

立法會
Legislative Council

LC Paper No. LS45/16-17

**Paper for the House Committee Meeting
on 17 March 2017**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 13 March 2017**

Tabling in LegCo : Council meeting of 22 March 2017

Amendment to be made by : Council meeting of 12 April 2017 (or that of 10 May 2017 if extended by resolution)

Antiquities and Monuments (Declaration of Proposed Monument) (Hung Lau) Notice **(L.N. 37)**

L.N. 37 is made by the Secretary for Development¹ ("Secretary") under section 2A(1) of the Antiquities and Monuments Ordinance (Cap. 53) after consultation with the Antiquities Advisory Board ("Board"). It declares the building known as "Hung Lau" within Lot No. 36 in D.D. 300, Tuen Mun, New Territories to be a proposed monument² for the purposes of Cap. 53.

2. By virtue of section 6(1) of Cap. 53, the effect of L.N. 37 is to prohibit excavation, building works, demolition and certain other acts on or in Hung Lau, except in accordance with a permit granted by the Secretary. Under section 19(2), any person who contravenes section 6(1) is guilty of an offence and is liable on conviction to a fine of \$100,000 and imprisonment for one year.

3. Under section 2B of Cap. 53, the declaration under L.N. 37 is to have effect for a period of 12 months unless earlier withdrawn by the Secretary. Under section 2C, the owner or any lawful occupier of private land within which a proposed monument has been declared may at any time apply to the Secretary for withdrawal of the declaration.

4. According to the Legislative Council ("LegCo") Brief (File Ref.: DEVB/CHO/1B/CR/14/39) issued by the Development Bureau in March 2017, the Board has accorded Hung Lau Grade 1 status (which denotes a historical building of outstanding merit). In view of the imminent demolition threat to

¹ The Secretary for Development is the Authority under Cap. 53 (section 2).

² The proposed monument is delineated and shown edged red on Plan No. TMM3930 to be signed by the Secretary and deposited in the Land Registry under section 2A(4) of Cap. 53.

the building, L.N. 37 was made to offer it immediate statutory protection (paragraphs 8 and 10 of the LegCo Brief). Members may refer to the LegCo Brief for further information.

5. As advised by the Clerk to the Panel on Development, the Administration has not briefed the Panel on L.N. 37.

6. L.N. 37 came into operation on the day it was published in the Gazette, i.e. 13 March 2017.

Concluding observations

7. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 37.

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