainly the historical facts about Mr Thomas Tam (the previous owner of the Building) and the architectural information of the Building obtained by viewing its external appearance from a distance.

The report issued in 2008 ("the 2008 report") was made after a comprehensive assessment of the historical significance of the Building. The report was to facilitate the Authority's consideration on whether the Building should be declared to be a monument under the Antiquities and Monuments Ordinance (Cap. 53). In the assessment, the AMO had to analyse all the available facts in hand to consider the historical significance of the Building. Insofar as the historical value of the Building is concerned, although we did not consider it necessary, as a matter of presentation, to refer again in the LegCo Brief (Ref. DEVB/CS/CR 4/1/83) the historical facts about Mr Tam as previously

stated in the LegCo Brief (Ref. HAB/CS/CR 4/1/83), the AMO had indeed taken into account such historical facts to analyse Mr Tam's historical influence to the Hong Kong society. The 2008 report did not deny the historical facts about Mr Tam as shown in the 2007 report; it reflected the views of AMO after detailed analysis of the facts, amongst others, that Mr Tam's historical influence to the Hong Kong society was rather short-lived and that the Building did not possess strong association with any significant historical events in the history of Hong Kong. As regards the architectural value of the Building, the AMO was able to gain access to the Building after the 2007 report and on the basis of the new information obtained from on-site inspections, the AMO reassessed the architectural merits of the Building. The 2008 report contained the AMO's views on its re-assessment of the architectural value of the Building. As to the social value of the Building, the AMO had for the purpose of the comprehensive assessment compared the heritage value of the Building with that of other historic buildings and such information was included in the 2008 report.

As the purposes and nature of the 2007 and 2008 reports are different and as new information was obtained by AMO after the 2007 report, it is inevitable that the information and views regarding the Buildings as shown in such two reports are not exactly the same. Hence, it is obvious that the respective information and views as shown in the two LegCo Briefs are not identical. The AMO would like to emphasise that there is no contradiction between the 2007 and 2008 reports and there is no question that the 2008 report reflects accurately and truly its views on the heritage value of the Building after its comprehensive assessment of the Building.

- Q3: According to the development proposal put forward by the owner, the Building, if preserved, will be a private clubhouse open to the public one day every month with a limit of 50 visitors per day and that only 50% of the Building will be open. Yet, the owner in return can obtain the development rights of 102 residential units and car parking spaces, i.e. to build a 27-storey residential building (on top of a 3-storey car park and a level of podium); or to exchange the existing site and adjacent green belt with another site to build residential buildings. Does the Administration consider that there is imbalance between the granting of development rights to the owner (provision of economic incentives) and letting the public to use the historic building (conservation of historic building) in this case, i.e. giving more weight to development?
- Q4: The Government indicated it would make use of the planning approval mechanism and lease terms as approval conditions to protect the Building from being demolished. Under the mechanism, can the Government ask

the owner to be responsible for the maintenance of the Building, to entirely open up the Building to the public, to stipulate more reasonable opening hours and number of visitors, as well as requiring the provision of information about the heritage value of the Building for education purposes?

Q5: Is the area adjacent to the Building natural green belt? Under what circumstances will the Town Planning Board (TPB) allow a natural green belt to be rezoned for residential purposes?

A3, 4 and 5:

Since these three questions are inter-related, we have chosen to reply to them in one go to provide a comprehensive reply.

As we had explained in A7 in the Administration's response to the Sub-committee "Follow-up to meeting on 29 February 2008" dated 10 March 2008, the site of the Building has redevelopment potential. The site is is zoned "Residential (Group C)" ("R(C)") on the approved Pok Fu Lam Outline Zoning Plan (OZP) No. S/H10/15. Under the OZP, a range of plot ratios from 0.6 to a maximum plot ratio of 3 would be permitted for "R(C)" zone (depending on the number of storeys for domestic use). Under the existing lease of the site, there is a restriction of one European-type house of building with height not exceeding 35 feet. Given that the Gross Floor Area of the Building is only about 1,340 square metres, the permissible development intensity has not yet been fully utilised. The owner may submit an application for lease modification. Save for the restriction of the Pok Fu Lam Moratorium under which the development of the site is subject to, it is normal for the owners to explore redevelopment of sites (through application for lease modification) with a view to capitalising on the maximum redevelopment potential available to the site. In other words, redevelopment of the site for residential use by the owners is permissible under the current planning regime, subject to the specific development parameters applicable to the site under the OZP and the lease. In considering the case of No. 128 Pok Fu Lam Road, we would need to give due regard to this aspect on the private property right of the owners.

The development intensity proposed in the rezoning application of the owners, with a plot ratio of about 3, is not the result of any "economic incentives" discussions between Government and the owners. Like other planning applications, TPB will take into account all relevant planning considerations, including the comments from Government bureaux and departments, and the individual merits of the case in making a decision on the rezoning application put forward by the owners of the Building. Subject to TPB's approval of the rezoning application, an amendment to

the OZP will be made and the new zoning for the site can include a provision to guard against demolition of the historic building through the planning permission system. Besides, the proposed development will have to proceed with lease modification and again, the application for lease modification will be dealt with by the Lands Department in the established manner (including the assessment on full market value premium payable by the owners).

The current rezoning application is initiated by the owners independently to safeguard their development rights. We are pleased to note that the various options presented by the owners have embodied the concept of preserving the Building. However, unlike the case of King Yin Lei, there has been no agreement between Government and the owners on any arrangement to allow the proposed development to proceed on the basis of preservation of the Building. In submitting planning or rezoning applications to the TPB in general, it is not uncommon for proponents to suggest desirable features or planning gains to increase the worthiness of their applications. In this particular case, the Development Bureau under the heritage conservation policy would support the proposal to achieve preservation of a historic building (and an undertaking to provide some public access, albeit limited) and offer its views to the TPB for its holistic consideration taking account of all factors. We would also convey any views of Members of the Sub-committee to the TPB as Members of the Sub-committee so wish to assist the TPB in its deliberations.

Any “economic incentive” has to be commensurate with the heritage conservation significance. In the case of King Yin Lei, given the result of the comprehensive heritage assessment that it has reached the high threshold for monument declaration, the owner’s agreement to hand over the mansion and the entire site of King Yin Lei to Government and the acceptability of the site proposed for exchange (basically an immediately adjacent man-made slope with little vegetation), we have in principle agreed with a land exchange. As pledged by the Secretary for Development, any such “economic incentives” would be done in an accountable, open and transparent manner and we have thereby consulted the Legislative Council on the matter at the meeting of the Panel on Home Affairs Subcommittee on Heritage Conservation at its meeting on 22 February 2008 and have received Members’ support. The proposal will still be subject to the statutory planning process and ultimate approval by the Chief Executive in Council. In the case of the Building at No. 128 Pok Fu Lam Road, since the considerations are quite different, we have already indicated that we are unlikely to support the granting of the “Green Belt” site requested under two of the owners’ proposed options as the site forms part of an existing woodland with natural vegetation and preservation of the Building is feasible under another proposed option presented by the owners.

Q6: When did the Southern District Council discuss the owner's planning application? What are their views? Please provide the minutes of the meeting.

A6: The Southern District Council had discussed the rezoning application of the owners at its meeting on 28 February 2008. Members raised concern on the proposed scale of development. The Southern District Council raised objection to the rezoning application. As advised by the Southern District Council, the minutes of meeting will not be available until the next meeting scheduled for 24 April 2008.

Q7: After the Government withdrew the declaration, if the TPB refuses the application in response to the views of the public and the District Council, what statutory and administrative mechanism does the Government have to preserve the Building?

A7: The preservation proposal put forward by the owners of the Building is of a voluntary nature. Since the Building will not be given statutory protection under the Antiquities and Monuments Ordinance (Cap. 53), the possibility of demolition could not be entirely ruled out but as part of our efforts on heritage conservation, we will continue to engage the owners to ensure a more satisfactory outcome.

Development Bureau
March 2008

**Table showing heritage assessments by the Antiquities and Monuments Office
at the time of proposed monument declaration and at the time of withdrawn of proposed monument declaration**

Aspects of Assessment	Assessment at the time of proposed monument declaration (Legislative Council Brief Ref: HAB/CS/CR 4/1/83 dated April 2007)	Assessment at the time of withdrawal of proposed monument declaration (Legislative Council Brief Ref: DEVB/CS/CR 4/1/83 dated February 2008)
Historical value	The Building is the private residence and a living reminder of William Ngar Tse Thomas Tam, 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 held, 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.	The influence of the owner of the Building, Mr. Thomas Tam, in the society was short-lived. He was socially less active and influential given his short period of public service. His contribution to and prominence in the society were not so significant to have left him in the memory of the people of Hong Kong. The Building does not possess strong association with any significant historical events or 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. Tam.
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.	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.

		<p>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.</p>
Authenticity	<p>There does not appear to be any notable alteration or addition to the external façade of the Building. 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 European life style in one of the richest areas of the territory in the mid-20th century.</p>	<p>There does not appear to be any major alteration or addition to either the exterior or the interior of the Building.</p>
Rarity	<p>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.</p>	<p>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.</p>
Integrity	<p>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 Bethanie at 139 Pok Fu</p>	<p>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</p>

	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.	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, which come together to illustrate the history of the area.
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.	While the Building can illustrate the history of social development and urbanisation of Hong Kong in the early to mid-20 th century, unlike 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) which are well cherished by the community as part of their cultural landscape and social memory, the Building does not arouse similar public sentiment. It is physically segregated from its neighbourhood, being built on a raised and obscure platform above Pok Fu Lam Road and is 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.
Archaeological and palaeontological values	Nil	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.