



**Legislative Council  
Panel on Home Affairs  
Sub-committee on Heritage Conservation**

**Preservation of the Proposed Monument at  
45 Stubbs Road (King Yin Lei) (景賢里)**





## Purpose of the presentation

- ❖ The private residence at 45 Stubbs Road (also known as King Yin Lei (景賢里)) was declared as a proposed monument under section 2A of Antiquities and Monuments Ordinance on 15 September 2007
- ❖ The declaration has effect for a period of 12 months, which will lapse after 14 September 2008
- ❖ This presentation aims to set out the proposal on the preservation of the proposed monument



## Basic information

- ❖ Site area:
  - about 4,705 m<sup>2</sup> (50,650 ft<sup>2</sup>)
- ❖ Size of existing building:
  - About 0.35 plot ratio
  - About 1,641 m<sup>2</sup> Gross Floor Area
  - About 15% (705 m<sup>2</sup>) site coverage

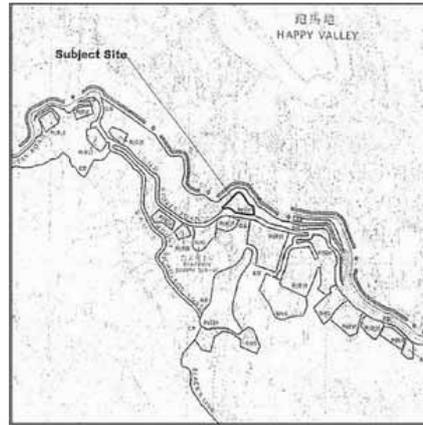




## Planning Aspects

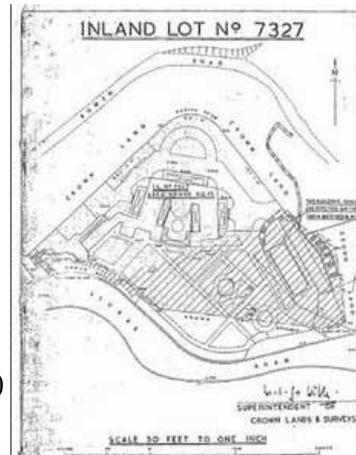
Under the Peak Area Outline Zoning Plan (OZP)

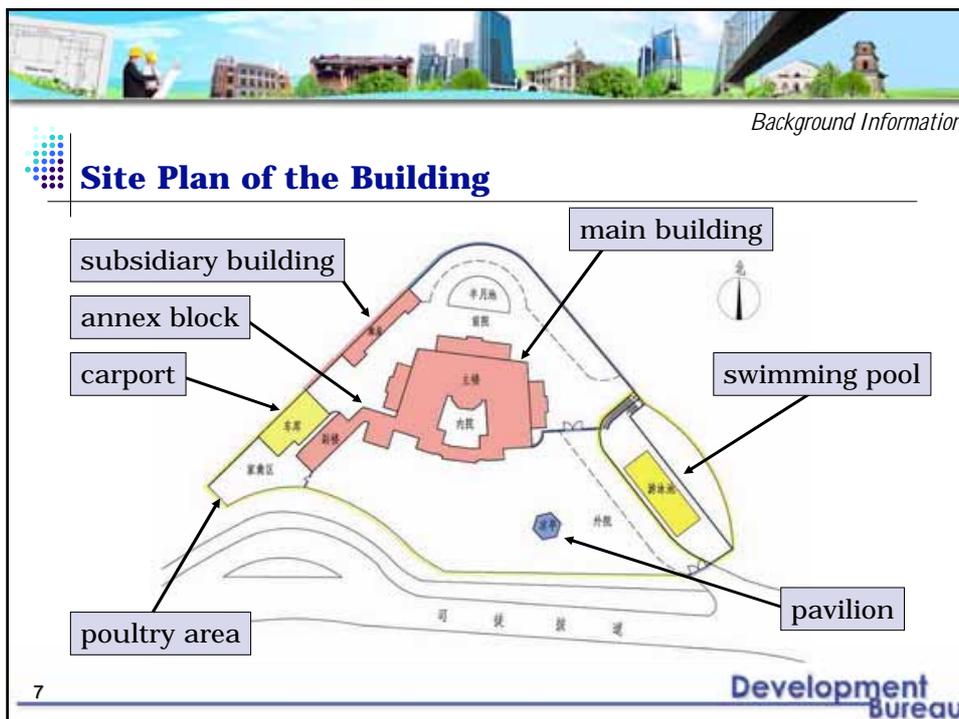
- Zoned as Residential (Group C1)
  - Building height of maximum 3 storeys including carports or height of existing building, whichever is greater
  - Plot ratio of maximum 0.5
- Application to Town Planning Board for residential development is not required if the corresponding plot ratio and building height are not exceeded



## Lands Aspects

- Government Lease dated 14 May 1957 for a term of 75 years commencing from 10 August 1936
- Renewable for a term of further 75 years
- Existing lease conditions
  - 1 European type house
  - Design, disposition and height approval by Director of Lands
  - Height restriction of 35 ft.(10.668m)
  - Non-building area over hatched black area







*Assessment of Heritage Value*

## Assessment of Heritage Value

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**(C) Rarity**

- A rare surviving example of “Chinese Renaissance” style that reflects the design and construction excellence in both Chinese and Western architecture in Hong Kong’s pre-war period

**(D) Social Value**

- A popular spot for taking photographs by visitors
- Mansion featured in films of international renown and a locally produced television series –
  - Soldier of Fortune (1955)
  - Love is a Many-Splendoured Thing (1955)
  - Delightful Dream of the Capital (京華春夢) (1980)

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*Assessment of Heritage Value*

## Assessment of Heritage Value

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**(E) Integrity and Authenticity**

- Damage is mainly confined to decoration and finishes
- Overall structure, layout and silhouette of the building remain intact
- For the garden, except for some handrails and decorative lightings that had been demolished, the remaining parts (including fences and plants within the garden) are generally unchanged
- By studying the demolished elements and making reference to corresponding traditional craftsmanship, the damaged parts of the Building could be restored
- The original appearance of King Yin Lei could be restored up to 80% while its heritage value could be basically recovered

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## Declaration of Monument

- King Yin Lei has reached the threshold for declaration as a monument
- The Secretary for Development intends to declare, in her capacity as the Antiquities Authority, King Yin Lei as a monument
- The Antiquities Advisory Board was consulted on 25 January 2008. The Board unanimously supported the proposal to declare King Yin Lei as a monument



## Restoration of King Yin Lei

- Government has been maintaining close contact with the previous and new owners of King Yin Lei with a view to completing the restoration of King Yin Lei the soonest
- The new owner has committed, through his representative, to restore King Yin Lei and fund all the costs for the restoration
- The previous and new owners of King Yin Lei has provided Government with the copies of their records of King Yin Lei (including building plans, photo collections and other useful records) for reference



## Restoration of King Yin Lei

- The Antiquities and Monuments Office (AMO) has started the discussion with the representative of the new owner the detailed arrangements of the restoration of King Yin Lei
- AMO has, with the cooperation of the new owner, completed the sorting of debris at the site for use in future restoration
- The contractor of the new owner has commenced waterproofing works for King Yin Lei, and the works are scheduled to be completed by end of February
- The contractor to be engaged by the new owner for the restoration of King Yin Lei will carry out the works under the supervision of AMO and to the satisfaction of AMO



## Compensation mechanism under the Antiquities and Monuments Ordinance (Cap. 53)

- After a building has been declared as a proposed monument or monument, the owner will be eligible to claim compensation under Section 8 if he can prove that he suffers or is likely to suffer financial loss
- The Authority may, with the prior approval of CE, pay to the owner compensation in respect of the financial loss suffered
- If the Authority could not reach an agreement on the amount of compensation, the owners may apply to the District Court to assess the amount of compensation
- However, this statutory compensation mechanism has never been tested in court



## Guiding Principles

- Announcement of the Government's new heritage conservation policy in October 2007 (2007-08 Policy Address by the Chief Executive) including, inter alia, exploration of the provision of economic incentives to encourage private owners to preserve historic buildings
- Economic incentives is a form of encouragement and is not equivalent to compensation
- Any economic incentives to be offered by Government would have to observe the guiding principles of accountability, transparency and equity



## Range of Economic Incentives

- We will start from the easiest way first –
  - To find out whether there is space within the lot boundaries of King Yin Lei so as to make up for the loss of development rights of the owner due to the preservation of King Yin Lei (i.e. to carry out transfer of plot ratio within the existing lot boundaries)
  - To find a suitable government site in the vicinity of King Yin Lei, and to consider granting that site to the owner for development through land exchange
- As for the more difficult ways, they include identifying another lot in the same or another district, or even cash payment to the owner in return for the property rights



## Factors to consider

- ❖ Should be able to cope with the existing constraints in the aspects of planning, land use, geotechnical, traffic and building control, etc.
- ❖ Should be fairly acceptable to the community in terms of –
  - ❖ Traffic flow
  - ❖ Development density
  - ❖ Vista
  - ❖ Preservation of trees
- ❖ Should be reasonably executable in terms of various technical aspects
- ❖ Should present a reasonable and defensible package to the owner as well as the community



## Options Considered but not Viable



Preservation Options

**In-situ development**

Some options considered:

(1)



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Preservation Options

**In-situ development**

(2)



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**Non-in-situ development**

**(using the natural vegetation slope entirely)**



**Non-in-situ development**

**(using part of the natural vegetation slope and part of the man-made slope)**





*Proposal*

**Proposed non-in-situ development  
(using the man-made slope entirely)**

Site to be granted to the owner  
Site area about 4,705 sqm

Existing site of King Yin Lei  
Site area = 4,705 sqm

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## Proposed non-in-situ development



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## Site for the proposed non-in-situ development



**Aerial view of the slope in 1990 kept in Geotechnical Engineering Office**



**View on the slope when stabilisation works began in 2002**

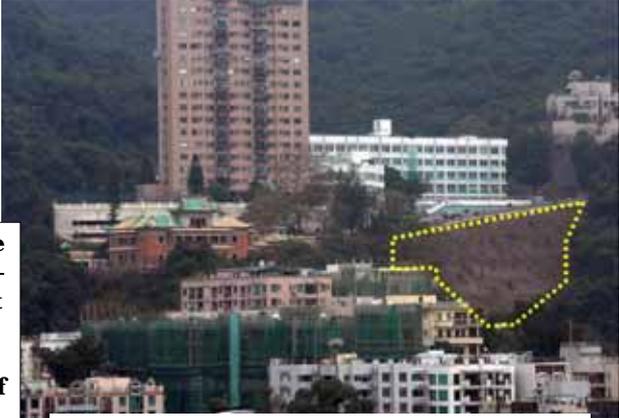
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**Site for the proposed non-in-situ development**

**View on the slope showing that low-rise development at this site will not adversely affect the vista of the buildings behind**



*Photo taken on 24 January 2008*

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**Site for the proposed non-in-situ development**

- We have sought the advice of the Geotechnical Engineering Office –
  - Slope stabilisation works were completed in 2002 for the man-made slope
  - Construction over the man-made slope is technically feasible

**View on the slope as at January 2008**



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## Proposed non-in-situ development



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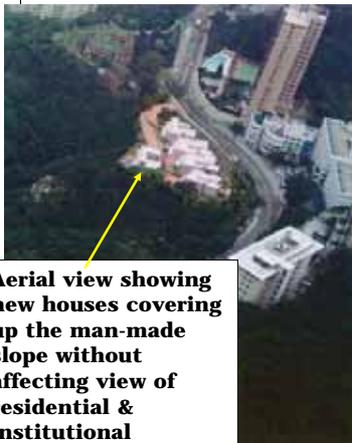
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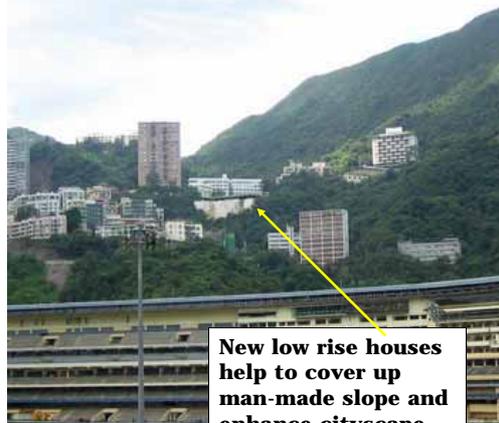
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## Proposed non-in-situ development



Aerial view showing new houses covering up the man-made slope without affecting view of residential & institutional buildings



New low rise houses help to cover up man-made slope and enhance cityscape

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 **Merits of the Proposed Option**

- The whole of King Yin Lei will be preserved and subsequently revitalised for public enjoyment
- Owner to carry out and fund the restoration works of buildings and garden to the original state
- Minimised tree felling or disturbance of natural vegetation by confining the development of new houses within the boundary of an adjacent man-made slope
- Keeping the new houses far away from King Yin Lei with small buffer green belt in between
- Minimised visual impact both from its immediate neighborhood and lower urban districts of Happy Valley/Wan Chai by arranging the houses in two tiers

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 **Technical feasibility**

- The technical feasibility has been confirmed in principle by relevant departments, subject to the following which can be considered further according to the established procedures –
  - Proposed relocation of signalised pedestrian crossing
  - Proposed diversion of affected drainage facilities

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## **Necessary procedures**

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- The proposed option is subject to the following procedures –
  - Consultation with stakeholders (including Legislative Council)
  - Approval by the Town Planning Board for the rezoning application
  - Approval by the Chief Executive in Council for non-in-situ land exchange
  - Non-in-situ land exchange (including drawing up of the new land lease and approval of land premium)
  - Submission by the owner on the detailed development proposals to the relevant authorities (such as submission of building plans for the new houses to the Buildings Department). The submissions be considered in accordance with the relevant established rules and procedures and other controls prevalent at the time

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