

For discussion
on 25 January 2011

BOARD PAPER
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**MEMORANDUM FOR MEMBERS OF THE
ANTIQUITIES ADVISORY BOARD**

**GRADING OF HO TUNG GARDENS AT 75 PEAK ROAD
AND THE PROPOSAL TO DECLARE IT
AS A PROPOSED MONUMENT
UNDER THE ANTIQUITIES AND MONUMENTS ORDINANCE**

PURPOSE

This paper seeks Members' confirmation of the grading of Ho Tung Gardens at 75 Peak Road in the light of the additional information received during the public consultation period and further assessment by the expert panel. It also seeks Members' advice on the proposed declaration of Ho Tung Gardens (as delineated at Annex A) as a proposed monument under section 2A(1) of the Antiquities and Monuments Ordinance (Cap. 53).

GRADING OF HO TUNG GARDENS

Heritage and architectural values

2. Ho Tung Gardens is on the list of 1,444 historic buildings and was proposed to be given a Grade 1 status¹ by the Antiquities and Monuments Office (AMO) based on the assessment of the expert panel. The grading has

¹ By definition, a Grade 1 historic building is a "building of outstanding merit, which every effort should be made to preserve if possible."

yet to be confirmed by the Antiquities Advisory Board (AAB). An appraisal
—— on the heritage value of Ho Tung Gardens is at **Annex B**.

3. Ho Tung Gardens, also known in Chinese as 曉覺園, comprises three buildings (including a basically two-storey main building in Chinese Renaissance style, a servants' quarter and a garage) and structures including Chinese pavilions, a Chinese pagoda, etc.. The name 曉覺 is derived from the names of the couple 何曉生 (alias Sir Robert Ho Tung 何東爵士) (1862-1956) and 張蓮覺 (alias Lady Clara Ho Tung Cheung Lin-kok) (1875-1938). The main building was built around 1927 and the ornamental gateway (牌樓) at the entrance was completed in 1938. The main house of Ho Tung Gardens was designed by Palmer and Turner, a well-known local architectural practice. Before the Japanese occupation of Hong Kong, the Hong Kong Government had used the premises to house one of its military units. During the Japanese invasion in December 1941, the site received several direct hits. The house underwent renovation after the war.
—— Photographs of Ho Tung Gardens are at **Annex C**.

4. Sir Robert Ho Tung, affectionately referred to in his old age by the local community as “The Grand Old Man of Hong Kong” (香港大老), is almost the most prominent and distinguished business and community leader in early 20th-century Hong Kong. As one of the first very successful Eurasian businessmen in colonial Hong Kong, he made distinguished successes in his global businesses, as a testimony to the unique role of Hong Kong as a bridge between the East and the West. Well-networked in both the local and overseas communities, he participated actively in local affairs. He served on the boards of influential charitable organisations, including Tung Wah Hospital. He also contributed to the establishment of The Chinese Club, a counterpart to The Hong Kong Club for Chinese community leaders at the time, and was its first Chairman. He was knighted twice by the British monarchy, first as Knight

Bachelor by King George V in 1915 and then as Knight Commander of the Order of the British Empire (K.B.E.) by Queen Elizabeth II in 1955. He also received honours and decorations from the Governments of China, Portugal, France, Germany, Italy, Belgium and Annam, from His Holiness Pope Pius XII and from the Order of St. John of Jerusalem.

5. Sir Robert Ho Tung's family is one of the most prominent families in Hong Kong and was the first non-Europeans to receive permission from the Hong Kong Government to reside in the Peak area. Many family members have participated actively in the local affairs and charitable work in Hong Kong. They include-

- (a) Lady Clara Ho Tung (何張蓮覺) - wife of Sir Robert Ho Tung; the founder of the first Buddhist school for girls in Hong Kong (寶覺第一義學); and the founder of the Buddhist temple Tung Lin Kok Yuen² (東蓮覺苑);
- (b) Mr. Ho Fook (何福) - brother of Sir Robert Ho Tung; Unofficial Member of the Legislative Council;
- (c) General Robert Ho Shai-lai (何世禮) - son of Sir Robert Ho Tung;
- (d) Sir Lo Man-kam (羅文錦) - son-in-law of Sir Robert Ho Tung; Unofficial Member of the Executive Council and Unofficial Member of the Legislative Council;
- (e) Mr. Lo Tak-shing (羅德丞) - grandson of Sir Robert Ho Tung; Unofficial Member of both the Executive Council and the Legislative Council;

² Tung Lin Kok Yuen is a Grade 1 historic building.

- (f) Mr. Robert H.N. Ho (何鴻毅) - grandson of Sir Robert Ho Tung; founder of the Robert H.N. Ho Family Foundation; and
- (g) Sir Eric Edward Hotung (何鴻章) - grandson of Sir Robert Ho Tung; Ambassador at Large of the Democratic Republic of Timor-Leste.

6. Their community leadership and close involvement in the development of social services in Hong Kong are still evident in many places in Hong Kong, for example:

- (a) Ho Tung Road in Kowloon Tong;
- (b) the Ho Tung Technical School for Girls (now Ho Tung Secondary School), one of the first government technical schools for girls in Hong Kong under the initiative of Sir Robert Ho Tung and Lady Clara Ho Tung;
- (c) the Lady Ho Tung Hall of the University of Hong Kong established with the donation of Sir Robert Ho Tung;
- (d) the Buddhist temple Tung Lin Kok Yuen in Happy Valley;
- (e) Po Kok School (寶覺女子中學暨附屬小學, formerly known in Chinese as 寶覺第一義學), the first Buddhist school for girls in Hong Kong;
- (f) Kam Tsin Village Ho Tung School (金錢村何東學校) in Sheung Shui;

- (g) Tung Wah Group of Hospitals Ho Tung Home for the Elderly in Tsz Wan Shan; and
- (h) Lady Ho Tung Welfare Centre³ in Sheung Shui.

7. Ho Tung Gardens is the only remaining residence directly related to Sir Robert Ho Tung in Hong Kong and is much valued for its high heritage value. The main building is built in the Chinese Renaissance style, with painted walls and rectangular windows of various sizes. A square tower with a Chinese tiled roof but resembling an Italianate *campanile* with arched windows and doorway is a striking feature of the main house. There are a few buildings in Hong Kong in the Chinese Renaissance style, of which Ho Tung Gardens and King Yin Lei at Stubbs Road are masterpieces.

8. The social value of Ho Tung Gardens lies in its association with Sir Robert Ho Tung, one of the first very successful Eurasian businessmen and philanthropists in Hong Kong with significant contributions to the local community. It is also valued for its associations with Lady Clara Ho Tung, and their son Robert Ho Shai-lai (何世禮) who lived there from 1960s to 1990s.

9. In response to the proposal to accord Grade 1 status to Ho Tung Gardens, the owner wrote to AMO in July 2010⁴ to express her disagreement with the proposed Grade 1 status and provide additional information on Ho Tung Gardens. The owner did not agree with the proposed Grade 1 status mainly because, as she indicated, Sir Robert Ho Tung did not live in Ho Tung Gardens, no important family events had been held there and the interior of the buildings there had undergone considerable alterations, etc. Having considered the owner's views, the expert panel maintains the view that Ho

³ Lady Ho Tung Welfare Centre is a Grade 2 historic building.

⁴ A copy of the owner's letter has been provided to Members separately.

Tung Gardens has high heritage value warranting a Grade 1 status, since it is the only remaining residence directly related to Sir Robert Ho Tung locally and in view of the rarity of historic buildings in Chinese Renaissance architectural style in Hong Kong. Accordingly, we **recommend** the Board to confirm according Grade 1 status to Ho Tung Gardens.

PROPOSED DECLARATION AS A PROPOSED MONUMENT

10. Under our monitoring system established to monitor any submission to relevant Government departments on proposed works that may affect monuments and historic buildings, it has been brought to our attention that the owner has submitted to the Buildings Department (BD) a building plan and a demolition plan with regard to Ho Tung Gardens for developing 11 houses. Both plans have recently been approved by BD as they comply with all the relevant requirements under the Buildings Ordinance, which regulates building safety.

11. The administrative grading of Ho Tung Gardens does not afford it statutory protection under the Antiquities and Monuments Ordinance. However, the Antiquities Authority will actively consider whether a building in the pool of Grade 1 buildings has reached the high threshold of heritage value for the declaration of monument under the Ordinance⁵, and may take action to declare it as a proposed monument under the Ordinance if the building needs immediate statutory protection (e.g. if the building is under threat of demolition or alteration/ renovation works are proposed to be carried out which may affect the heritage value of the building).

⁵ As advised by AAB in December 2009, all Grade 1 buildings and sites would be accepted as providing a pool of highly valuable heritage buildings for consideration by the Antiquities Authority as to whether some of them may have reached the high threshold of monuments to be put under statutory protection.

12. In view of the heritage and architectural value of Ho Tung Gardens as well as the proposed demolition and building works thereat, we consider that the declaration of Ho Tung Gardens as a proposed monument under the Antiquities and Monuments Ordinance would be most desirable and appropriate to better protect Ho Tung Gardens from damage. By bestowing statutory protection of the site for up to 12 months, the proposed declaration would allow the Antiquities Authority to fully consider whether or not Ho Tung Gardens should be declared as a monument under the Ordinance and allow more time for further discussion with the owner to reach a consensus on the preservation option. The Antiquities Authority therefore intends to exercise her power under section 2A of the Ordinance to declare Ho Tung Gardens as a proposed monument and accordingly seeks AAB's views on the intended declaration.

13. It should be noted that declaration of a historic site as a proposed monument does not necessarily lead to its declaration as a monument. It would be up to the Antiquities Authority, after consultation with AAB, and having considered various related factors, including the views of the community, the view of the owner and the cost of preservation, to decide whether Ho Tung Gardens should be declared as a monument for permanent preservation and if so, to seek the required approval of the Chief Executive for monument declaration.

14. Since the coming into force of the Antiquities and Monuments Ordinance in 1976, there have been four cases in which historic buildings in private ownership were declared as proposed monuments without the owner's prior consent: Ohel Leah Synagogue at Robinson Road in 1987, Morrison Building in Tuen Mun in 2003, 128 Pok Fu Lam Road (known as "Jessville") in 2006 and King Yin Lei at Stubbs Road in 2007. In the end, Ohel Leah Synagogue was subsequently saved based on a preservation arrangement agreed between Government and the owner without payment of any

compensation to the owner. Morrison Building was subsequently declared as a monument by the Antiquities Authority in April 2004 for permanent protection. In respect of Jessville, it has been saved following the decision by the Chief Executive in Council in September 2009 to partially uplift the Pokfulam Moratorium to facilitate a mutually-agreed preservation-cum-redevelopment proposal. King Yin Lei was declared as a monument in July 2008 and has been saved with a non in-situ land exchange with the owner.

FINANCIAL IMPLICATION

15. Should Ho Tung Gardens be declared as a proposed monument, any works within the boundary of the proposed monument, including demolition works for redevelopment, will require a permit granted by the Antiquities Authority in accordance with section 6 of the Antiquities and Monuments Ordinance. If the Antiquities Authority refuses to grant the permit, the owner or the lawful occupier of the proposed monument may make a claim under section 8 of the Ordinance for compensation in respect of any financial loss he suffered or would suffer as a result of the refusal to grant the permit. With prior approval of the Chief Executive, the Antiquities Authority may pay compensation to the owner or the lawful occupier. The amount of compensation may be agreed between the owner and the Antiquities Authority, and in default of an agreement, may be assessed and awarded by the District Court as it thinks reasonable in the circumstances.

ADVICE SOUGHT

16. In the light of the foregoing, Members' advice is sought on -

- (a) the proposal to confirm the Grade 1 status for Ho Tung Gardens in the light of the information received by AMO during the public consultation and the expert panel's further assessment; and
- (b) the proposed declaration of Ho Tung Gardens at 75 Peak Road as a proposed monument.

Antiquities and Monuments Office
Leisure and Cultural Services Department
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