

立法會

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Paper for the House Committee

Report of the Subcommittee on Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) (Amendment) Notice 2022

Purpose

This paper reports on the deliberations of the Subcommittee on Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) (Amendment) Notice 2022 (“the Subcommittee”).

Background

Statutory monument declaration system

2. Under section 3(1) of the Antiquities and Monuments Ordinance (Cap. 53) (“the Ordinance”), the Secretary for Development (“SDEV”) as the Authority may, after consultation with the Antiquities Advisory Board (“AAB”)¹ and with the approval of the Chief Executive, by notice in the Gazette, declare any place, building, site or structure, which SDEV 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.² Monuments are subject to statutory protection provided under the Ordinance. Pursuant to section 6(1) of the Ordinance, the protection includes prohibition of any excavation, carrying on building or other works on the

¹ AAB is a statutory body established under section 17 of the Ordinance to advise the Authority on any matters relating to antiquities, proposed monuments or monuments or referred to it for consultation under section 2A(1), section 3(1) or section 6(4) of the Ordinance.

² Under section 2 of the Ordinance, “monument” is defined as a place, building, site or structure which is declared to be a monument, historical building or archaeological or paleontological site or structure.

monument, and any action to demolish, remove, obstruct, deface or interfere with the monument unless a permit is granted by the Authority. 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 Monuments and Historical Buildings) (Consolidation) (Amendment) Notice 2022 (L.N. 107 of 2022)

3. After consultation with AAB and with the approval of the Chief Executive, SDEV has, pursuant to section 3(1) of the Ordinance, declared three historic buildings, i.e. Jamia Mosque (回教清真禮拜總堂), Lui Seng Chun (雷生春) and Hong Kong City Hall (香港大會堂) (“the City Hall”),³ as monuments. For this purpose, the Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) (Amendment) Notice 2022 (L.N. 107 of 2022) (“the Notice”) was published in the Gazette on 20 May 2022 and tabled before the Legislative Council (“LegCo”) on 25 May 2022 for negative vetting. The Notice has taken immediate effect after gazettal on 20 May 2022.

The Subcommittee

4. At its meeting on 27 May 2022, the House Committee decided to form a subcommittee to study the Notice. The membership list of the Subcommittee is in **Appendix 1**. Under the chairmanship of Hon Tony TSE Wai-chuen, the Subcommittee has held one meeting with the Administration to examine the Notice. The Subcommittee has also invited written views from the public on the subsidiary legislation.⁴ A list of the individuals/organizations which have provided views to the Subcommittee is in **Appendix 2**.

5. To allow more time for the Subcommittee to study the Notice and prepare a report on its deliberations for submission to the House Committee, the Subcommittee Chairman moved a motion at the LegCo meeting of 22 June 2022 to extend the scrutiny period of the Notice to the LegCo meeting of 13 July 2022. The motion was passed.

³ Please refer to L.N. 107 of 2022 for details of these monuments.

⁴ By the deadline of the Subcommittee’s invitation for written views from the public, 16 submissions were received and the Administration’s consolidated written response was circulated to members vide LC Paper No. CB(1)395/2022 issued on 21 June 2022.

Deliberations of the Subcommittee

6. In recognition of the significant heritage value of the three historic buildings in question that meets the high threshold required for declaration as monuments under section 3(1) of the Ordinance, members of the Subcommittee generally support the Notice. The deliberations of the Subcommittee are summarized in the ensuing paragraphs.

Statutory monument declaration and related consultation

7. The Subcommittee observes that most declared monuments (including Jamia Mosque and Lui Seng Chun) in Hong Kong are pre-war or pre-1950 buildings with rich architectural features and historical background, whereas the City Hall, which was officially opened in 1962, has a relatively shorter history and exemplifies Modernist architecture. Members in general appreciate that the City Hall constitutes an important component in the collective memory of the older generation as a then unprecedented public facility for cultural activities and municipal services (e.g. marriage registration) and visiting the City Hall was amongst the most popular leisure activities in Hong Kong in the 1960s and 1970s. The acoustics of the Concert Hall inside the Low Block of the City Hall is also well recognized by world-renowned musicians. However, the Subcommittee has noted that some members of the public (in particular those of the younger generation) are not familiar with the historical and cultural significance of the City Hall and hence query why the City Hall can meet the high threshold required for monument declaration.

8. Members opine that the Administration should inform the public of its intent to declare a historic building as monument at an earlier stage (i.e. after AAB has made the relevant recommendations to the Authority and before the Administration proceeds with the relevant statutory process), with a view to enhancing the public's understanding of and gauging their support for the proposed declaration. The Administration is also requested to brief LegCo Members of such proposals well ahead of gazettal of the relevant subsidiary legislation in future, so as to allow more time for exchange of views with the Administration and address public concerns, if any.

9. The Administration has explained that since 2008, all Grade 1 historic buildings have been included in the pool of historic buildings for consideration of monument declaration. As Grade 1 historic buildings are buildings of outstanding merit, which every effort should be made to preserve if possible, their historical significance has already been established. A due process is involved in taking forward monument declaration, including discussion with the private owners and government departments of the potential monuments, consultation with AAB and seeking the approval of the Chief Executive. The Administration

has also advised that it has taken the opportunity of the monument declaration to conduct publicity and public education on the significant heritage value of the three declared monuments under the Notice. The Administration undertakes to engage Members as early as practicable before future monument declaration.

Measures to complement heritage conservation

10. Referring to the conservation of the remnants of the Lung Tsun Stone Bridge through the construction of the Lung Tsun Stone Bridge Preservation Corridor at Kai Tak, the Subcommittee stresses the need to ensure that the developments in the vicinity of a declared monument should be conducive to conserving and revitalizing the built heritage thereat. For instance, the future expansion of the City Hall and development of the harbourfront areas nearby should complement appreciation of the City Hall as a declared monument as well as its role as a hub of cultural activities. Some members suggest that an innovative approach can be adopted to enhance a monument without undermining its heritage significance and cultural landscape, as in the case of the glass pyramid at the Louvre Museum in Paris, where classic French Renaissance style and history of the Louvre co-exist with the modern glass structure.

11. Some other members express concern about the long timeframe for taking forward urgent repair works or necessary renovation of the Theatre of the City Hall in the past. They urge the Administration to promptly address the problem of insufficient space at the backstage of the Theatre and its aging facilities. The Administration is also requested to address the conservation, maintenance and repair needs of privately-owned graded historic buildings in Sham Shui Po where Lui Seng Chun is located, lest the cultural landscape surrounding Lui Seng Chun will be compromised.

12. The Administration has advised that it has established an internal mechanism to monitor any plan to demolish or alter declared monuments, proposed monuments, graded buildings or buildings proposed to be graded. Under the mechanism, the Commissioner for Heritage's Office and the Antiquities and Monuments Office ("AMO") will be notified by the relevant departments of possible threat which may affect privately-owned sites of archaeological interest, monuments and historic buildings that have been brought to the departments' attention.⁵ The Administration will give regard to complementing built heritage conservation when vetting development proposals in the vicinity. The Administration also emphasizes the need to strike a balance between preservation of privately-owned graded historic buildings, and respect for private property rights. Depending on individual circumstances, the Administration will explore conservation cum development options with the

⁵ AMO is the executive arm of AAB.

private owners of graded historic buildings and offer appropriate economic incentives to encourage private owners to conserve those buildings.

13. The Administration has further advised that monument declaration is meant to preserve and promote not just the historical and architectural values of the tangible building concerned, but also its ongoing role and functions (if any). As such, efforts to enhance the facilities of the City Hall and other declared monuments will continue. AMO will liaise with the relevant departments including the Leisure and Cultural Services Department and the Architectural Services Department for taking forward repair or renovation works of the City Hall where necessary.

Administrative grading system of historic buildings

14. Under the current administrative grading system, AAB, having regard to the assessments of the heritage value of individual historic buildings by an independent Historic Buildings Assessment Panel and the views and additional information received from members of the public and the owners of the buildings concerned during public consultation, has accorded Grade 1, Grade 2 and Grade 3 (or Nil Grade) status to individual historic buildings.⁶ Since 2005, the following six criteria have been adopted to assess the heritage value of historic buildings: historical interest, architectural merit, group value, social value and local interest, authenticity, and rarity.⁷

15. Some members opine that it is difficult to assess the historical interest, social value and local interest, and rarity of historic buildings of relatively younger age, given that modern architectural features have become commonplace in the territory, along with advancement and innovation of architectural designs and construction materials over the years. Besides, the term “monument” (古蹟) does not seem to accord with the relatively younger physical age and appearance of buildings built after 1950 like the City Hall. The Subcommittee has requested the Administration to consider:

⁶ Under the grading system: Grade 1 status refers to buildings of outstanding merit, which every effort should be made to preserve if possible; Grade 2 status refers to buildings of special merit; efforts should be made to selectively preserve; and Grade 3 status refers to buildings of some merit; preservation in some form would be desirable and alternative means could be considered if preservation is not practicable (see <https://www.aab.gov.hk/en/historic-buildings/definition-of-the-gradings/index.html> accessed on 16 June 2022).

⁷ See the following hyperlink accessed on 16 July 2022:
<https://www.aab.gov.hk/filemanager/aab/common/faq/AAB-brief-faq-eng.pdf>

- (a) reviewing the suitability of the existing set of criteria and the relative weighting among the various criteria for assessing the heritage value of post-1950 historic buildings; and
- (b) incorporating new thinking in taking forward monument declaration by engaging the public in the process.

16. The Administration has advised that since 2009, AAB has been confirming the grading of 1 444 historic buildings selected from some 8 800 buildings built mainly before 1950. A task force has been set up under AMO in 2019 to carry out preparatory work for the assessment of post-1950 buildings. As regards public engagement, the Administration has advised that AMO will upload the proposed grading of the respective items and the information on their heritage value to AAB's website for a one-month public consultation after AAB has endorsed the proposed grading in open meeting. The Administration also organizes publicity and public education and engagement activities, such as online lectures, outreach activities, guided tours, workshops, roving exhibitions, Friends of Heritage and Young Friends of Heritage schemes to help promote heritage conservation and arouse public interest in the subject, and keep the public informed of developments on the heritage front and Hong Kong's heritage conservation work. Relevant views and useful suggestions from the public and interest groups can also be gauged through these activities.

Heritage tourism

17. Members opine that the Administration should leverage more on heritage conservation and heritage tourism to help present a good narrative about Hong Kong while enhancing cultural inheritance. The Subcommittee suggests that the Administration:

- (a) enhance public access to appropriate parts of declared monuments for appreciation of their historical and cultural heritage, such as increasing the opening hours of the Memorial Shrine at the Memorial Garden of the City Hall;
- (b) facilitate communication between the tourism sector and management of monuments or historic buildings for taking forward relevant initiatives including arrangement of guided tours for small groups;
- (c) step up efforts to promote heritage tourism, such as provision or improvement of directional signage leading to the built heritage, as

warranted in the case of Kang Yung Study Hall (鏡蓉書屋), a declared monument at Sheung Wo Hang Village, Sha Tau Kok, which is less known to tourists or Hong Kong citizens due to its remote location;

- (d) take the lead in the overall planning of heritage tourism infrastructure in Hong Kong by drawing reference from overseas experience, such as the development of Sentosa into a tourist attraction in Singapore by linking up a number of heritage sites/buildings/trails; and
- (e) enhancing cross-bureaux collaboration in revitalizing built heritage.

18. The Administration has advised that the Memorial Shrine opens from 9:30 am to 12:30 pm of the first Sunday of every month. The limited opening hours has taken into account the preservation of the solemnity of the Memorial Shrine as a place of quiet retreat to pay tributes to the soldiers and citizens who sacrificed their lives in defending Hong Kong in the Second World War. Notwithstanding this, the City Hall is exploring the feasibility to enhance public access to the Memorial Shrine after the COVID-19 epidemic has abated, consulting various stakeholders and securing additional resources required. The Administration will also continue to liaise with the relevant parties with a view to facilitating arrangement of guided tours to the Jamia Mosque for appreciation of its Islamic mosque architectural features and the Muslim culture.

19. The Administration shares members' views that in-depth tourism has become a major trend to attract tourists beyond Hong Kong's traditional tourism appeal. In this connection, AMO maintains communication with the Tourism Commission and the Hong Kong Tourism Board on related initiatives, including providing relevant materials for training tour guides and developing new programmes for tourists to appreciate Hong Kong's heritage. Referring to the introduction of three dimensional technologies in analyzing and archiving its work of heritage conservation, and the recent launching of Instagram platform to promote heritage conservation, the Administration assures members that it will continue to make wider use of information technology and social media platforms in relevant publicity, public education and engagement.

20. The Administration further points out that it has all along attached importance to revitalizing built heritage and cultural inheritance. Reporting the recently selected projects under Batch VI of the Revitalizing Historic Buildings Through Partnership Scheme and progress of the previous batches of revitalization projects, the Administration has advised that the said scheme demonstrates its commitment to putting the local historic buildings to good adaptive re-use, and giving these buildings a new lease of life for the enjoyment of the public. The scheme also promotes active public participation in the

conservation of historic buildings, and creates job opportunities, in particular at the district level. So far, most of the revitalization projects under the scheme have been run successfully by the respective non-profit making organizations.

Recommendation

21. The Subcommittee supports the Notice and will not move any amendment to the subsidiary legislation.

Advice sought

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

Council Business Division 1 and Public Complaints Office
Legislative Council Secretariat
23 June 2022

**Subcommittee on Antiquities and Monuments
(Declaration of Monuments and Historical Buildings) (Consolidation)
(Amendment) Notice 2022**

Membership list

Chairman Hon Tony TSE Wai-chuen, BBS, JP

Members Hon Steven HO Chun-yin, BBS, JP
Ir Dr Hon LO Wai-kwok, GBS, MH, JP
Hon Vincent CHENG Wing-shun, MH, JP
Hon Nixie LAM Lam
Hon Andrew LAM Siu-lo, SBS, JP
Hon YIU Pak-leung, MH
Hon Judy CHAN Kapui, MH
Prof Hon LAU Chi-pang, BBS, JP
Hon Kenneth FOK Kai-kong, JP

(Total: 10 members)

Clerk Ms Angel SHEK

Legal Adviser Miss Evelyn LEE

**Subcommittee on Antiquities and Monuments
(Declaration of Monuments and Historical Buildings) (Consolidation)
(Amendment) Notice 2022**

**List of individuals and organizations
which/who have provided written submissions to the Subcommittee**

1. Hong Kong Repertory Theatre
2. 活文化
3. 李家祺先生
4. Walk in Hong Kong Limited
5. Mr KWONG Ka-shi
6. 趙志雄先生
7. 向文貞女士
8. Hong Kong History Study Circle
9. Hong Kong Historic Building Conservation Association
10. 林禮輝先生
11. A member of the public
12. 溫子祺先生
13. 香港東方研究學會
14. 劉若儀女士
15. 香港考古研究學會
16. 李錦賢先生