

**Extract from the minutes of meeting of the
Subcommittee on Heritage Conservation on 2 October 2007**

- Members present** : Hon CHOY So-yuk, JP (Chairman)
Hon James TO Kun-sun
Hon Daniel LAM Wai-keung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man
- Members attending** : Hon Albert HO Chun-yuen
Hon CHAN Yuen-han, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LEE Wing-tat
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
- Members absent** : Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LI Kwok-ying, MH, JP
Hon CHEUNG Hok-ming, SBS, JP
- Public Officers attending** : Agenda Item II

Development Bureau

Mrs Carrie LAM, JP
Secretary for Development

Ms Ivy LAW
Deputy Secretary (Planning & Lands) 2 (Acting)

Leisure and Cultural Services Department

Mr CHUNG Ling-hoi, JP
Director of Leisure & Cultural Services (Acting)

Urban Renewal Authority and Consultant

Mr Billy C. L. LAM, SBS, JP
Managing Director

Urban Renewal Authority

Mr Kenneth J. LI
Senior Manager (Planning and Development)
Urban Renewal Authority

Professor Bernard V. LIM
Principal, Architecture Design and Research Group
Limited

Agenda Item III

Development Bureau

Mrs Carrie LAM, JP
Secretary for Development

Leisure and Cultural Services Department

Mr CHUNG Ling-hoi, JP
Director of Leisure & Cultural Services (Acting)

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

Staff in attendance : Miss Vivien POON
Council Secretary (2)3

Ms Anna CHEUNG
Legislative Assistant (2)2

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III. Preservation of King Yin Lei
[LC Paper No. CB(2)2749/06-07(02)]

10. SDEV briefed members on the Administration's paper setting out details of the preservation of the Building at 45 Stubbs Road (King Yin Lei). Members noted the declaration of the building and its garden at 45 Stubbs Road (the Building) to be a Proposed Monument under the Antiquities and Monuments Ordinance (the Ordinance) made by SDEV, in her capacity as the Antiquities Authority, on 15 September 2007. The declaration had an effect of 12 months which allowed the Administration time to -

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- (a) confirm or otherwise the "monument" status of the Building which in this case would have to take account of the damages done and whether reinstatement works could be carried out to restore the former appearance of the Building; and
- (b) negotiate an appropriate conservation plan with the owner of the Building.

11. Some members took the view that the incident had reflected that there was room for improvement in the Administration's internal procedures of handling letters on heritage conservation matters received from the public. SDEV responded that the Administration had introduced enhanced measures to prevent the recurrence of similar incidents.

12. Members in general considered that the incident had reflected inadequacies of the existing mechanism for preventing demolition of privately-owned heritage from being carried out without notifying the Administration. SDEV explained that the Administration had relied on the Buildings Ordinance which required an owner to apply for the Building Authority's prior approval for structural works, including demolition of buildings. However, the removal works carried out on the Building on those few days before 15 September 2007 did not involve the structure of the Building and did not affect the safety of the public. The works were, therefore, exempted building works under section 41(3) of the Buildings Ordinance and did not require the owner to apply for the Authority's prior approval. SDEV agreed that the Administration would have to explore ways of enhancing the mechanism.

13. SDEV informed members that the Administration would also expedite the heritage assessment work for the some 1 400 historic buildings (including 495 already graded buildings), in order to come up with necessary information and data to facilitate the Administration's working out a plan for the conservation of the buildings involved.

14. Professor Patrick LAU declared interests as a member of the Antiquities Advisory Board (AAB). He said that in 2004, AAB had been told that the Building's owner was launching the property for sale. In order to prevent the Building from demolition, AAB had recommended declaration of the Building as a Proposed Monument. The Administration, however, had not done so as the owner had scrapped the sale. He asked whether the Administration had all along monitored the threat of demolition of the Building. As regards ways of enhancing the existing mechanism for the protection of heritage, Professor LAU suggested that the Buildings Ordinance should be amended to empower the Director of Buildings to order suspension of removal works on a building when such works were being carried out in a large scale.

15. SDEV acknowledged that the Administration noted that AAB had

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discussed the issue in June 2004. During that time, the Administration had remained of the view that the mechanism relied upon to prevent demolition of historic buildings under the Buildings Ordinance was able to prevent such demolition in the way as explained above, thus allowing the Administration to interfere with demolition threats of heritage buildings under private ownership. Acknowledging the need for enhancement, SDEV said that the Director of Buildings had been tasked to review relevant provisions under the Buildings Ordinance with a view to enhancing the mechanism for heritage protection and revitalisation.

16. The Chairman commented that the incident had, to a certain extent, reflected the Administration's serious negligence of the importance of heritage conservation in the past. Some members considered that the Administration would have to restore the public confidence in the Government's work in heritage conservation by introducing a coherent policy on heritage conservation which should include a package of conservation measures.

17. In response, SDEV assured members that the Administration would shortly release its heritage conservation policy and the Panel on Home Affairs would be briefed of the details. She added that she would also be pleased to report on any progress made in relation to the preservation of the Building, including the outcome of her discussion with the Building's owner or estimated cost of the restoration of the Building when such information was available.

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**Extract from the proceedings of meeting of the
Subcommittee on Heritage Conservation on 2 October 2007**

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Time marker	Speaker	Subject	Action required
011803 - 012229	Chairman Admin	Preservation of King Yin Lei Briefing by SDEV on the preservation of the Building at No.45 Stubbs Road ("the Building") [LC Paper No. CB(2)2749/06-07(02)]	
012230 - 012522	Mr Daniel LAM Admin Chairman	Mr Daniel LAM's suggestion that the Administration should learn from the incident and introduce standardised procedures for handling incoming mails on heritage conservation matters to avoid improper handling and delay in saving a built heritage under threat. SDEV's acknowledgement that there was room for improvements in relevant work procedures and the Administration had introduced enhanced measures already.	
012523 - 013032	Miss TAM Heung-man Admin Chairman	Miss TAM Heung-man's query on how the Administration could restore the original appearance of the Building, given the extent of the demolition works carried out. SDEV's response that assessment was being carried out by experts on whether the former appearance of the Building could be restored by reinstatement works. The Administration would shortly release a package of improvement measures for heritage conservation work. Miss TAM's further queries and the Administration's response on the timeframe of its work as follows - - an assessment report to be drawn up by experts by the end of 2007; and - a detailed restoration plan would be drawn up, within about three to four months, based on the assessment report.	

Time marker	Speaker	Subject	Action required
013033 - 013804	Ms Audrey EU Admin	<p>Ms Audrey EU's queries on -</p> <ul style="list-style-type: none"> (a) the possible strategies for the preservation of the Building e.g. the option of transfer of plot ratio; (b) measures to be taken to prevent the recurrence of similar incidents; and (c) whether urgent assessment of existing historical buildings should be conducted in terms of the threat of demolition they faced. <p>Response of SDEV on the chronology of events leading to the declaration of the Building as a Proposed Monument and her meeting with the owner of the Building arranged to be held soon.</p> <p>SDEV's response that the Director of Buildings had been tasked to look into the constraints caused by stringent requirements under the Buildings Ordinance to heritage conservation work and to seek improvements. SDEV's undertaking that the heritage assessment for the some 1 400 historical buildings would also be expedited.</p>	
013805 - 014313	Professor Patrick LAU Admin	<p>Declaration of interests by Professor Patrick LAU. His suggestion of amendments for the existing Buildings Ordinance, and his enquiry on whether permission had to be applied for carrying out any works for the garden of the Building.</p> <p>SDEV's acknowledgement that there was room for improvement in the existing mechanism as reflected in the incident.</p> <p>The Administration's explanation that it was necessary to subject the garden to the statutory protection by the declaration in order to ensure the Building to be intact as far as possible. Assessment had yet to be made as to whether the garden should be declared a monument.</p>	
014314 - 015849	Mr James TO Admin Mr Albert HO Chairman Mr LEE Wing-tat	Mr James TO's question and SDEV's response on the actions taken by the Home Affairs Bureau upon receipt of the letter issued by the representative of the owner of the Building in April 2007.	

Time marker	Speaker	Subject	Action required
		<p>Mr Albert HO's suggestion that the Administration should conduct heritage as well as risk assessments for the 1 400 historical buildings expeditiously.</p> <p>Mr LEE Wing-tat's view that the Director of Buildings was empowered, as the Building Authority, to take intervention at the earlier stage of the demolition works of the Building. For example, he could have appointed authorised persons to carry out investigation in relation to water pipe, drain or sewer and request the owner to stop the demolition works for the investigation. His view that the Director of Buildings had acted over-prudently in the incident. SDEV's response that the Director of Buildings had to act in full compliance with the law, and she noted that the Director of Buildings had sought legal advice on the matter.</p>	
015850 - 020509	Miss CHAN Yuen-han Admin Chairman	Miss CHAN Yuen-han's enquiry on the timetable for release of the policy and implementation measures for heritage conservation.	
020510 - 021219	Dr KWOK Ka-ki Chairman Admin	<p>Dr KWOK Ka-ki's criticism of the Administration's failure to take prompt action to prevent the demolition of the Building as there had been news as early as in 2004 that the owner concerned was inviting buyers to bid for the Building. His view that the Administration would have to introduce concrete new measures to restore confidence in the Administration's ability to prevent the recurrence of similar incidents.</p> <p>His request for provision of a timetable for conducting the heritage assessment for the 1 400 historical buildings and the review of heritage conservation policy.</p> <p>The Chairman's reiteration that policy matters would be dealt with by the Panel on Home Affairs. SDEV's undertaking to provide details of the heritage conservation policy and new package of policy measures as soon as possible.</p>	
021200 - 021239	Chairman	The Chairman's summing up of the discussion and members' views.	

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