

立法會

Legislative Council

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**Paper for the House Committee Meeting
on 11 February 2011**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 28 January 2011**

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Amendment to be made by : 16 March 2011 (or 6 April 2011 if extended
by resolution)

Antiquities and Monuments Ordinance (Cap. 53)

**Antiquities and Monuments (Declaration of Proposed Monuments) (Ho
Tung Gardens) Notice (L.N. 26)**

By this Notice made under section 2A(1) of the Antiquities and Monuments Ordinance (Cap. 53) (the Ordinance) by the Secretary for Development¹ (the Secretary) after consultation with the Antiquities Advisory Board, the land situate within Rural Building Lot No. 670, No. 75 Peak Road, Hong Kong, together with all buildings and structures erected on that lot (collectively known as "Ho Tung Gardens"), and the Gateway of Ho Tung Gardens² situate on an access road off Peak Road, Hong Kong, leading to that lot (the Gateway) are declared to be a proposed monument for the purpose of the Ordinance. The Ho Tung Gardens and the Gateway are delineated and shown edged red and green respectively on the Plan marked Plan No. HKM8935 to be signed by the Secretary and deposited in the Land Registry under section 2A(4) of the Ordinance.

¹ The Secretary for Development is the Authority under the Ordinance (section 2).

² Section 2A(2) provides that a declaration under subsection (1) may include as part of a proposed monument any land adjoining the proposed monument required for fencing, covering, protecting it or for providing or facilitating access to it.

2. The declaration made by this Notice is to have effect for a period of 12 months under section 2B of the Ordinance unless earlier withdrawn by the Secretary. Being declared a proposed monument under section 2A of the Ordinance is for the purpose of considering whether Ho Tung Gardens should be declared to be a monument under section 3 of the Ordinance. In the meantime, by virtue of section 6 of the Ordinance, no person shall, except with the consent of the Secretary, excavate, carry on building or other works, plant or fell trees, deposit earth or refuse on or in the proposed monument, or demolish, obstruct, remove, deface or interfere with the proposed monument. Under section 2C, the owner or any lawful occupier of any private land within the proposed monument may at any time apply to the Secretary for the withdrawal of the declaration.

3. According to the Administration, the Ho Tung Gardens (the Gardens) have been included in the list of 1,144 historic buildings in Hong Kong. The Antiquities Advisory Board confirmed on 25 January 2011 the Grade 1 status of the Gardens as assessed by an independent panel of experts. To be assessed as Grade 1 historic building by the panel, the building in question must be a building of outstanding merit, which every effort should be made to preserve if possible. The Gardens are of high heritage value because they are the only remaining residence directly related to Sir Robert Ho Tung in Hong Kong and are also associated with Lady Clara Ho Tung and General Robert Ho Sai Lai. The Gardens are architectural-wise a masterpiece of the Chinese Renaissance style. Members may refer to the LegCo Brief (File Ref: DEVB/CS/CR6/5/284) issued by the Development Bureau in January 2011 for background and further information.

4. No LegCo Panel has been consulted on the Notice.

Concluding observations

5. No difficulties have been observed in the legal and drafting aspects of the Notice.

Prepared by

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