

立法會
Legislative Council

LC Paper No. CB(1)642/13-14

Ref: CB1/SS/5/13

Paper for the House Committee meeting on 3 January 2014

**Report of the Subcommittee on Antiquities and Monuments
(Declaration of Historical Buildings) Notice 2013**

Purpose

1. This paper reports on the deliberations of the Subcommittee on the Antiquities and Monuments (Declaration of Historical Buildings) Notice 2013.

Background

2. Under section 3(1) of the Antiquities and Monuments Ordinance (Cap. 53) ("the Ordinance"), the Secretary for Development ("SDEV") as the Antiquities Authority ("AA") may, after consultation with the Antiquities Advisory Board ("AAB") and with the approval of the Chief Executive ("CE"), by notice in the Gazette, declare any place, building, site or structure, which he considers to be of public interest by reason of its historical, archaeological or palaeontological significance, to be a monument, historical building or archaeological or palaeontological site or structure. Once so declared, the place, building, site or structure in question will become a "monument" for the purposes of the Ordinance and as such will enjoy the protection under section 6(1) which forbids anyone to excavate, carry on building or other works, plant or fell trees or deposit earth or refuse on or in the monument, or demolish, remove, obstruct, deface or interfere with it except in accordance with a permit granted by SDEV. Under section 19(2) of the Ordinance, any person who contravenes section 6(1) shall be guilty of an offence and shall be liable on conviction to a fine of \$100,000 and imprisonment for one year.

The Antiquities and Monuments (Declaration of Historical Buildings) Notice 2013 (L.N. 186 of 2013)

3. The Antiquities and Monuments (Declaration of Historical Buildings) Notice 2013 (L.N. 186 of 2013) ("the Declaration Notice") was made by SDEV under section 3(1) of the Ordinance to declare the following to be historical buildings --

- (a) the Cenotaph and its adjoining land in Central, Hong Kong; and;
- (b) the Bethanie at 139 Pok Fu Lam Road, Hong Kong¹.

The Cenotaph and its adjoining land

4. The Cenotaph at Statue Square, Central is the earliest and the only memorial formally constructed to commemorate the dead of the First World War. It was unveiled by the then Governor Sir Edward Stubbs on 25 May 1923. Initially, it was simply inscribed with the words "The Glorious Dead" and the years of the First World War, i.e. "1914-1918". The years "1939-1945" were subsequently added to honour victims of the Second World War. Commemorative activities are held by the Hong Kong Special Administrative Region Government and other relevant associations at the Cenotaph every year. The Cenotaph is a component of an architectural and historical complex in the old City of Victoria, where a number of declared monuments such as the Old Supreme Court, the Flagstaff House, the Former French Mission Building, the Government House and St. John's Cathedral are located.

The Bethanie

5. The Bethanie was completed in 1875 by the Société des Missions Étrangères (Society of Foreign Mission) ("the Society") as their first sanatorium in the East Asia for sick missionaries. After its closure in 1974, the Bethanie was sold to Hongkong Land and was later taken over by the Hong Kong Government. It was then leased to the University of Hong Kong from 1978 to 1997. In 2002, the Government decided to restore and lease the Bethanie together with the adjacent Old Dairy Farm

¹ A copy of the plans showing the locations of the buildings declared by AA as historical buildings under the Declaration Order (and deposited in the Land Registry as Plans Nos. HKM9524a and HKM9387a) is given at Annex C to the Legislative Council Brief on the Declaration Order (File Ref: DEVB/CHO/1B/CR141).

Cowshed Building to the Hong Kong Academy for Performing Arts ("HKAPA") for conversion into their second campus. The conversion was completed in 2006 and the Bethanie has served as the School of Film and Television of the HKAPA since then. The restoration and conversion project of the Bethanie carried out by the HKAPA was awarded an Honourable Mention in the 2008 UNESCO Asia-Pacific Cultural Heritage Awards Programme.

6. According to paragraph 14 of the Legislative Council ("LegCo") Brief on the Declaration Order, the Cenotaph and the Bethanie have been accorded with a Grade 1 status by AAB having regard to the recommendations of an independent assessment panel² under the existing administrative grading mechanism³. Paragraph 18 of the LegCo Brief states that AAB, which was consulted on the proposed declaration as required under section 3(1) of the Ordinance on 17 December 2012, rendered its support to the declaration.

7. The Declaration Notice does not provide for a commencement date. By virtue of section 20(2) of the Interpretation and General Clauses Ordinance (Cap. 1), the Declaration Notice commenced on the day it was published in the Gazette, i.e. 22 November 2013.

The Subcommittee

8. At the House Committee meeting on 29 November 2013, members agreed to form a subcommittee to study the Declaration Notice. Hon CHAN Yuen-han was elected Chairman of the Subcommittee. The membership list of the Subcommittee is in the **Appendix**.

9. To allow time for the Subcommittee to report its deliberations to the House Committee and Members to study the Declaration Notice, a resolution was passed at the Council meeting of 18 December 2013 to extend the scrutiny period to 15 January 2014. The Subcommittee held one meeting with the Administration on 10 December 2013 to examine the

² The assessment panel comprises experts from the fields of town planning, architecture and engineering as well as historians.

³ Grading of historic buildings is accorded by AAB as follows --

Grade 1	Buildings of outstanding merit, which every effort should be made to preserve if possible.
Grade 2	Buildings of special merit; efforts should be made to selectively preserve.
Grade 3	Buildings of some merit; preservation in some form would be desirable and alternative means could be considered if preservation is not practicable.

Declaration Notice.

Deliberations of the Subcommittee

10. In recognition of the historical value and heritage merits of the Cenotaph (and its adjoining land in Central) and the Bethanie, and from the heritage conservation point of view, members of the Subcommittee generally welcomed and supported the declaration of these two buildings as historical buildings under section 3(1) of the Ordinance.

11. In the course of deliberation, members have in particular examined issues related to the preservation of other places of high heritage value in the vicinity of the Bethanie; the monitoring of possible impact of building developments near the Bethanie; as well as public access to and maintenance of the Bethanie. The deliberations are summarized in the ensuing paragraphs.

Preservation of other places of high heritage value in the vicinity of the Bethanie

12. The Subcommittee notes that in the vicinity of the Bethanie, there are other places of high heritage value, namely the Pokfulam Village and the buildings associated with the Old Diary Farm. On 8 October 2013, the World Monuments Fund announced that the Pokfulam Village had been included in the 2014 World Monuments Watch list⁴. There are a number of buildings related to the Old Diary Farm, including a senior staff quarters (Grade 1 historic building), a main office building (Grade 2 historic building) and a cowshed (Grade 2 historic building). The Chairman is of the view that for this area, a dot-line-plane approach to heritage conservation should be adopted to achieve a cluster effect. She has pointed out that the declaration of the Bethanie alone as a statutory historical building is insufficient for protecting the heritage of the larger Pokfulam area in a holistic approach. In this connection, the Subcommittee has examined whether the Administration has any plans to conserve the Pokfulam Village, in response to the aspiration of the local villagers, and the buildings associated with the Old Diary Farm.

⁴ The World Monuments Watch list was launched in 1996 by a New York-based private and non-profit making organization called World Monuments Fund. The list, issued every two years, calls international attention to threatened cultural heritage sites around the world. The 2014 list includes 67 sites in 41 countries and territories. According to the World Monuments Fund, the nominators of the Pokfulam Village hope that watch-listing will underscore its cultural value to the community and build support for its preservation. (Source of information: http://www.wmf.org/sites/default/files/press_releases/2014-Press-Release-ENG.pdf)

13. While acknowledging the historical and cultural value of the Pokfulam Village and the buildings associated with the Old Dairy Farm, the Administration has explained that the current protection granted under the Ordinance focuses on buildings or structures by reason of their historical significance. The Administration has advised that the individual historic buildings in the Pokfulam Village and those associated with the Old Dairy Farm will continue to be protected under the grading system. Moreover, pursuant to an administrative practice agreed by the AAB in 2008, all Grade 1 historic buildings should form a pool of potential candidates for AA to consider declaration as historical buildings under section 3(1) of the Ordinance. Suitable Government-owned graded historic buildings may also be selected for revitalization under the Revitalizing Historic Buildings Through Partnership Scheme⁵. On the dot-line-plane conservation approach, the Administration has advised the Subcommittee that the Development Bureau has invited AAB to assist in a policy review on the conservation of built heritage and a public consultation on the review would soon be launched. For the Pokfulam Village, heritage preservation concerns the protection of not only built heritage such as old buildings or structures, but also non-tangible heritage such as the life style of the villagers, the atmosphere of the village, the Fire Dragon Dance ritual, etc., which is under another policy bureau's purview. The Subcommittee has requested that the Administration should report the progress of its work in the above aspects to the relevant Panels in due course.

Monitoring of possible impact of building developments near the Bethanie

14. The Subcommittee has raised concerns about the Administration's measures to ensure that the structural safety of the Bethanie and the integrity of its surrounding environment would not be adversely affected by any building works or developments nearby. Hon Cyd HO has suggested that a mechanism should be put in place to immediately stop any building works that are detrimental to the physical structure of the Bethanie or the aura of the surrounding areas.

15. The Administration has advised that, to protect the structural safety of the Bethanie, vibration caused by construction works near the Bethanie would be monitored by the Antiquities and Monuments Office ("AMO"),

⁵ On 16 December 2013, the Commissioner for Heritage's Office of the Development Bureau invited proposals from non-profit-making organizations to revitalize four historic buildings, including the Old Dairy Farm Senior Staff Quarters, under Batch IV of the Revitalizing Historic Buildings Through Partnership Scheme.

which will take immediate follow-up action if there is any excessive vibration. Moreover, there is a requirement for all new capital works projects involving historic and built heritage to undergo a heritage impact assessment ("HIA"). For all new capital works projects, the project proponents and relevant works departments will be required to consider whether their projects will affect sites or buildings of historic or archaeological significance. If the answer is in the affirmative, an HIA will be required. Mitigation measures should be devised and the public should be engaged. For example, for the development of the International Culinary College at a site south to the Old Dairy Farm Cowshed Building, the Vocational Training Council was required by AMO to appoint a heritage consultant to carry out an HIA study to assess the impact of the proposed development on the graded historic buildings nearby and to devise mitigation measures as appropriate. The HIA has been approved by AAB.

Public access to and maintenance of the Bethanie

16. In view of the high heritage value of the Bethanie, the Subcommittee has examined the arrangements for the public to access the building for appreciation of its historical and architectural features, and the responsibilities for maintaining the building.

17. The Administration has informed the Subcommittee that the current tenant of the Bethanie, i.e. HKAPA, has been arranging guided tours to the Bethanie. The Bethanie was also a historic building included in "Heritage Fiesta 2013", an activity organized by the Commissioner for Heritage's Office of DEVB from September to October 2013, for public visit. On the maintenance of the building, no building works within the Bethanie is allowed except with the approval of AA. While the Administration will provide technical advice on the maintenance of the Bethanie to HKAPA, the maintenance responsibility of the Bethanie is governed by the tenancy agreement between the Administration and HKAPA.

Recommendation

18. The Subcommittee has completed the scrutiny of and support the Declaration Notice.

Advice sought

19. Members are requested to note the deliberations of the Subcommittee.

Council Business Division 1
Legislative Council Secretariat
2 January 2014

Appendix

Subcommittee on Antiquities and Monuments (Declaration of Historical Buildings) Notice 2013

Membership list

Chairman Hon CHAN Yuen-han, SBS, JP

Members Hon Cyd HO Sau-lan
Hon CHAN Hak-kan, JP
Hon YIU Si-wing
Hon Charles Peter MOK
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Hon SIN Chung-kai, SBS, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP

(Total : 9 members)

Clerk Ms Sharon CHUNG

Legal Adviser Miss Kitty CHENG