

Submission made by Heritage Watch
represented by Mr Paul Zimmerman and Mr Jeffrey Au
to the Subcommittee on Antiquities and Monuments
regarding the Withdrawal of Declaration of Proposed Monument Notice
in relation to No. 128 Pok Fu Lam Road – also known as ‘Jessville’
in the meeting on Wednesday, 12 March 2008
at 8:30 am in Conference Room B of the Legislative Council Building.

Honorable Chair and Members,

Heritage Watch is an alliance of organizations and individuals interested in the preservation of living and built heritage in Hong Kong.

We welcome the expediency with which the new Secretary for Development is tackling issues related to heritage structures. Especially given the backlog of 7,000 potential structures including pre-war buildings which have yet to be classified.

However, our organization is extremely concerned with the lack of a Heritage Policy, and that recent ad-hoc decisions are setting precedents.

Moreover, we consider it a shame that in seeking to resolve issues related to Jessville the Secretary for Development has seen it necessary to trash the name of late Thomas Tam, and invalidate both the AMO and AAB.

In October 2004, the owners of Jessville applied for demolition and in November 2004, the AMO issued a paper which was lyrical about the heritage value of this structure. Subsequently the AAB supported grading Jessville. The owners were advised of that decision and they withdrew the application for consent to start demolition on the basis that ‘the application for consent was withdrawn’.

Subsequently, the Government stopped its procedure of declaring the property a monument. As a consequence the owners were – as with King Yin Lei – left in limbo. They could not realize the value of their property through claims for compensation under the Antiquities and Monuments Ordinance, nor could they now realize the value through development or sale in the open market.

However, in 2007 the AMO changed its explanation as to why it did not proceed with declaring Jessville a monument, claiming that it had been seeking the owner but could not find them.

Frustrated with any lack of progress, the owner submitted a new application for consent to start demolition in March 2007. And the Government responded by declaring Jessville a monument on 20 April 2007.

In November 2007 the AMO reported to the AAB that it was negotiating with the owners of Jessville. And then in February 2008 the Government declared that it withdrew the

monument status of Jessville, with a paper which saw not only a dramatic change in its appreciation of the building, but also of the social achievements of the late owner Thomas Tam.

We question the ad hoc nature of this process and recommend that we need to address urgently the following:

1. A review of the Antiquities and Monuments Ordinance;
2. Implementation of transfer of development rights and special design areas and any and all other amendments required as identified in the 1991 Comprehensive Review of the Town Planning Ordinance;
3. The urgent need for independent bodies – neither the AMO nor the AAB are truly independent, as has been proven in the handling of Jessville.

During the meeting we further pointed out that the Government has a significant financial interest in the outcome of the negotiations with the owner – specifically possible land premiums from the removal of the ‘one house’ limitation on the site. Given the dependence on land premiums, and the outcome of heritage discussions, it is important that this conflict of interest is removed from the decision making process and institutional arrangements related to heritage and land matters.

Heritage Watch
March 12, 2008