

LEGISLATIVE COUNCIL BRIEF

Withdrawal of the Declaration of the Building at 128 Pok Fu Lam Road as a Proposed Monument

INTRODUCTION

The Secretary for Development, in her capacity as the Authority (“Authority”)¹ under the Antiquities and Monuments Ordinance (“Ordinance”) (Cap. 53), has decided, after consultation with the Antiquities Advisory Board (AAB), to withdraw the declaration of 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”) as a proposed monument under the Ordinance. The withdrawal of the declaration will be made by notice in the Gazette on 1 February 2008.

JUSTIFICATIONS

2. The background on the Building is set out in paragraph 12. The declaration was made by the Secretary for Home Affairs (SHA) 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 were to give the Building temporary statutory protection from demolition (there was an imminent threat of the Building being demolished because its owner had filed an application to the Buildings Department on 29 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. The proposed monument declaration has effect for 12 months and will expire after 19 April 2008, unless earlier withdrawn by the Authority.

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 considering all circumstances relating to the proposed monument (including the advice of the Antiquities and Monuments Office (AMO) and the views of the Antiquities Advisory Board (AAB) in the

¹ The Secretary for Development has become the Authority since the re-organisation of the Government Secretariat on 1 July 2007.

present case), to decide whether it should be declared as a monument.

Assessment of Heritage Value

4. Before the declaration of the Building as a proposed monument, the AMO had not been able to gain access to the Building nor establish a direct dialogue with the Building's owner. Because of these, the AMO's previous assessment on its architectural value was based on 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. In the past few months, 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. AMO has also arranged for members of AAB to visit the site and the building. In light of some AAB Members' feedback, the AMO has compared the heritage value of the Building with that of other historic buildings of similar use that have been declared as monuments.

5. Based on the comprehensive assessment completed, it is the view of the AMO that while the Building possesses some heritage value, it is not up to the required high 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.

6. AMO's assessment of the heritage value of the Building is summarised as follows –

- (a) Historical value: 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.

- (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, which come together to illustrate the history of the area.
- (f) Social value: While the Building can illustrate the history of social development and urbanisation of Hong Kong in the early to mid-20th 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.

- (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.

Consequences of the withdrawal of the declaration

7. After withdrawal of the declaration, the Building would not be subject to statutory protection under the Ordinance. The AAB accorded it a Grade III status under its grading system, but the grading is administrative in nature. It would therefore be up to the owner to consider whether he would like to preserve the Building. That said, the Government is pleased to note that, as a result of several rounds of discussions with the owners, they have indicated that they would consider preserving the Building in a redevelopment scheme. The scheme, as it now stands, would involve new residential buildings adjacent to the Building which will be preserved as a clubhouse for residents and open to the public at certain time. The owners have already filed a rezoning application to change the zoning of the site from “Residential (Group C)” to “Other Specified Uses” annotated “Residential Development with Historical Building Preserved” (“OU”). The rezoning application by the owners will be considered by the Town Planning Board.

8. The withdrawal of the declaration will be made in the Gazette on 1 February 2008 and will take immediate effect. The item will then be tabled for negative vetting by the Legislative Council on 20 February 2008. The Government should not defer the effective date of the declaration till the completion of the normal full vetting period (i.e. 18 March 2008, or if extended by the Legislative Council, 8 April 2008) because as long as the declaration continues to hold, there would be uncertainty to the owners as various statutory restrictions on the Building would continue to be applicable. It would be unreasonable for the Authority not to take immediate active action to withdraw the declaration as soon as possible to remove the restrictions and uncertainty caused to the owners.

IMPLICATIONS OF THE PROPOSAL

9. The proposed withdrawal of the declaration of the Building as a proposed monument is in conformity with the Basic Law, including the provisions concerning human rights. It does not have any productivity, environmental, economic, financial or civil service implications. Any redevelopment scheme of the owners will be subject to payment of full market premium, if applicable, in accordance with the established land policy and procedures. As far as sustainability implications are concerned, the preservation of the Building will help enhance the vibrancy of Hong Kong's architectural assets.

PUBLIC CONSULTATION

10. The Authority consulted the AAB on 25 January 2008, and AAB unanimously supported the Authority's intention to withdraw the declaration of the Building as a proposed monument.

PUBLICITY

11. A press release has been issued on 25 January 2008 on the result of the consultation with the AAB and the intention of the Authority to withdraw the declaration of the Building as a proposed monument. A Legal Notice will be published in Gazette on 1 February 2008 to give effect to the withdrawal of the declaration. A spokesperson will be available to answer media and public enquiries.

BACKGROUND

12. Constructed in around 1931, the Building is a private residence known as "Jessville", named after Jessie Tam (譚杜佩珍), the wife of Mr William Ngar Tse Thomas Tam (譚雅士)² (more popularly known as Mr Thomas Tam). Mr Thomas Tam purchased the site in 1929 and constructed the Building in the subsequent few years.

² Thomas Tam was a barrister and an influential social figure in Hong Kong from the 1930 to 1960s. He was appointed as a Magistrate in 1947. He was also the Chairman of Po Leung Kuk Board and President of the Rotary Club of Hong Kong in 1936 and 1937, and an Unofficial Member of the Legislative Council between 1939 and 1941. He was enthusiastic in charity, and a charitable organisation, namely Jessie and Thomas Tam Centre of the Society for the Promotion of Hospice Care (善寧會譚雅士杜佩珍安家社), was named after himself and his wife.

ENQUIRIES

13. 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
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