

立法會
Legislative Council

LC Paper No. CB(1)1048/16-17
(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 second meeting on
Monday, 10 April 2017, at 10:45 am
in Conference Room 1 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
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
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 Tanya CHAN
Dr Hon YIU Chung-yim

Members absent : Hon Alice MAK Mei-kuen, BBS, JP
Hon SHIU Ka-chun
Hon Kenneth LAU Ip-keung, MH, JP
Hon KWONG Chun-yu

- 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
- Ms Sharon CHAN
Legislative Assistant (1)⁴
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Action

I Meeting with the Administration

Matters arising from the previous meeting

(LC Paper No. CB(1)778/16-17(01) — List of follow-up actions arising from the discussion at the meeting on 31 March 2017

Action

LC Paper No. CB(1)778/16-17(02) — Administration's response to issues raised at the meeting on 31 March 2017)

Relevant papers

(L.N. 37 of 2017 — Antiquities and Monuments (Declaration of Proposed Monument) (Hung Lau) Notice

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

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

(At 10:46 am, the Chairman ordered that the meeting be suspended to enable Subcommittee members who were members of the Bills Committee on Travel Industry Bill ("the Bills Committee") to attend the meeting of the Bills Committee concurrently held in Conference Room 2 for election of the Chairman of the Bills Committee. The meeting resumed at 11:00 am.)

Motion

2. At 12:27 pm, the Chairman informed the Subcommittee that he had received a motion proposed by Dr YIU Chung-yim.

3. The Chairman suggested and Dr YIU agreed to refine the terms of his motion. The Chairman ruled that the proposed motion was directly related to the subject under discussion by the Subcommittee. The terms of the motion were as follows –

"本小組委員會促請古物古蹟辦事處就紅樓的文化地境古蹟價值進行獨立專家研究，在暫定古蹟期完結前提交

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立法會發展事務委員會討論，並交給古物諮詢委員會重新考慮，是否列為法定古蹟。"

(Translation)

"This Subcommittee urges the Antiquities and Monuments Office to conduct an independent expert study on the cultural landscape and heritage value of Hung Lau and, prior to the expiry of the proposed monument declaration, submit the findings to the Panel on Development of the Legislative Council for discussion, and to the Antiquities Advisory Board for its reconsideration as to whether Hung Lau should be declared as a monument."

4. At 12:36 pm, the Chairman requested the Clerk to ring the quorum bell in view that the Subcommittee did not have a quorum. A quorum was present at 12:40 pm. The Chairman invited members to consider whether Dr YIU Chung-yim's motion should be proceeded with. No members raised objection.

5. The Chairman put Dr YIU Chung-yim's motion to vote. Members present voted for the motion. The Chairman declared that the motion was carried.

(Post-meeting note: The Administration's written response to the motion was circulated to members vide LC Paper No. CB(1)877/16-17(01) on 25 April 2017.)

Legislative timetable

6. The Chairman concluded that the Subcommittee had completed the scrutiny of the Antiquities and Monuments (Declaration of Proposed Monument) (Hung Lau) Notice ("the Notice") and would not propose any amendment to the Notice.

7. Members noted that Mr YIU Si-wing would move at the Council meeting of 12 April 2017 a proposed resolution to extend the scrutiny period of the Notice to the Council meeting of 10 May 2017. Members further noted that if the scrutiny period of the Notice was extended, the deadline for giving notice of motion to amend the Notice was 2 May 2017. The Chairman would report the deliberations of the Subcommittee at the House Committee meeting on 28 April 2017.

(Post-meeting note: Hon YIU Si-wing's proposed resolution to extend the scrutiny period of the Notice was not dealt with at the Council meeting of 12 April 2017. The scrutiny period of the Notice had expired

Action

at the said Council meeting.)

II Any other business

8. 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 second meeting of the
Subcommittee on Antiquities and Monuments
(Declaration of Proposed Monument) (Hung Lau) Notice
on Monday, 10 April 2017, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

| Time Marker | Speaker | Subject(s) | Action Required |
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| Agenda item I — Meeting with the Administration | | | |
| 000105 – 001646 | Chairman | Suspension of meeting | |
| 001647 – 002105 | Chairman Ms Tanya CHAN Administration | <p>The Chairman said that a letter dated 7 April 2017 from Hon Kenneth LAU expressing his views on the Antiquities and Monuments (Declaration of Proposed Monument) (Hung Lau) Notice ("the Notice") had been tabled at the meeting.</p> <p><i>(Post-meeting note: Mr LAU's letter was circulated to members vide LC Paper No. CB(1)799/16-17(01) on 10 April 2017.)</i></p> <p>Briefing by the Administration on its response paper to issues raised at the meeting of the Subcommittee on 31 March 2017 (LC Paper No. CB(1)778/16-17(02))</p> | |
| 002106 – 014425 | Ms Tanya CHAN Chairman Administration Mr MA Fung-kwok Mr CHU Hoi-dick Dr YIU Chung-yim Mr Andrew WAN Mr SHIU Ka-fai Dr KWOK Ka-ki Dr Junius HO | <p><u>Request for conducting an independent assessment on Hung Lau</u></p> <p>Ms CHAN's views that the Administration should make reference to the case of Ho Tung Gardens where two independent assessments were carried out after it had been declared as a proposed monument in 2011, and conduct an independent and comprehensive expert study on Hung Lau in the coming 12 months so as to clearly establish the heritage value of the building in considering whether it should be declared as a monument for permanent protection.</p> <p>Dr YIU, Mr SHIU, and Mr CHU echoed Ms CHAN's view.</p> | |

| Time Marker | Speaker | Subject(s) | Action Required |
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| | | <p>Dr YIU's views that :</p> <ul style="list-style-type: none"> (a) an independent assessment could ascertain whether there was direct relation between Hung Lau and the revolutionary activities led by Dr Sun Yat-sen; (b) the Antiquities Advisory Board ("AAB") tended to focus on the construction year in assessing the heritage value of historic buildings instead of using the cultural landscape and heritage perspective advocated by the United Nations Educational, Scientific and Cultural Organization; and (c) the existing grading mechanism of AAB had not accorded sufficient importance to the cultural landscape and heritage significance of historic buildings. <p>Dr KWOK and Mr WAN urged the Administration to undertake an independent assessment for Hung Lau and proactively seek new information to ascertain the relation between Hung Lau and the revolutionary activities led by Dr Sun Yat-sen. They were concerned that the independent Historic Buildings Assessment Panel ("the Panel") and AAB could just maintain their view that Hung Lau did not reach the "high threshold" of monument.</p> <p>The Administration responded as follows:</p> <ul style="list-style-type: none"> (a) the process of assessing the heritage value of Hung Lau was set out in paragraphs 5 to 7 of Government's response. Since 2005, the heritage value of historic buildings in Hong Kong (including Hung Lau) was assessed against the following six criteria, namely historical interest, architectural merit, group value, social value and local interest, authenticity and rarity ("the six assessment criteria"); (b) AAB had thoroughly considered all available materials retrieved from extensive | |

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| | | <p>research and discussed the heritage value of Hung Lau since 1981. The Antiquities and Monuments Office ("AMO") had studied all materials available so far;</p> <p>(c) AMO would review the materials examined in previous grading exercises, scrutinize materials submitted by community groups and look for new information on Hung Lau (if any) from various sources, with a view to refining the assessment on Hung Lau's heritage value. It would adopt an open mind in the re-assessment taking into account all relevant factors and materials, not just the age of the building; and</p> <p>(d) the Panel had been formed since 2005 and comprised experts from various fields including historians as well as members of the Hong Kong Institute of Architects, the Hong Kong Institute of Planners and the Hong Kong Institution of Engineers. The Panel would undertake in-depth evaluation of the heritage value of historic buildings (including Hung Lau) impartially. It was considered not necessary to conduct a separate independent assessment on Hung Lau.</p> <p><u>Scores of Hung Lau in previous heritage assessment exercises</u></p> <p>Mr MA's enquiry on the relative weighting of each of the six assessment 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 Hung Lau's scores in respect of these criteria.</p> <p>The Administration responded as follows:</p> <p>(a) AAB adopted the six assessment criteria in a holistic manner and did not allocate specific weighting to individual criteria;</p> | |

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| | | <p>(b) the "collective memory" factor would be taken into account under the assessment criterion of "social value and local interest". AAB considered in 2009 collective memory as one of the important factors in maintaining Hung Lau's Grade 1 status; and</p> <p>(c) individual members of the Panel would use the historic building assessment form ("the assessment form") as a guideline in making a preliminary evaluation of the heritage value of a historic building against the six assessment criteria. The Panel would then discuss and recommend a proposed grading of the building for AAB's consideration. AAB would deliberate the building's grading at open meetings, taking into account the assessment results of the Panel and the views and additional information received during public consultation.</p> <p>Request of Mr CHU and Ms CHAN for the Administration to disclose the scores of Hung Lau in respect of each of the six assessment criteria.</p> <p>Ms CHAN enquired if AMO was forbidden to disclose the assessment forms under the law.</p> <p>The Administration reiterated the grading mechanism for historic buildings and advised that the assessment form was only a tool to facilitate individual members of the Panel during the grading exercise. After deliberation, the Panel only recommended a proposed grading of a building to AAB for further consideration. It should also be noted that the deliberation of AAB on grading of buildings was open to public. AMO had once invoked section 2.10 of the Code on Access to Information ("the Code") to refuse a request for access to the assessment forms.</p> <p>Ms CHAN pointed out that it would be inappropriate for AMO to invoke section 2.10 of the Code to refuse disclosing the assessment forms as she considered that the frank discussion within the Panel would not be</p> | |

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| | | <p>adversely affected by the disclosure of the forms. She asked whether the Panel had been consulted on whether it had objection to disclosing the assessment forms.</p> <p>The Administration stressed that it had been acting in accordance with the established mechanism.</p> <p><u>Actions to preserve Hung Lau</u></p> <p>Mr CHU, Mr WAN, Dr HO and Mr SHIU called on the Administration to take action to help Hung Lau reach the "high threshold" for declaration as a monument. Otherwise Hung Lau would eventually be demolished if the Administration could not reach agreement with the building owner on preservation options.</p> <p>The Administration responded as follows:</p> <p>(a) Hung Lau was a Grade 1 historic building. The Government would, before the expiry of the proposed monument declaration, continue to explore preservation options with the owner of Hung Lau. Meanwhile, AAB would review the heritage value of Hung Lau and consider whether the building should be declared as a monument for permanent protection under the Antiquities and Monuments Ordinance (Cap. 53) as per the established mechanism and advise the Government accordingly;</p> <p>(b) a mechanism was in place to monitor any demolition of/alterations to declared monuments, proposed monuments, graded historic buildings or buildings pending grading assessment. Relevant government departments (including the Planning Department, Buildings Department and Lands Department) would alert the Commissioner for Heritage's Office ("CHO") and AMO regarding any possible threat which might affect privately-owned monuments/proposed monuments or graded historic buildings/buildings pending</p> | |

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| | | <p>grading assessment that had been brought to the departments' attention through applications and enquiries received and in the normal course of duty (e.g. regular inspections). The monitoring mechanism enabled CHO and AMO to take timely follow-up actions with the private owners concerned; and</p> <p>(c) under the prevailing heritage conservation policy, the Government would provide appropriate economic incentives (such as minor relaxation of plot ratio and/or site coverage) to encourage private owners to adopt "preservation-cum-development" approach in preserving and revitalizing their historic buildings. There were a number of successful examples on the preservation of privately-owned historic buildings through the provision of economic incentives such as the Cheung Chau Theatre.</p> <p>Dr YIU's enquiries about:</p> <p>(a) whether the Administration would disclose details of the discussion with the owner of Hung Lau on preservation options (including economic incentives the Government might offer); and</p> <p>(b) whether the economic incentives proposed by the Administration had to be approved by the Legislative Council.</p> <p>The Administration responded as follows:</p> <p>(a) it would be inappropriate to disclose details of the discussion with the owner of Hung Lau on preservation options at the moment; and</p> <p>(b) where appropriate, economic incentives (such as minor relaxation of plot ratio and/or site coverage) offered to the owners of historic buildings were subject to approval by relevant statutory bodies including the Town Planning Board.</p> | |

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| | | <p><u>Heritage value of Hung Lau</u></p> <p>Dr HO's views that:</p> <p>(a) AMO and AAB should take the following factors into account in assessing the heritage value of Hung Lau –</p> <p>(i) there was a suggestion that the Chinese character "Red" ("紅") in the Chinese name of the national flag of the Republic of China ("青天白日滿地紅旗") might refer to Hung Lau;</p> <p>(ii) Hung Lau had reflected Hong Kong's role in the revolutionary movement in the Chinese history. Mr Li Ki-tong, owner of the former Castle Peak Farm where Hung Lau was situated, was a dedicated follower of Dr Sun Yat-sen; and</p> <p>(iii) the declaration of King Yin Lei and the former French Mission Building as monuments (which both had similar construction years as Hung Lau) had demonstrated the importance of the historical significance in the preservation of heritage buildings. The same assessment criteria should apply to Hung Lau; and</p> <p>(b) both the Tuen Mun District Council and the Heung Yee Kuk were supportive of declaring Hung Lau as a monument.</p> <p>The Administration responded that:</p> <p>(a) AMO would take into account and convey the views received to the Panel and AAB when assessing Hung Lau's heritage value; and</p> <p>(b) King Yin Lei was declared as monument after taking into account considerations such as the outstanding Chinese and Western architectural features of the</p> | |

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| | | <p>building which were rare in Hong Kong. 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> <p>Mr CHU's enquiries and views about:</p> <p>(a) whether the Administration had collected and/or would collect information on the relation between Hung Lau and the revolutionary activities led by Dr Sun Yat-sen in other jurisdictions including the Mainland, Taiwan, Japan and the United Kingdom; and</p> <p>(b) there was no strong evidence to support the claim that the location and configuration of the present Hung Lau were different from those shown on the survey plan of 1900-1905.</p> <p>Mr SHIU's views that the Administration should collect more information on the construction year of Hung Lau as there was no strong evidence proving that the building was not built before 1920, and alteration and/or addition works carried out at Hung Lau might have confused the Panel in assessing the construction year of Hung Lau.</p> <p>The Administration responded as follows:</p> <p>(a) based on the six assessment criteria, a holistic approach would be adopted in assessing the heritage value of Hung Lau, taking into account various materials and references (including the materials examined in previous grading exercises, the survey plan, architectural features and any new information). Both the Panel and AAB would assess the heritage value of historic buildings in a professional and impartial manner. Architectural features of Hung Lau would be taken into account in considering its construction year;</p> | |

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| | | <p>(b) the then Hung Lau was within Lot No. 36 in the survey plan of 1900-1905. While the present Hung Lau was found within the same lot number, the location and configuration of the present building were different from those shown on the survey plan of 1900-1905. Hung Lau also carried some characteristics of the architecture in the 1920s and 1930s. Members of AAB thus considered that Hung Lau was probably built in the 1920s at the earliest; and</p> <p>(c) the survey plan of 1900-1905 was kept in the Government Records Service and open to public access, and AAB had examined the survey plan in the past and revisited it at the special meeting on 28 February 2017.</p> | |
| 014426 – 015803 | Ms Tanya CHAN Chairman Clerk Dr YIU Chung-yim | Voting on the motion moved by Dr YIU Chung-yim | |
| 015804 – 015846 | Chairman Administration | Clause-by-clause examination of the Antiquities and Monuments (Declaration of Proposed Monument) (Hung Lau) Notice | |
| 015847 – 015957 | Chairman | Legislative timetable and concluding remarks | |