

**立法會**  
**Legislative Council**

LC Paper No. CB(1)902/13-14  
(These minutes have been seen  
by the Administration)

Ref : CB1/SS/7/13

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

**Minutes of first meeting held on**  
**Tuesday, 14 January 2014, at 11:00 am**  
**in Conference Room 2A of the Legislative Council Complex**

- Members present** : Dr Hon KWOK Ka-ki (Chairman)  
Hon Cyd HO Sau-lan  
Hon CHAN Hak-kan, JP  
Hon YIU Si-wing  
Hon Gary FAN Kwok-wai  
Hon MA Fung-kwok, SBS, JP  
Hon CHAN Chi-chuen  
Dr Hon Kenneth CHAN Ka-lok  
Hon CHAN Yuen-han, SBS, JP  
Hon SIN Chung-kai, SBS, JP
- Member absent** : Hon Abraham SHEK Lai-him, GBS, JP
- Public Officers attending** : Agenda item II  
  
Ms Vivian KO  
Commissioner for Heritage  
Development Bureau  
  
Ms Queenie LEE  
Assistant Secretary (Heritage Conservation) 3  
Development Bureau

Mr Tom MING  
Executive Secretary (Antiquities & Monuments)  
Leisure and Cultural Services Department

**Clerk in attendance :** Mr Anthony CHU  
Senior Council Secretary (1)6

**Staff in attendance :** Ms Clara TAM  
Assistant Legal Adviser 9

Mr Fred PANG  
Council Secretary (1)6

Ms Christina CHIU  
Legislative Assistant (1)6

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Action

**I Election of Chairman**

Ms Cyd HO, the member with the highest precedence in the Council among all members of the Subcommittee present, presided over the election of Chairman of the Subcommittee. She invited nominations for the chairmanship of the Subcommittee.

2. Mr SIN Chung-kai nominated Dr KWOK Ka-ki and the nomination was seconded by Mr Gary FAN. Dr KWOK Ka-ki accepted the nomination. There being no other nomination, Dr KWOK Ka-ki was elected Chairman of the Subcommittee. Members agreed that there was no need to elect a Deputy Chairman.

**II Meeting with the Administration**

(L.N. 206

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

File Ref.: DEVB/CHO/1B/CR141

-- Legislative Council Brief

LC Paper No. LS21/13-14

-- Legal Service Division Report

3. The Subcommittee deliberated (index of proceedings in the **Appendix**).

Follow-up actions

4. The Administration was requested to --

- (a) advise the cost breakdown in respect of the maintenance/restoration works for Tat Tak Communal Hall, namely, restoration of the communal hall, drainage works to the front court of the building/its surrounding and slope stabilisation/improvement works under the purview of the Antiquities and Monuments Office, the Drainage Services Department, and Civil Engineering and Development Department respectively;
- (b) advise the maintenance/restoration plan for Fat Tat Tong and the estimated cost involved;
- (c) with respect to an agreement between the owner of Fat Tat Tong and the Administration regarding the declaration proposal, which stipulated, among others, opening of Fat Tat Tong for public access upon the declaration of the building as a monument, (i) provide, where appropriate, the content of the agreement; (ii) provide details of the arrangement with respect to when and how it would be open for public access (including the opening hours, the parts of the building to be open for public access etc.); (iii) advise whether the Administration would provide services (such as cleaning, security etc.) to ensure that Fat Tat Tong was open to public access as in (ii), and if yes, the details including the estimated public expenditure involved; and (iv) advise whether the agreement and any opening arrangement reached/to be reached between the Administration and the owner were legally binding;
- (d) advise the publicity plan to promote declared monuments, in particular Fat Tat Tong and Tat Tak Communal Hall, to the public and foster public awareness and appreciation of them; and
- (e) consider acquiring the ownership of Fat Tat Tong which was still used as a private residence, by (i) purchasing the monument; or (ii) providing economic incentives, such as land exchange, to the owner so as to allow greater public access to and appreciation of the monument as well as for better public use.

*(Post-meeting note: The Administration's supplementary information had been issued to members on 24 January 2014 vide LC Paper No. CB(1)785/13-14(02).*

### **III Any other business**

#### Legislative timetable

5. The Subcommittee noted that the expiry date of the scrutiny period of the Antiquities and Monuments (Declaration of Historical Buildings) (No. 2) Notice 2013 ("the Notice") was 22 January 2014 and the deadline for giving notice of amendment to the Notice was 15 January 2014. The Subcommittee agreed that the Chairman should move a motion at the Council meeting of 22 January 2014 to extend the scrutiny period to the Council meeting of 26 February 2014.

#### Meeting arrangement

6. The Chairman advised that members would be informed of the date of the second meeting in due course. The Subcommittee noted that representatives of the Antiquities Advisory Board ("AAB") would be invited to attend the meeting.

*(Post-meeting note: With the concurrence of the Chairman, the second meeting was scheduled for Wednesday, 29 January 2014 from 9:00 am to 10:45 am. Notice of meeting was issued vide LC Paper No. CB(1)730/13-14 on 16 January 2014. The Secretariat had issued a letter on 16 January 2014 inviting representatives of AAB to attend the second meeting.)*

7. There being no other business, the meeting ended at 12:27 pm.

Council Business Division 1  
Legislative Council Secretariat  
13 February 2014

**Proceedings of first meeting of the  
Subcommittee on Antiquities and Monuments  
(Declaration of Historical Buildings) (No. 2) Notice 2013  
on Tuesday, 14 January 2014, at 11:00 am  
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda Item I – Election of Chairman</b>			
000120 – 000237	Ms Cyd HO Mr SIN Chung-kai Mr Gary FAN	Election of Chairman	
<b>Agenda Item II – Meeting with the Administration</b>			
000238 – 000440	Chairman Administration	Briefing by the Administration on the Antiquities and Monuments (Declaration of Historical Buildings) (No. 2) Notice 2013 (L.N.206 of 2013)	
000441 – 000935	Ms Cyd HO Administration Chairman	<p>Ms Cyd HO enquired on --</p> <p>(a) Whether the owner of Fat Tat Tong agreed to the Administration's restoration plan for the building, and the cost of the works involved.</p> <p>(b) The arrangements to open the monument for public access if public money had been/would be spent on the restoration/maintenance of Fat Tat Tong.</p> <p>(c) The Administration's plan to enhance the facilities in the vicinity of Fat Tat Tong for the convenience of visitors.</p> <p>The Administration responded that --</p> <p>(a) The owner of Fat Tat Tong had given consent to open part of the building for public access when agreeing to the monument declaration proposal.</p> <p>(b) The Administration would examine whether repair to Fat Tat Tong was required. Funding, if necessary, would be sought for the restoration works which were targeted to commence in the next financial year.</p> <p>(c) The Administration would provide, in response to the Chairman's request, the cost breakdown in</p>	

Time marker	Speaker	Subject(s)	Action required
		respect of the restoration/maintenance works for Tat Tak Communal Hall and Fat Tat Tong.	
000936 – 001836	Mr MA Fung-kwok Administration Chairman	<p>Mr MA Fung-kwok enquired about --</p> <p>(a) The approach to tackling the flooding problem affecting Tat Tak Communal Hall.</p> <p>(b) How the Administration would enhance the accessibility to Fat Tat Tong and promote the monument to the public.</p> <p>(c) Whether the agreement reached/to be reached between the owner of Fat Tat Tong and the Administration on the opening arrangement was legally binding.</p> <p>The Administration responded that --</p> <p>(a) The works undertaken by the Drainage Services Department had connected the drains in front of Tat Tak Communal Hall to the public drainage system to solve the flooding problem.</p> <p>(b) The area where Fat Tat Tong was situated was served by green minibuses. Upon its opening for public access, appropriate signage would be provided on site to guide visitors as far as possible.</p> <p>(c) The main purpose of declaring a building as a monument was to conserve it in view of its historical significance. It was not a statutory requirement that the owner had to open its monument for public access. Whether a monument could be open to the public and the relevant details would be determined in the light of individual circumstances, including the current use of the monument.</p> <p>(d) While the Administration had obtained the written consent from the owner of Fat Tat Tong to open part of the building for public access, details of the opening arrangement were subject to further discussion with the owner.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>The Chairman and Mr MA held the view that the Administration should ensure that a monument would be open for public visits if public money was used for the restoration/maintenance works .</p>	
001837 – 002400	<p>Miss CHAN Yuen-han Administration Mr CHAN Chi-chuen</p>	<p>The Administration advised in response to Miss CHAN Yuen-han's enquiry that Fat Tat Tong was the first monument which was still used as a residence.</p> <p>Miss CHAN enquired on how the Administration would ensure that the owners concerned or their successors in title would agree to preserve the monuments which were serving as residence.</p> <p>The Administration responded that section 6(1) of the Antiquities and Monuments Ordinance (Cap. 53) provided that no person should demolish a monument or carry out building works except in accordance with a permit granted by the Antiquities Authority, and that change in ownership would not affect this statutory protection.</p> <p>Mr CHAN Chi-chuen opined that the Administration should clarify whether legal action could be taken by the Administration against a monument's owner who refused to follow the opening arrangement for the monument that had been reached with the Administration.</p>	
002401 – 002701	<p>Mr CHAN Chi-chuen Administration</p>	<p>Mr CHAN Chi-chuen enquired on -</p> <p>(a) The scope and timetable of the two phases of restoration works and the slope improvement works for Tat Tak Communal Hall.</p> <p>(b) When Tat Tak Communal Hall would be open to public and why the Administration did not carry out phase II restoration works in parallel with the slope improvement works.</p> <p>The Administration responded that –</p> <p>(a) Tat Tak Communal Hall would be open for public access after completion of the restoration and slope improvement works, tentatively in 2016.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) It was necessary to first complete the works to stabilize the slope which was close to the rear part of the building to ensure that the restoration works at phase II could be conducted in a safe environment.</p>	
002702 – 003355	Mr YIU Si-wing Administration	<p>Mr YIU Si-wing was concerned about the publicity to promote graded historic buildings and monuments to the public; and how the Administration could ensure that the owner of Fat Tat Tong would comply with the agreed opening arrangements as an increasing number of visitors to the monument might cause undue disturbances to the residents.</p> <p>The Administration responded that –</p> <p>(a) Apart from allowing public access to graded historic buildings/monuments as far as practicable, the Administration would publicize information of the graded historic buildings/monuments on its website to facilitate public appreciation of them. Besides, the Administration would also select suitable graded historic buildings/monuments for public access and the provision of guided tours under the publicity events such as Heritage Fiesta.</p> <p>(b) The Administration would discuss with the owner and consult relevant stakeholders including the villagers' representatives of Ha Wo Hang any new facilities to be provided for the convenience of visitors to Fat Tat Tong, and confirm their consent in writing if necessary. Visitors would be reminded to minimize disturbances to the occupants of the building.</p> <p>In response to Mr YIU's enquiry about the owners' responsibilities and the funding arrangement with respect to the maintenance of privately-owned graded historic buildings, the Administration referred to the Financial Assistance for Maintenance Scheme and explained the responsibilities of the owner who had accepted the grant under the scheme, including allowing reasonable public access to their buildings for appreciation within an agreed period of time after</p>	



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		completion of the maintenance works.	
003356 – 003555	Mr Gary FAN Administration	<p>Mr Gary FAN enquired about the considerations for not including Tat Tak Communal Hall as one of the attractions along the Ping Shan Heritage Trail until 2016 and whether development of village houses in the vicinity was one of the considerations.</p> <p>The Administration responded that –</p> <p>(a) Since its inauguration in 1993, the Ping Shan Heritage Trail had linked up a number of built heritage after the Administration had obtained consent from their owners to open the buildings for public access.</p> <p>(b) Tat Tak Communal Hall would be one of the attractions along the trail in 2016 when the restoration project for the building was completed.</p>	
003556 – 004116	Chairman Administration	<p>The Chairman's views that –</p> <p>(a) The Administration's heritage conservation policy had not been effective in protecting graded historical buildings of heritage significance against development threats.</p> <p>(b) Making reference to the Administration's acquisition of Kom Tong Hall, the Administration should explore the possibility to acquire Fat Tat Tong by purchase, land exchange or other means to better conserve the building for the greater benefit of the public.</p> <p>The Administration responded that –</p> <p>(a) It was the Administration's heritage conservation policy to strike a balance between respect for private property rights and heritage conservation. If the owners of the monuments were willing to preserve their buildings, the Administration would conserve them without taking over the ownership or changing their current use.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) If the owner concerned had plans to demolish a historic building or redevelop the site concerned, the Administration might consider providing economic incentives to encourage the owner to preserve the historic building.</p> <p>The Chairman remarked that the Administration could acquire a historic building/monument and maintain its existing use.</p>	
004117 – 004619	Mr MA Fung-kwok Administration Chairman	<p>Mr MA Fung-kwok opined that the Administration should sign with the owner of Fat Tat Tong a mutually binding agreement on the opening arrangement to ensure the public could appreciate and enjoy the monument.</p> <p>The Administration reiterated that written consent has been obtained from the owner of Fat Tat Tong to declare the building as monument and open the building for public access. The Administration would further engage the owner of Fat Tat Tong in working out the detailed opening arrangement of the building and would confirm the arrangement in writing.</p> <p>Discussion on whether funding approval from the Finance Committee was required for the restoration works of Fat Tat Tong.</p>	
004620 – 005235	Miss CHAN Yuen-han Chairman	<p>Miss CHAN Yuen-han's views that the existing heritage conservation policy was only on a piecemeal basis. The Administration should instead adopt a point-line-surface approach to heritage conservation in conserving the monument and its vicinity holistically and invest sufficient resources to beautify the surrounding area for public appreciation and enjoyment.</p>	
005236 – 005847	Mr YIU Si-wing Chairman Administration	<p>Discussion on the Administration's decision to declare Fat Tat Tong and Tat Tak Communal Hall as monuments. The Administration advised about the existing arrangement under which Grade I buildings were considered a pool of highly valuable heritage buildings for the Administration's consideration as to whether any building had reached the "high threshold" of monuments to be put under statutory protection.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>Mr YIU Si-wing was concerned --</p> <p>(a) Whether the Administration had formulated policies governing the responsibilities of monument owners to preserve monuments which were still used as residential premises and open them for public access if public money would be used on the maintenance/restoration works.</p> <p>(b) The parties which were responsible for the management of Fat Tat Tong to facilitate public access, including the provision of guided tours, cleaning, security etc. and the funding arrangement for such services.</p> <p>The Administration responded that –</p> <p>(a) The maintenance/restoration works for Fat Tat Tong would be carried out by the Antiquities and Monuments Office ("AMO").</p> <p>(b) The purpose of declaring a building as a monument was to protect its heritage value for public appreciation. Arrangements to open the monument for public visits would be determined in light of individual circumstances. AMO would provide cleaning and docent services to facilitate public access to the monument and the costs involved would be borne by AMO.</p>	
005848 – 010630	Chairman Administration	<p>The Chairman's views/enquiries --</p> <p>(a) The Administration could consider rehousing the existing occupants of Fat Tat Tong in the vicinity of the building so that it could be vacated to facilitate its conservation and to better meet the public's desire to access the building.</p> <p>(b) Whether the Administration would consider employing the existing occupants of Fat Tat Tong as tour guides for visitors to the building and whether funding was available to meet the costs involved.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(c) Apart from providing statutory protection to preserve the monuments, the Administration should revitalize the monuments and facilitate the public to visit and appreciate them.</p> <p>The Administration responded that –</p> <p>(a) From the heritage conservation perspective, retaining the original use of Fat Tat Tong by the descendants of the original owners would be the best use of the monument. It was only under very special circumstances, such as when monuments / historic buildings were under demolition threat, would the Government consider obtaining the owners' agreement to hand over their monuments / historic buildings through land exchange. In the case of Fat Tat Tong, the owners agreed to subject the building to permanent statutory protection, and the Administration would not consider vacating the monument and rehousing the existing occupants.</p> <p>(b) Consideration might be given to inviting the owner/occupants of Fat Tat Tong to take part in publicity events to provide docent services. The expenditure involved could be covered by the funding allocated to such publicity events.</p> <p>(c) The Administration had all along strived to ensure that the historic buildings/monuments could be open to public access all year round as far as practicable. In addition, DEVB would continue to select suitable buildings for public access and guided tours under its annual publicity event, such as the "Heritage Fiesta" which was usually held every year.</p>	
010631 – 011417	Miss CHAN Yuen-han Chairman Administration	<p>Miss CHAN Yuen-han enquired about –</p> <p>(a) Whether the suggestion raised in a public consultation conducted in 2004 to expand the scope of heritage conservation work from "point" to "line" and "surface" had been followed up by the present term Government.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) The bureaux/departments responsible for coordinating the initiatives to enhance the historical buildings/monuments and the surrounding environment holistically and develop the area into heritage and tourism spots.</p> <p>The Administration responded that --</p> <p>(a) The Antiquities Advisory Board ("AAB") had been assisting the Development Bureau in a policy review on the conservation of built heritage which touched upon the point-line-surface approach of conservation.</p> <p>(b) The maintenance of government-owned historic buildings was the Administration's responsibility. Some of them had been put into good and innovative use through the Revitalizing Historic Buildings Through Partnership Scheme. The maintenance of privately-owned graded historic buildings could be covered under the ambit of the Financial Assistance for Maintenance Scheme.</p> <p>Miss CHAN remarked that --</p> <p>(a) It was important for the Administration to clarify the bureaux/departments which were in charge of heritage conservation.</p> <p>(b) The Subcommittee might discuss whether it should report the concerns raised by members at the meeting to the House Committee ("HC") and requested the HC Chairman to convey the concerns to the Chief Secretary for Administration.</p> <p>The Chairman's views that –</p> <p>(a) The Subcommittee would report to the HC the deliberations and concerns raised by members at the meeting.</p> <p>(b) It was appropriate for the Panel on Development to discuss the issues related to heritage conservation.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(c) The AAB's Chairman or representatives should be invited to exchange views on issues in connection with the policy review on the conservation of built heritage.</p>	
011418 – 011846	Mr YIU Si-wing Administration Chairman	<p>Mr YIU Si-wing's view that the Administration should make clear to the owner of Fat Tat Tong the latter's responsibilities in preserving the building in the long term and to facilitate public access before the Administration agreed to undertake restoration/maintenance works for the monument to avoid any possible argument on the arrangements.</p> <p>The Administration reiterated that while the maintenance/restoration works and the provision of supporting services would be taken up by AMO, AMO would further negotiate with the owner of Fat Tat Tong in order to finalize the details with respect to the routine maintenance and opening arrangement of the building.</p>	
011847 – 012159	Mr MA Fung-kwok	<p>Mr MA Fung-kwok's views that –</p> <p>(a) The proposed declaration of Fat Tat Tong and Tat Tak Communal Hall should be supported.</p> <p>(b) The Administration should revitalize Fat Tat Tong under the relevant revitalization scheme.</p> <p>(c) The Administration should be proactive in exploring different ways to preserve the heritage in Hong Kong more effectively.</p>	
012200 – 012804	Chairman Administration	<p>The Chairman remarked that –</p> <p>(a) The Administration had acquired Kom Tong Hall, a historical building in Central, at a cost of about \$53 million in 2004 and converted it into Dr Sun Yat-sen Museum.</p> <p>(b) The Administration should adopt an out-of-the-box thinking in heritage conservation and where appropriate, introduce policy changes to better conserve the heritage of Hong Kong.</p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		The Chairman recapped the follow-up actions required to be taken by the Administration in response to issues raised by members at the meeting.  Legislative timetable and meeting arrangements  Proposed visit to Fat Tat Tong and Tat Tak Communal Hall	The Administration to take action as in paragraph 4 of the minutes

Council Business Division 1  
Legislative Council Secretariat  
13 February 2014