

**立法會**  
**Legislative Council**

LC Paper No. LS21/13-14

**Paper for the House Committee Meeting  
on 3 January 2014**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 27 December 2013**

**Tabling in LegCo** : Council meeting of 8 January 2014

**Amendment to be made by** : Council meeting of 22 January 2014 (or that of 26 February 2014 if extended by resolution)

**Antiquities and Monuments (Declaration of  
Historical Buildings) (No. 2) Notice 2013**

**(L.N. 206)**

L.N. 206 is made under section 3(1) of the Antiquities and Monuments Ordinance (Cap. 53) by the Secretary for Development (the Secretary) as the Authority, after consultation with the Antiquities Advisory Board (AAB) and with the approval of the Chief Executive.

2. The Notice declares the following places to be historical buildings -

- (a) Fat Tat Tong at 1-5 Ha Wo Hang, Sha Tau Kok, New Territories; and
- (b) Tat Tak Communal Hall at Ping Shan, Yuen Long, New Territories.

3. The legal effect of the declaration is that the two buildings in question will become a "monument" for the purposes of Cap. 53 and as such will enjoy the protection under section 6(1) which forbids anyone to excavate, carry on building or other works, plant or fell trees or deposit earth or refuse on or in the monument, or demolish, remove, obstruct, deface or interfere with it except in accordance with a permit granted by the Secretary. Under section 19(2) of Cap. 53, any person who contravenes section 6(1) shall be guilty of an offence and shall be liable on conviction to a fine of \$100,000 and imprisonment for one year.

4. Members may refer to the LegCo Brief (File Ref: DEVB/CHO/1B/CR141) issued by the Development Bureau dated 20 December 2013 for background information. According to the LegCo Brief, Fat Tat Tong,

built in 1933, is a typical Hakka residence of eclectic style in the early 20<sup>th</sup> century and Tat Tak Communal Hall, built in 1857, is the only remaining example of communal hall which served as the office for local militia and open market in Hong Kong. The two buildings have been accorded with a Grade 1 status (which denotes historical buildings of outstanding merit) by the AAB having regard to the recommendations of an independent assessment panel under the existing administrative grading mechanism. The AAB was consulted on the proposed declaration on the two buildings on 20 February 2013 and 17 April 2013 respectively and rendered its support to the declaration. As the two buildings are located within private land, notices of the intended declaration were served on the owners and lawful occupiers of the two buildings as required under section 4 of Cap. 53 on 9 April 2013 and 18 September 2013 respectively and no objection was received during the one-month period.

5. As advised by the Clerk to the Panel on Development, at the meeting of the Panel on 26 February 2013, the Administration updated members on the progress of its work on heritage conservation. Members did not raise any concern on the Administration's work on statutory monument declaration. The Panel has not been consulted on the Notice.

6. L.N. 206 does not provide for a commencement date. By virtue of section 20(2) of the Interpretation and General Clauses Ordinance (Cap. 1), L.N. 206 commenced on the day it was published in the Gazette, i.e. 27 December 2013.

7. No difficulties have been identified in relation to the legal or drafting aspects of L.N. 206.

Prepared by

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