

立法會
Legislative Council

LC Paper No. CB(1)1047/16-17
(These minutes have been seen
by the Administration)

Ref : CB1/SS/8/16/1

Subcommittee on Antiquities and Monuments
(Declaration of Proposed Monument) (Hung Lau) Notice

Minutes of the first meeting on
Friday, 31 March 2017, at 10:45 am
in Conference Room 3 of the Legislative Council Complex

Members present : Hon LAU Kwok-fan, MH (Chairman)
Hon Michael TIEN Puk-sun, BBS, JP
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon IP Kin-yuen
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Tanya CHAN
Hon KWONG Chun-yu
Dr Hon YIU Chung-yim

Member attending : Hon James TO Kun-sun

Members absent : Dr Hon Fernando CHEUNG Chiu-hung
Hon Kenneth LAU Ip-keung, MH, JP

- Public officers attending** : Mr José YAM
Commissioner for Heritage
Development Bureau
- Ms Leonie LEE
Assistant Secretary (Heritage Conservation)³
Development Bureau
- Ms Lania CHAN
Engineer (Heritage Conservation) Special Duties
Development Bureau
- Ms Susanna SIU
Executive Secretary (Antiquities and Monuments)
Leisure and Cultural Services Department
- Mr NG Chi-wo
Curator (Historical Buildings)²
Leisure and Cultural Services Department
- Clerk in attendance** : Ms Connie SZETO
Chief Council Secretary (1)⁴
- Staff in attendance** : Mr Bonny LOO
Assistant Legal Adviser 4
- Mr Hugo CHIU
Senior Council Secretary (1)⁴
- Mr Keith WONG
Council Secretary (1)⁴
- Ms Sharon CHAN
Legislative Assistant (1)⁴
- Ms Vivian CHAN
Clerical Assistant (1)⁴
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Action

I Election of Chairman

Election of Chairman

Mr MA Fung-kwok, 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. Mr LAU Kwok-fan was nominated by Ir Dr LO Wai-kwok and the nomination was seconded by Ms Alice MAK. Mr LAU Kwok-fan accepted the nomination.

3. Ms Tanya CHAN was nominated by Mr CHU Hoi-dick and the nomination was seconded by Dr YIU Chung-yim. Ms Tanya CHAN accepted the nomination.

4. As there was no other nomination, Mr MA Fung-kwok announced a vote by secret ballot. After all members had cast their votes, Mr MA invited Ir Dr LO Wai-kwok and Mr CHU Hoi-dick who had nominated the two candidates to oversee the counting of votes. Of the members present for voting, seven members voted for Mr LAU Kwok-fan and five voted for Ms Tanya CHAN. Mr MA declared that Mr LAU Kwok-fan was elected the Chairman of the Subcommittee. Mr LAU then took the chair.

Election of Deputy Chairman

5. Members agreed that there was no need to elect a deputy chairman for the Subcommittee.

II Meeting with the Administration

(L.N. 37 of 2017

— Antiquities and Monuments
(Declaration of Proposed
Monument) (Hung Lau) Notice

Action

- File Ref: DEVB/CHO/1B/CR/14/39 — Legislative Council Brief on Declaration of Hung Lau near Shek Kok Tsui Village, Castle Peak, Tuen Mun, New Territories as Proposed Monument under the Antiquities and Monuments Ordinance
- LC Paper No. LS45/16-17 — Legal Service Division Report)

Discussion

6. The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions to be taken by the Administration

7. The Administration was requested to:
- (a) provide the relevant documents relating to the assessment of Hung Lau and classification of the building as a Grade 1 historic building by the Antiquities Advisory Board ("AAB") in 1981, and AAB's subsequent reviews of the grading in 1985, 1995, 2009 and 2011 including the assessment of Hung Lau in respect of each of the six criteria (i.e. historical interest, architectural merit, group value, social value and local interest, authenticity and rarity) adopted by AAB for appraising the heritage value of historic buildings; and
 - (b) respond to a member's view that AAB should conduct an independent assessment on Hung Lau in the coming 12 months in considering whether the building should be declared as monument for permanent protection.

(Post meeting note: The Administration's written responses were issued to members vide LC Paper No. CB(1)778/16-17(02) on 7 April 2017.)

Action

III Any other business

Legislative timetable

8. The Subcommittee noted that the Antiquities and Monuments (Declaration of Proposed Monument) (Hung Lau) Notice ("the Notice") had come into operation upon gazettal on 13 March 2017, and agreed to extend the scrutiny period of the Notice to the Council meeting of 10 May 2017 in order to allow sufficient time for members to study the Notice.

(Post-meeting note: Hon YIU Si-wing had given notice on behalf of the Subcommittee to move a proposed resolution at the Council meeting of 12 April 2017 to extend the scrutiny period of the Notice to the Council meeting of 10 May 2017. When the Council meeting of 12 April 2017 was adjourned, the agenda on the proposed resolution was not reached. The scrutiny period for the Notice therefore expired at the Council meeting of 12 April 2017.)

Date of next meeting

9. The Subcommittee agreed that another meeting would be held on 10 April 2017, at 10:45 am.

10. There being no other business, the meeting ended at 12:44 pm.

Council Business Division 1
Legislative Council Secretariat
1 June 2017

**Proceedings of the first meeting of the
Subcommittee on Antiquities and Monuments
(Declaration of Proposed Monument) (Hung Lau) Notice
on Friday, 31 March 2017, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
Agenda item I — Election of Chairman			
000149 – 000750	Mr MA Fung-kwok Ir Dr LO Wai-kwok Mr LAU Kwok-fan Miss Alice MAK Mr CHU Hoi-dick Ms Tanya CHAN Dr YIU Chung-yim	Election of Chairman	
Agenda item II — Meeting with the Administration			
000751 – 001117	Chairman Administration	Briefing by the Administration on the Antiquities and Monuments (Declaration of Proposed Monument) (Hung Lau) Notice ("the Notice")	
001118 – 005009	Mr MA Fung-kwok Ms Tanya CHAN Mr CHU Hoi-dick Mr Andrew WAN Ir Dr LO Wai-kwok Dr Junius HO Mr James TO Administration Chairman	<p><u>Heritage value and preservation of Hung Lau</u></p> <p>Mr MA was concerned whether Hung Lau could reach the "high threshold" for declaration as monument, and enquired about:</p> <p>(a) information on the heritage value of Hung Lau the Antiquities Advisory Board ("AAB") would collect in the coming 12 months, and the factors AAB would take into account in recommending to declare Hung Lau as monument; and</p> <p>(b) the discussion between the Commissioner for Heritage's Office ("CHO") of Development Bureau and the owner of Hung Lau on preservation proposals.</p> <p>Ms CHAN opined that the heritage appraisal of Hung Lau enclosed in the Legislative Council Brief (Ref: DEVB/CHO/1B/CR/14/39) was too brief. She requested the Administration to</p>	The Administration to take action as per paragraph 7(a) of the minutes

Time Marker	Speaker	Subject(s)	Action Required
		<p>provide the relevant documents relating to the assessment of Hung Lau and classification of the building as a Grade 1 historic building by AAB in 1981, and AAB's subsequent reviews of the grading in 1985, 1995, 2009 and 2011.</p> <p>Mr WAN's comments that the Administration should carry out a historical survey to assess the heritage value of Hung Lau and its vicinity.</p> <p>Dr HO enquired about the heritage appraisal of King Yin Lei and the former French Mission Building, which had both been declared as monuments. He called on the Administration to take proactive action to help Hung Lau reach the "high threshold" for its declaration as monument.</p> <p>Dr LO supported the Notice, and remarked that Administration should highlight its tasks relating to the preservation of Hung Lau in the coming 12 months.</p> <p>Mr TO urged the Administration to take proactive actions in protecting graded historic buildings, and asked why AAB considered it unnecessary to declare Hung Lau as proposed monument in February 2017.</p> <p>Mr CHU suggested that AAB and the Antiquities and Monuments Office ("AMO") should study the recent report on Hung Lau released by the Conservancy Association.</p> <p>The Administration responded as follows:</p> <p>(a) AAB had considered Hung Lau against the six criteria adopted since 2005 for assessing the heritage value of graded historic buildings (i.e. historical interest, architectural merit, group value, social value and local interest, authenticity and rarity ("the six assessment criteria")). The construction year of Hung Lau was only one of the factors considered by AAB. AAB and AMO would review materials on Hung Lau examined in previous grading exercises and look for new information</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>including materials provided by community groups;</p> <p>(b) the Government had been discussing with the representatives of the owner of Hung Lau on preservation options since mid-February 2017. It was inappropriate to disclose the details at the moment. The Government recognized the need to respect owners' private property rights in preserving graded historic buildings under private ownership. It would provide economic incentives (e.g. increasing the plot ratio of the site concerned) to encourage private owners to take forward preservation-cum-development proposals;</p> <p>(c) AAB considered it unnecessary to trigger the proposed monument declaration for Hung Lau at the meeting on 28 February 2017 as there was no imminent demolition threat and the declaration might affect the discussion with the owner on preservation proposals. AAB had to be prudent with the timing in recommending the declaration since declaration of proposed monument within private land could not be extended beyond 12 months under section 2B(2) of the Antiquities and Monuments Ordinance (Cap. 53) ("A&MO"). AAB at the meeting on 9 March 2017, recommended declaring Hung Lau as a proposed monument because it had noticed that two windows had been removed at the building, with possible further demolition works in the pipeline; and</p> <p>(d) King Yin Lei was declared as a monument given it was a rare building in Hong Kong with both Chinese and Western architectural features. The former French Mission Building had high heritage value as it reflected the religious and administration history of colonial Hong Kong and had unique architectural features.</p>	

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		<p><u>Heritage value of Zhong Shan Park</u></p> <p>Mr CHU pointed out that pro-Kuomintang groups in Hong Kong had been carrying out celebration activities for the National Day of the Republic of China in Hung Lau and the adjacent Zhong Shan Park since the 1950s. AAB should consider whether the Zhong Shan Park (or the memorial in it) should also be declared as monument.</p> <p>Mr WAN shared the view and suggested that the Administration should adopt a "point-line-plane" approach in heritage conservation.</p> <p>Dr HO remarked that the Administration should consider whether to preserve Zhong Shan Park.</p> <p>The Government responded that Zhong Shan Park and the memorial in it were not graded historic buildings. Under the prevailing heritage conservation policy, Grade 1 historic buildings formed a pool for consideration on whether any of them might reach the "high threshold" of monument for declaration as monuments.</p>	
005010 – 011831	<p>Mr James TO Dr KWOK Ka-ki Ms Tanya CHAN Mr CHU Hoi-dick Mr Holden CHOW Dr YIU Chung-yim Mr Andrew WAN Dr Junius HO Administration</p>	<p><u>Heritage conservation policy</u></p> <p>Mr TO, Mr CHOW, Mr CHU and Dr YIU expressed concern that owners of graded historic buildings might purport to demolish the buildings so as to bargain with the Government for compensation in preserving the buildings.</p> <p>Mr CHOW enquired about sanctions against demolition to graded historic buildings and the mechanism for determining compensation of privately-owned graded historic buildings.</p> <p>Ms CHAN's and Mr CHU's enquiry about the compensation mechanism for owners of proposed monuments or monuments under sections 8 and 9 of A&MO.</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>The Administration responded as follows:</p> <p>(a) the grading system of historic buildings was administrative in nature and hence would not put the buildings under statutory protection of A&MO. Under the prevailing heritage conservation policy, if a Grade 1 historic building faced imminent demolition threat, AAB would consider recommending the building for declaration as a proposed monument, with a view to giving an opportunity to the Government to discuss preservation proposals with the owner concerned;</p> <p>(b) there were some 100 privately-owned Grade 1 historic buildings in Hong Kong (out of a total of 174 Grade 1 historic buildings as at 9 March 2017), the majority of which were temples, churches and ancestral halls;</p> <p>(c) demolition or alteration works at buildings were required to obtain prior approval of the Building Authority under the Buildings Ordinance (Cap. 123). Further, demolition or alteration works at proposed monuments or monuments had to be carried out in accordance with the requirements of A&MO;</p> <p>(d) a mechanism was in place to monitor the monuments and graded historic buildings. If relevant departments (including the Planning Department, Buildings Department and Lands Department) received enquiries about and/or applications for demolition/alteration/addition works relating to these buildings, the department(s) concerned would alert CHO and AMO, which would follow up with the owners of the buildings on preservation options;</p> <p>(e) the Government had been providing economic incentives to encourage private owners to preserve historic buildings.</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>Some economic incentives, such as minor relaxation on plot ratio, were subject to approval under the relevant statutory procedures; and</p> <p>(f) as per the prevailing practice, on the basis of respecting the owners' private property rights, a privately-owned historic building would only be considered for declaration as monument with prior agreement from the building's owner.</p> <p><u>Heritage value of Hung Lau</u></p> <p>Dr YIU, Ms CHAN and Dr HO requested the Administration to provide details of the assessment on the heritage value of Hung Lau, including Hung Lau's scores in respect of each of the six assessment criteria adopted by AAB.</p> <p>Ms CHAN's and Mr WAN's suggestion that AAB should conduct an independent assessment on Hung Lau in the coming 12 months in considering whether the building should be declared as monument.</p> <p>The Administration explained that:</p> <p>(a) AAB adopted the six assessment criteria to determine the heritage value of historic buildings and hence their preservation need. The independent Historic Buildings Assessment Panel ("the Panel") was made up of experts from various fields and would conduct assessment in an impartial manner. Individual members of the Panel would assess the heritage value of a historic building having regard to the six assessment criteria. The Panel would then consolidate its assessment and recommend a proposed grading of a building for AAB's consideration. Regular meetings of AAB on discussion of grading for historic buildings and declaration of proposed monuments or monuments were open to the public; and</p>	<p>The Administration to take action as per paragraph 7(b) of the minutes</p>

Time Marker	Speaker	Subject(s)	Action Required
		<p>(b) a Grade 1 historic building would only be declared as monument if it reached the "high threshold" of monument.</p> <p>In response to Ms CHAN's further enquiry, the Administration advised that the grading of Ho Tung Gardens ("HTG") had not yet been confirmed when it was proposed to be declared as a proposed monument. A third party (i.e. the Chinese University of Hong Kong) was subsequently engaged to fully assess the heritage value of the special case of HTG.</p> <p>Dr KWOK's views/enquiry that:</p> <p>(a) the Administration should adopt a holistic approach in preserving privately-owned historic buildings; and</p> <p>(b) whether the preservation of Hung Lau involved political considerations and whether the Government had concern about preservation of Hung Lau would involve huge compensation.</p> <p>The Government stressed that AAB had been adopting the six assessment criteria in assessing the heritage value of historic buildings including Hung Lau. The Notice had provided statutory protection for Hung Lau for 12 months. The Government would continue to discuss with the representatives of the owner of Hung Lau on preservation options.</p>	
011832 – 012437	Mr YIU Si-wing Administration	<p>Mr YIU's enquiries about the mechanism to alert AAB to the sale of Grade 1 historic buildings, whether the Administration would inform owners and potential buyers of historic buildings of their obligation in protecting the buildings, and whether tenants would be required to move out from graded historic buildings, proposed monuments or monuments.</p> <p>The Administration responded that:</p> <p>(a) AAB had uploaded details of the monuments and graded historic buildings</p>	

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		<p>onto its web site for public information;</p> <p>(b) the Social Welfare Department ("SWD") had been assisting the existing tenants of Hung Lau to find other accommodation. Currently only two tenants remained in Hung Lau. SWD would continue to provide assistance to them; and</p> <p>(c) in general, declaration of a historic building as a proposed monument or monument would not affect the existing usage of the building. Works that could affect a proposed monument or monument required prior approval of the Antiquities Authority.</p>	
012438 – 012842	Mr CHU Hoi-dick Administration Chairman	<p>Mr CHU pointed out that the lot where Hung Lau was located had been zoned for agricultural use and therefore subject to restrictions in development. He considered that the Administration should take this into account in discussing compensation with the owner of Hung Lau. He also opined that relaxing the plot ratio of the site would not be an appropriate option.</p> <p>The Administration informed that Hung Lau was located in a Green Belt zone. Relaxation of plot ratio of the site was only one of the various possible options to be considered, and if pursued, it needed the approval of the Town Planning Board.</p>	
012843 – 015852	Mr Andrew WAN Dr Junius HO Mr Holden CHOW Ir Dr LO Wai-kwok Ms Tanya CHAN Administration Chairman	<p>Mr WAN and Dr HO expressed support for the Notice. They opined that the Administration should take proactive actions in the coming 12 months to help Hung Lau reach the "high threshold" for declaration as monument.</p> <p>Ms CHAN reiterated the need for the Administration to carry out an independent assessment on Hung Lau's heritage value.</p> <p>The Government advised that it had been liaising with the representatives of the owner of Hung Lau since mid-February 2017 and reiterated that the construction year of a</p>	

Time Marker	Speaker	Subject(s)	Action Required
		historic building was only one of the factors considered by AAB in recommending the declaration of proposed monuments or monuments. Ms CHAN and Mr WAN said that the Subcommittee should hold another meeting.	
015853 – 015959	Chairman Mr Andrew WAN Ms Tanya CHAN	Legislative timetable and date of next meeting	

Council Business Division 1
Legislative Council Secretariat
1 June 2017