

立法會
Legislative Council

LC Paper No. CB(1)384/18-19
(These minutes have been seen
by the Administration)

Ref : CB1/SS/6/18/1

**Subcommittee on Antiquities and Monuments (Declaration of Monuments and
Historical Buildings) (Consolidation) (Amendment) Notice 2018**

**Minutes of meeting
held on Tuesday, 4 December 2018, at 10:45 am
in Conference Room 2B of the Legislative Council Complex**

Members present : Dr Hon KWOK Ka-ki (Chairman)
Hon CHU Hoi-dick
Hon LAU Kwok-fan, MH
Hon Tony TSE Wai-chuen, BBS

Members absent : Hon YIU Si-wing, BBS
Dr Hon Junius HO Kwan-yiu, JP
Hon HUI Chi-fung

**Public Officers
attending** : **For item II**

Mr José YAM
Commissioner for Heritage
Development Bureau

Ms Joey LEE
Assistant Secretary (Heritage Conservation)
Development Bureau

Ms Susanna SIU
Executive Secretary (Antiquities and Monuments)
Antiquities and Monuments Office

Mr NG Chi-wo
Curator (Historical Buildings)2
Antiquities and Monuments Office

Clerk in Attendance : Ms Angel SHEK
Chief Council Secretary (1)1

Staff in attendance : Mr Alvin CHUI
Assistant Legal Adviser 3

Miss Judy YEE
Council Secretary (1)1

Miss Mandy POON
Legislative Assistant (1)1

Action

I. Election of Chairman

Dr KWOK Ka-ki, the member with the highest precedence among those who were present at the meeting, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Dr KWOK Ka-ki was nominated by Mr Tony TSE and the nomination was seconded by Mr LAU Kwok-fan. Dr KWOK Ka-ki accepted the nomination. There being no other nominations, Dr KWOK Ka-ki was declared Chairman of the Subcommittee.

3. Members agreed that there was no need to elect a Deputy Chairman.

II. Meeting with the Administration

(L.N. 224 of 2018 — Antiquities and Monuments
(Declaration of Monuments
and Historical Buildings)
(Consolidation) (Amendment)
Notice 2018

File Ref: DEVB/CHO/1B/CR 141 — Legislative Council Brief

Action

- LC Paper No. LS20/18-19 — Legal Service Division Report
- LC Paper No. CB(1)246/18-19(01) — Marked-up copy of relevant provisions to be amended by the subsidiary legislation prepared by the Legal Service Division (Restricted to members))

Discussion

4. The Administration briefed members on the Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) (Amendment) Notice 2018 ("the Notice") with the aid of a power-point presentation.

(Post-meeting note: A set of the power-point presentation materials was circulated to members on 4 December 2018, vide LC Paper No. CB(1)264/18-19(01).)

5. The Subcommittee deliberated and completed scrutiny of the provisions of the Notice (index of proceedings attached at the **Annex**).

Follow-up actions to be taken by the Administration

- Admin 6. The Administration was requested to provide supplementary information/written response on the following:
- (a) details of the approved applications under the Financial Assistance for Maintenance Scheme on Built Heritage since introduction of the Scheme in 2008, including the funding amount approved for each application; and
 - (b) (i) the specific measures to be implemented by the Administration in collaboration with The University of Hong Kong ("the University") to facilitate public access to the three Grade 1 historic buildings of the University, namely Fung Ping Shan Building, Eliot Hall and May Hall, the exteriors of which were declared to be monuments under the Notice, and to increase awareness, understanding and appreciation of the cultural heritage of these buildings; (ii) the estimated costs of these measures; and (iii) whether and how the Administration would provide financial or other assistance for implementing the measures.

Action

(Post-meeting note: The Administration's written response was issued on 7 December 2018 vide LC Paper No. CB(1)293/18-19(02).)

III. Any other business

Invitation of written views

7. Members agreed to post a notice on the website of the Legislative Council ("LegCo") to invite written views from the public on the Notice.

(Post-meeting note: The invitation notice was posted on the LegCo website on 4 December 2018 and no submissions were received by the specified deadline.)

Legislative timetable

8. Members noted that the scrutiny period of the Notice would expire at the LegCo meeting of 12 December 2018, and the deadline for giving notice of amendments to the subsidiary legislation was 5 December 2018 if the scrutiny period was not extended. To allow more time for the Subcommittee to prepare its report for submission to the House Committee, members agreed that the Chairman should move a motion at the LegCo meeting of 12 December 2018 to extend the scrutiny period to the LegCo meeting of 9 January 2019. The Chairman would report the deliberations of the Subcommittee to the House Committee at its meeting on 14 December 2018.

(Post-meeting note: The motion moved by the Chairman to extend the scrutiny period of the Notice was passed at the LegCo meeting of 12 December 2018.)

9. There being no other business, the meeting ended at 12:01 pm.

**Subcommittee on Antiquities and Monuments (Declaration of Monuments and Historical Buildings)
(Consolidation) (Amendment) Notice 2018**

**Proceedings of meeting
on Tuesday, 4 December 2018, at 10:45 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I — Election of Chairman</i>			
000840 - 000959	Dr KWOK Ka-ki Mr LAU Kwok-fan Mr Tony TSE	Election of Chairman	
<i>Agenda Item II — Meeting with the Administration</i>			
001000 - 001041	Chairman	Opening remarks	
001042 - 001811	Administration	<p>Briefing by the Administration on the Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) (Amendment) Notice 2018 ("the Notice") with the aid of a power-point presentation.</p> <p>[Legislative Council Brief (File Ref: DEVB/CHO/1B/CR 141)]</p>	
001812 - 003810	Chairman Mr Tony TSE Administration	<p>Mr TSE expressed support for the declaration of the exteriors of the three Grade 1 historic buildings, namely Fung Ping Shan Building, Eliot Hall and May Hall, of The University of Hong Kong ("the University") (hereafter referred to as "the three buildings" collectively) to be historical buildings (i.e. "historical building" is one type of "monument" as defined under the Antiquities and Monuments Ordinance (Cap. 53)).</p> <p>The Chairman and Mr TSE enquired whether the Administration would actively consider providing financial assistance to the University and other owners of privately-owned declared monuments and graded historic buildings in general for carrying out maintenance works of their declared monuments or graded historic buildings.</p> <p>The Administration explained that:</p> <p>(a) the regular maintenance costs of the three buildings would continue to be borne by the University as the owner;</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) the University could apply for one-off subsidies from the Antiquities and Monuments Office ("AMO") for major repairs or more complicated conservation works;</p> <p>(c) owners of privately-owned graded historic buildings could apply for grants under the Financial Assistance for Maintenance Scheme on Built Heritage ("the Scheme") for carrying out maintenance works of their buildings;</p> <p>(d) the Administration would continue to promote the Scheme to owners of privately-owned graded historic buildings including issuing letters to them; and</p> <p>(e) since the introduction of the Scheme in 2008, 60 applications had been approved as at end November 2018, involving a total grant of over \$68 million.</p> <p>At the request of the Subcommittee, the Administration agreed to provide supplementary information on the details of the approved applications under the Scheme, including the funding amount approved for each application.</p> <p>The Administration elaborated on:</p> <p>(a) the operation of the statutory monument declaration system and administrative grading system ("the two systems");</p> <p>(b) the mechanisms and progress of the relevant assessments under the two systems; and</p> <p>(c) the internal mechanism to monitor any demolition of/alterations to declared monuments or graded historic buildings, etc. ("the internal monitoring mechanism").</p> <p>Discussion on how to expedite the progress of assessments for the purpose of monument declaration, and increase the target number of Grade 1 historic buildings for declaration as monuments each year. Members suggested measures including:</p>	<p>The Administration to take action as per paragraph 6(a) of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
		<p>(a) reviewing and improving the two systems;</p> <p>(b) setting specific timeframes for conducting assessments under the two systems; and</p> <p>(c) allocating more manpower resources if necessary.</p>	
003811 - 004749	Chairman Mr CHU Hoi-dick Administration	<p>Further discussion on how to expedite grading assessment or assessment for the purpose of monument declaration, including whether additional resources should be allocated.</p> <p>The Administration pointed out that since 2008, all Grade 1 historic buildings have been put on the list for consideration of monument declaration and the Administration's target was to declare three Grade 1 historic buildings as monuments each year. Regarding members' question of whether a more aggressive target could be set, the crux of the issue was whether there was any Grade 1 historic building having reached the "high threshold" of monument with assessments conducted in a stringent and professional manner.</p> <p>Discussion on the internal monitoring mechanism and the preservation-cum-development approach to preserve historic buildings, with reference to the redevelopment of a Grade 2 historic building in Sham Shui Po, which was owned by The Garden Company Limited.</p>	
004750 - 010909	Chairman Administration	<p>In response to the enquiry of the Chairman, the Administration explained the background leading to the demolition of the Lugard Wing of the Old Halls of the University.</p> <p>The Chairman urged the Administration to expedite assessment for the purpose of monument declaration by allocating more resources.</p> <p>The Administration explained the target and mechanism for declaration of graded historic buildings as monuments.</p> <p>Discussion on:</p> <p>(a) the financial assistance to support the regular maintenance costs of the three</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>buildings and privately-owned graded historic buildings in general; and</p> <p>(b) measures to promote the heritage significance of the three buildings.</p> <p>At the request of the Chairman, the Administration agreed to provide supplementary information on:</p> <p>(a) the specific measures to be implemented by the Administration in collaboration with the University to facilitate public access to the three buildings, and to increase public awareness, understanding and appreciation of the cultural heritage of these buildings; and</p> <p>(b) the estimated costs of these measures and whether and how the Administration would provide financial or other assistance for implementing the measures.</p>	<p>The Administration to take action as per paragraph 6(b) of the minutes</p>
<p><i>Examination of the provisions of the Notice (L.N. 224 of 2018)</i> [Marked-up copy of relevant provisions to be amended by the subsidiary legislation prepared by the Legal Service Division (LC Paper No. CB(1)246/18-19(01))]</p>			
<p>010910 - 011724</p>	<p>Chairman Assistant Legal Adviser ("ALA") Administration</p>	<p><i>Subcommittee on Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) (Amendment) Notice 2018</i></p> <p>1. <i>Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) Notice amended</i></p> <p>2. <i>Paragraph 3 amended (declaration of historical buildings)</i></p> <p>ALA invited the Administration to clarify the reference to "roof" in the English version of the newly added section 3(cg) under the Notice in connection with the exterior structure of Fung Ping Shan Building, whereas "roofs" was used instead in sections 3(ch) and 3(ci) when referring to the exterior structure of Eliot Hall and May Hall respectively.</p> <p>The Administration clarified that "roofs" was used in sections 3(ch) and 3(ci) because each of the buildings concerned had more than one roof.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>ALA invited the Administration to advise on the grading of the interiors of the three buildings and whether any administrative measures would be implemented for the protection of the interiors.</p> <p>The Administration replied that the interiors of the three buildings would remain Grade 1 historic buildings. Where major repairs or more complicated maintenance works were required for the interiors of the three buildings, the University should notify and discuss with AMO for technical advice.</p>	
<i>Agenda Item III — Any other business</i>			
011725 - 011952	Chairman Mr Tony TSE Administration	Legislative timetable Invitation of written views from the public on the Notice	