

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2115/06-07

(These minutes have been  
seen by the Administration)

Ref : CB2/PL/HA

**Panel on Home Affairs**

**Minutes of special meeting  
held on Friday, 1 June 2007, at 12:30 pm  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon CHOY So-yuk, JP (Chairman)  
Hon Albert HO Chun-yan (Deputy Chairman)  
Hon James TIEN Pei-chun, GBS, JP  
Hon James TO Kun-sun  
Hon CHEUNG Man-kwong  
Dr Hon Philip WONG Yu-hong, GBS  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Andrew CHENG Kar-foo  
Hon LI Kwok-ying, MH, JP  
Dr Hon Joseph LEE Kok-long, JP  
Hon Daniel LAM Wai-keung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon CHEUNG Hok-ming, SBS, JP  
Hon WONG Ting-kwong, BBS  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon TAM Heung-man
- Members attending** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon CHAN Yuen-han, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon LEE Wing-tat  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Dr Hon KWOK Ka-ki
- Members absent** : Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Albert CHAN Wai-yip

**Public Officers attending** : Home Affairs Bureau

Mr Patrick HO Chi-ping, JP  
Secretary for Home Affairs

Mrs Carrie LAM CHENG Yuet-ngor, JP  
Permanent Secretary for Home Affairs

Ms Esther LEUNG Yuet-yin  
Deputy Secretary for Home Affairs (3)

Housing, Planning and Lands Bureau

Ms Annie TAM Kam-lan, JP  
Deputy Secretary for Housing, Planning and Lands  
(Planning & Lands) 1

Leisure and Cultural Services Department

Dr Louis NG Chi-wa  
Assistant Director (Heritage & Museums)

**Clerk in attendance** : Miss Flora TAI  
Chief Council Secretary (2)2

**Staff in attendance** : Ms Joanne MAK  
Senior Council Secretary (2)2

Miss Kiwi NG  
Legislative Assistant (2)2 (Acting)

---

**I. Decision of the Secretary for Home Affairs not to declare Queen's Pier as a statutory monument**

The Secretary for Home Affairs (SHA) briefed members on the salient points of the Administration's paper provided for the meeting concerning his decision not to declare Queen's Pier (the Pier) as a monument [LC Paper No. CB(2)2026/06-07(01)].

2. Mr CHEUNG Man-kwong said that following the decision made by the Antiquities Advisory Board (AAB) on 9 May 2007 to accord Grade I historical

Action

building status to the Pier, the public had been concerned about whether the Pier would be declared as a monument. Given that the Administration already knew that the Public Works Subcommittee (PWSC) would consider the funding proposal relating to the preservation of the Pier at its meeting on 23 May 2007, SHA should not have waited until 22 May 2007 to decide on not declaring the Pier as a monument. He considered that in so doing, SHA had purposely avoided explaining for his decision before the PWSC meeting. Moreover, PWSC members were unaware of the decision until it was disclosed by the Administration during the PWSC meeting. Dr Fernando CHEUNG considered that SHA had overlooked the urgency of the matter and made a late decision.

3. SHA pointed out that although AAB had decided to accord Grade I historical building status to the Pier, it should be noted that not all graded buildings would ultimately be declared monuments under the Antiquities and Monuments Ordinance (Cap. 53) (the Ordinance). He said that the grading system of built heritage was an internal mechanism of AAB and the grading made was mainly for reference. Taking into account AAB's decision at its meeting on 9 May 2007, and in response to calls from some quarters of the public for declaring the Pier as a monument under the Ordinance, he had instructed the Antiquities and Monuments Office (AMO) to review the position and to make recommendations on whether AMO's previous position that the Pier should not be declared a monument was still valid. He added that he had received a submission from AMO only on 22 May 2007.

4. Mr CHEUNG Man-kwong asked why SHA had not announced his decision right away on 22 May 2007. SHA replied that he had received the AMO's submission only in the evening of 22 May 2007. As such, there was insufficient time to disclose his decision before the PWSC meeting held in the following early morning. He added that he had decided in the evening of 22 May 2007 to announce his decision on the following day.

5. Dr YEUNG Sum expressed regret at SHA's decision. He considered that SHA had failed to give due regard to AAB's decision on the grading of the Pier which should be a strong justification for declaring the Pier as a monument. Dr YEUNG further said that although the Pier failed to meet the threshold of 50 years of building age, the AAB Chairman at its meeting on 9 May 2007 had reminded the AAB members that they should give due consideration to the historical value of the Pier. Dr YEUNG said that in deciding to accord Grade I historical building status to the Pier, AAB had affirmed the Pier's significant historical value. He criticised SHA for failing to back up AAB's assessment and to respect its grading decision.

6. SHA explained that the grading system and the statutory mechanism for preserving a historical building were different. The grading system only aimed at identifying and comparing the heritage value of historical buildings, which included considerations such as historical interest, group value, social value

Action

and local interests, authenticity and rarity. SHA said that unless the Ordinance was amended to provide for additional factors, he, as the Antiquities Authority (AA), could only consider whether any building merited a monument status by reason of its historical, archaeological or palaeontological significance. While agreeing that the Pier possessed certain historical significance, SHA considered that it fell short of the requirements for it to be declared a monument. Dr Fernando CHEUNG enquired about the extent to which SHA, as AA, would make reference to the grading given by AAB to a built heritage in deciding whether the built heritage should be declared a monument.

7. SHA reiterated that the grading made was for internal reference only, and even Grade I buildings might not become declared monuments subsequently. He invited members to note that, of the 607 historical buildings graded by the AAB up to May 2007, 151 buildings had been accorded with Grade I historical building status of which only 28 buildings had been declared monuments.

8. Mr LEE Wing-tat criticised the decision of SHA as irresponsible and violating the fundamental principles of transparency, impartiality and accountability. He asked why SHA had not informed the media of his decision in the evening of 22 May 2007, whether SHA was aware of the growing public sentiment for heritage conservation after the demolition of the Star Ferry Pier, and why SHA had not taken one further step to consult AAB before making his decision. He also criticised SHA for not attending the PWSC meeting on 23 May 2007 to give an account of his decision.

9. SHA responded that his decision and all the procedures he had taken leading up to the decision were in line with the established procedures. Officials from the Home Affairs Bureau and the Leisure and Cultural Services Department stood ready at the PWSC meeting on 23 May 2007 to answer members' queries. In addition, he had made a public announcement of his decision at a press stand-up and issued a press release on 23 May 2007. Mr LEE pointed out that the decision was not announced by officials at the PWSC meeting but was disclosed by officials only when responding to PWSC members' questions.

10. Dr Fernando CHEUNG noted that according to the internal guidelines of AAB, a Grade I historical building was a "building of outstanding merit, which every effort should be made to preserve if possible". He asked SHA for his opinion as to which of the four preservation options proposed by the Administration in its paper submitted to PWSC would best comply with that principle. SHA explained that the preservation option for a Grade I historical building should be one which represented the best possible effort to preserve it, having regard to all relevant consideration factors. Dr CHEUNG further enquired about the possible preservation options available for the Pier. SHA said that an option was to re-provision the Pier so that its historically valuable portion could be preserved.

Action

11. Professor Patrick LAU declared interests as a member of AAB. He asked for the reason for SHA, as AA, for not consulting AAB before deciding not to declare the Pier as a monument.

12. SHA responded that according to the Ordinance, if AA considered any building to be of public interest that merited a monument status, he might consult AAB on his intention to declare such a building to be a monument. However, AA was not required to do so if he did not have that intention in mind. He added that in deciding not to declare the Pier as a monument, he had already taken note of the relevant discussions of AAB and the views put forward by various groups.

13. Professor Patrick LAU said that the research report on the Pier's heritage value submitted by AMO to AAB for consideration of the Pier's grading contained detailed information and analysis from different perspectives. He noted that the Administration's paper submitted for the meeting did not provide the same information. He requested SHA to explain his decision not to declare the Pier a monument and to give an account of his considerations.

14. SHA explained that the assessment criteria under the grading system of built heritage covered a wide range of areas. A building with strong architectural merit but with relatively weak historical significance might still be classified as Grade I or Grade II. He pointed out that, as AA, he was only empowered by the Ordinance to consider whether such a building warranted monument status on the basis of its historical, archaeological or palaeontological significance and not any other merit.

15. Mr LEUNG Kwok-hung held the view that SHA was a victim of bureaucratic politics. He considered that the decision not to declare the Pier as a monument had been made by the Chief Executive (CE), and SHA was just implementing CE's instruction or instructions from the Chief Secretary for Administration (CS). He said that the Pier was a vivid example of the Government's blatant decision to oppose public opinions. He asked SHA for the officials whom he had contacted during the three days before he had made his decision. SHA responded that he had met many officials both before and after making his decision. Mr LEUNG further asked whether those officials included CE. SHA responded that he met with CE and Principal Officials at work everyday.

16. Mr James TO asked whether SHA had discussed with CE or CS between 9 and 22 May 2007 about whether he should seek approval to declare the Pier to be a monument. SHA replied that he had discussed his work with them. In response to Mr TO on the details of the discussion, SHA said that he had reported on the public responses and the grading decision made by AAB.

Action

17. Mr James TO asked once again whether SHA had discussed with CE about whether he should seek approval to declare the Pier as a monument. SHA replied that he had discussed the grading of the Pier with many Principal Officials. As to whether SHA had discussed it with CE, SHA replied that he had reported his decision to CE.

18. Mr James TO asked SHA the time on 22 May 2007 at which he reported to CE. SHA replied that he reported to CE on 23 May 2007.

Admin

19. Referring to paragraph 24 of the Administration's paper, Mr James TO requested SHA to provide the submission made by AMO and a list of the relevant papers that he had taken into consideration. SHA agreed to provide the requisite information for members' reference.

20. Mr James TO asked how SHA, as AA, would assess changes in public opinions on the Pier's heritage value as this was not explained in the Administration's paper. SHA replied that he, as AA, paid due regard to public opinions on the future of the Pier. In view of the public sentiments, he had instructed AMO, immediately after AAB making the decision on 9 May 2007, to review the position and to make recommendation to him. Mr TO pointed out that no information on SHA's assessment of the public opinions had been provided in the Administration's paper submitted for the meeting.

21. Permanent Secretary for Home Affairs (PSHA) said that after the AAB meeting on 9 May 2007, there had been diverse views in the community, with some questioning whether the Pier warranted Grade I status and some expressing support for declaring it a monument. She said that SHA had, in response to these divided views, instructed AMO immediately to review the position and to make recommendations to him. She pointed out that according to the Ordinance, AA was only empowered to consider whether a historical building warranted monument status on three grounds, i.e. historical, archaeological or palaeontological value, and there was not much leeway for AA to give consideration to public opinions over matters of monument declaration. PSHA invited members to note that the voting results on the grading of the Pier by AAB had also been considered, as set out in paragraph 23 (III)(f) of the Administration's paper.

22. Dr KWOK Ka-ki asked whether SHA had first agreed with CE and other Principal Officials on the submission of the funding proposal to PWSC on 23 May 2007 and on deciding against declaring the Pier a monument late in the evening of 22 May 2007. He asked if there was a pre-determined time frame on the matter. SHA replied that this was merely coincidental. He had intended to come to a decision as early as possible, but was unable to do so as he only received the submission made by AMO on 22 May 2007.

23. Dr KWOK Ka-ki asked whether it was CE who had decided to demolish the Pier and requested SHA to announce a decision not to declare the Pier as a

Action

monument. SHA said that it was his personal decision made in his capacity as AA under the Ordinance.

24. Dr KWOK Ka-ki considered that the Administration had completely ignored the public opinions which were strongly in support of the preservation of the Pier; it had also failed to respect AAB's decision on the Pier's Grade I historical status. He asked whether SHA was under pressure when handling the matter. SHA replied in the negative. He added that the selection criteria were very stringent. Using other historical buildings which had been declared as monuments as examples, it could be seen that the threshold of historical, archaeological or palaeontological significance qualifying a building as a monument was indeed very high. While the Pier had some historical significance, it fell short of the requirements for it to be declared a monument.

25. Mr CHEUNG Hok-ming said that the Morrison Building in Hoh Fok Tong Centre in Tuen Mun, which was constructed in 1936 and was about 20 years older than the Pier, had been declared as a monument in 2004. He requested SHA to explain his considerations in deciding to declare the Morrison Building as a monument.

26. SHA recalled that after considering a detailed assessment of the value of the Morrison Building, he had decided that it met the threshold to merit a monument status under the Ordinance. He reiterated that under the Ordinance, AA was only allowed to consider the historical, archaeological or palaeontological significance of a built heritage. The Pier lacked significance in terms of archaeological or palaeontological value, and its historical significance fell short of the requirements for it to be declared as a monument as explained in the Administration's paper.

27. Mr Abraham SHEK asked whether AAB had invited SHA to consider declaring the Pier as a monument between 9 and 22 May 2007. SHA replied that after AAB had decided on the grading of the Pier at its meeting on 9 May 2007, he noted that there were divided views in the community on the heritage value of the Pier. He had, therefore, instructed AMO to conduct an in-depth review of the position and to make recommendations to him. He pointed out that as AA, he might consult AAB for its view if he considered any building to be of public interest which merited a monument status. However, it was unnecessary for AA to do so if he did not consider any building had such a high value.

28. Mr Abraham SHEK asked Assistant Director (Heritage & Museums), who was the Executive Secretary of AMO, why the Office had taken a long time to prepare the review report for consideration by SHA.

29. Assistant Director (Heritage & Museums) (AD(H&M)) said that AMO, as the executive arm of AA, was entrusted with the responsibility of dealing with matters relating to the examination and preservation of historical buildings

Action

or sites. Since 2000, AMO had not recommended to AA the declaration of the Pier as a monument. After the AAB meeting on 9 May 2007, SHA had instructed AMO to review the position and to make recommendations to him as to whether AMO's previous position that the Pier should not be declared a monument was still valid. AMO made a submission to SHA on 22 May 2007 for his consideration.

30. Professor Patrick LAU asked why AMO had not made the submission to SHA earlier, and why SHA had not requested the Secretary for Housing, Planning and Lands (SHPL) to defer the funding proposal to PWSC to a later date.

31. SHA replied that he had instructed AMO to conduct the review and make recommendations after the AAB meeting on 9 May 2007. Given that SHPL would submit the funding proposal to PWSC on 23 May 2007, he had wanted to make the decision before the PWSC meeting in order to facilitate PWSC members' deliberation. However, the earliest possible time for him to make the decision was 22 May 2007.

32. Mr WONG Ting-kwong considered that the AAB's voting results on the grading of the Pier showed that more than half of AAB members did not consider that the Pier should be accorded a Grade I historical building status. He sought SHA's comments on the voting results. SHA said that the results indicated that AAB members did not have a unanimous view on the historical significance of the Pier. He added that this was uncommon. By way of comparison, in the recent deliberations of AAB on the grading of Mei Ho House and Yu Yuen, AAB members had unanimously agreed to give the buildings Grade I status.

33. Mr WONG Ting-kwong further asked whether SHA had assessed the proportion of public opinions for and against the declaration of the Pier as a monument. SHA replied that he had taken note of the diverse views in the community after the AAB meeting, and had instructed AMO immediately to conduct an in-depth review of the position and to make recommendations to him. However, he should not give consideration to these diverse views, because as AA, the Ordinance required him to make an independent assessment by considering only the three factors of historical, archaeological or palaeontological significance.

34. Mr James TO requested SHA to clarify whether it was disallowed under the Ordinance for AA to give consideration to the prevailing high public sentiment towards the preservation of the Pier in making his decision. SHA replied that he had certainly taken note of the public sentiment, or else he would not have instructed AMO to review the position and to make recommendations to him.

Action

35. Dr Philip WONG asked about the composition of and the selection criteria for members of AAB, and how its chairman was returned. PSHA said that as for other advisory and statutory bodies, AAB comprised members from different sectors of the community. It had a total of 27 members plus the AAB chairman who were appointed by CE. AD(H&M) supplemented that AMO also provided secretariat and administrative support to AAB. He said that AMO performed two functions, one of which was to undertake background research to facilitate the grading assessment by AAB of buildings based on the heritage value, and the other was to provide a professional assessment and recommend to AA whether any building should be declared a monument.

36. Referring to paragraph 7 of the Administration's paper, Miss TAM Heung-man asked for the reason for adding a new threshold in that, for a historical building to be declared as a monument, it had to be compared with the historical value of the 63 declared monuments in Hong Kong. She considered it inappropriate for the Administration to adopt such a high threshold. She reminded the Administration that there were calls from the community for expanding the heritage assessment criteria to include new elements other than historical value, e.g. elements of collective memory. She requested SHA to give an account of the efforts made by the Administration to preserve the Pier after the AAB meeting on 9 May 2007. She also queried why the Pier did not merit a monument status, given that many historical buildings which had previously been graded by AAB as only Grade II or Grade III buildings had eventually been declared as monuments.

37. SHA reiterated that the grading system of built heritage was an internal mechanism of AAB and the grading made was for reference only. There could be different options for preserving a Grade I building, the principle being that the preservation option should represent the best possible effort to preserve a building, having regard to all relevant factors and considerations.

38. In continuing, SHA said that using the 63 historical buildings which had been declared as monuments as examples, it could be seen that the threshold of historical, archaeological or palaeontological significance qualifying a building as a monument was very high. In the assessment of the historical significance of a building, consideration was given to its relevance to important historical events or figures in Hong Kong. Miss TAM Heung-man disagreed with the view that the historical significance of the Pier fell short of the requirements for it to be declared as a monument, as the Pier had been associated with important historical events such as the arrival of new Governors.

39. Mr LEE Wing-tat asked how SHA felt when SHPL said openly after the AAB meeting on 9 May 2007 that the Pier could still be demolished even though it had been accorded a Grade I historical building status. SHA said that what SHPL meant was the relocation and reassembly of the Pier, and not demolition. He considered that what SHPL had said was in line with the

Action

principle that the best efforts had to be made to preserve the Pier, as relocation and reassembly of the Pier were also possible preservation options.

40. Mr LEE Wing-tat further asked whether SHA considered that the perception and feeling of people in Hong Kong towards the Pier should be taken into consideration by him, as AA, in deciding whether he should recommend to CE for his approval the declaration of the Pier as a monument. SHA said that a holistic approach had been adopted when making his assessment of the historical significance of the Pier as explained earlier.

41. Referring to paragraph 7 of the Administration's paper, Dr Fernando CHEUNG asked SHA to explain the consideration of whether a historical building had reached "the threshold of historical, archaeological or palaeontological significance" was based on objective or subjective criteria. SHA replied that an assessment had to be carried out as to whether a building reached the threshold, and in the assessment process, he would take into account the views and assessments made by relevant parties. Dr CHEUNG asked whether the assessment made on the Pier was based on objective or subjective criteria. SHA agreed to provide written information setting out the factors which he had taken into consideration.

Admin

42. Dr Fernando CHEUNG said that the 63 declared monuments should have also gone through the same assessment before they were considered to merit monument status. He requested the Administration to provide information on the assessments made for the 63 monuments. SHA replied that the information was voluminous but undertook to provide as much information as possible.

Admin

43. Dr Fernando CHEUNG enquired about the measures which would be taken to preserve the 123 Grade I buildings which were not declared to be monuments. SHA replied that as some of the buildings were privately-owned, the Administration had to discuss with the owners concerned on ways to preserve the graded buildings under their ownership.

44. Mr LEUNG Kwok-hung asked whether CE had given SHA any instruction such as the demolition of the Pier. SHA replied that he had only reported progress of work to CE.

45. Mr LEUNG Kwok-hung asked whether SHA had told SHPL that the Pier could not be demolished because a review was being undertaken to assess whether it should be declared a monument. SHA replied that he had not discussed this with SHPL.

46. Mr LEUNG Kwok-hung asked whether CE had discussed with SHA about the preservation of the Pier. SHA replied that he had from time to time reported the progress of work to CE. As to whether CE had given SHA any instruction, SHA said that he had already responded to the question.

Action

47. Mr James TO asked whether it could be taken to mean that CE had given SHA instructions since SHA had not refuted Mr LEUNG's question. SHA replied that CE had not given him an instruction not to declare the Pier as a monument.

48. In response to further enquiries from Mr TO, SHA said that he had reported the progress of work to CE and CE had not made any comments. As to whether CE had ever made any comments regarding whether SHA should seek approval to declare the Pier a monument, SHA replied that CE had not made such comments.

49. Mr Alan LEONG asked whether CE had remained silent after learning of SHA's report. SHA said he had nothing to add.

50. Dr YEUNG Sum said that heritage conservation fell within the policy portfolio of SHA, and he regretted that SHA had failed to make his best efforts to preserve the Pier. Referring to paragraph 13 of the Administration's paper, Dr YEUNG further said that as the "Survey Report of Historical Buildings and Structures within the Project Area of Central Reclamation Phase III" published by AMO in 2001 stated that "Their demolition for reclamation would scrap forever the concrete link to a brief past of local development", he asked whether SHA would recommend preservation of the Pier in-situ to CE.

51. SHA said that as the Pier was a Grade I historical building, the best possible effort should be made to preserve it, and in-situ preservation was only one of the options.

52. Referring to paragraph 20 of the Administration's paper, Professor Patrick LAU clarified that the Hong Kong Institute of Architects had requested AA to declare the Pier a monument. Professor Patrick LAU and the Chairman both expressed support for in-situ preservation of the Pier and requested SHA to recommend so to CE.

53. SHA pointed out that while in-situ preservation was one of the options, the preservation, storage and reassembly of the Pier at a suitable location could also be an option. He cited examples of world heritage which had been preserved by way of relocation.

54. Mr Abraham SHEK said that the preservation options proposed by the Administration were not to demolish the Pier, but to preserve the retainable parts of the Pier and store them for future reassembly of the Pier. He considered that the proposed preservation arrangements were in line with the Pier's Grade I status. Mr SHEK pointed out that between 2001 and 2007, AMO had never taken the view that the historical significance of the Pier was such that AMO should recommend to AA that the Pier should be declared a monument. He also noted that SHA had taken note of public opinions and

Action

instructed AMO immediately after 9 May 2007 to review the position and make recommendations to him before he took a decision on the Pier. He expressed support for SHA's decision.

55. Dr KWOK Ka-ki asked whether SHA was aware that the proposed preservation arrangements for the Pier had violated the Principles for the Conservation of Heritage Sites in China (the China Principles), which recommended in-situ conservation. SHA replied that according to the China Principles, where in-situ preservation was not feasible due to practical constraints, other methods of preservation including relocation were also considered acceptable and there were such precedents in China.

56. Dr KWOK Ka-ki said that AMO had researched into areas including the historical significance of the Pier and AAB, after considering the findings of AMO, had still decided to accord Grade I status to the Pier. He said that this showed that the historical significance of the Pier was beyond doubt. He asked whether SHA had made his decision based on political considerations, and whether CE and other Principal Officials had taken part in making the decision.

57. SHA stressed that he was not allowed under the Ordinance to make his decision based on any political consideration. He pointed out that a building accorded Grade I status did not necessarily mean that the building had reached the threshold of historical significance qualifying it as a monument. He explained that AAB gave regard to many factors when considering the heritage value and grading of a building. As AA, he was required by the law to consider only the historical, archaeological or palaeontological significance of the building.

58. There being no other business, the meeting ended at 2:10 pm.