

ANTIQUITIES ADVISORY BOARD

MINUTES OF THE OPEN SESSION OF THE 135th MEETING
HELD ON THURSDAY 25 SEPTEMBER 2008 AT 2:35 P.M.
IN CONFERENCE ROOM, HONG KONG HERITAGE DISCOVERY CENTRE
KOWLOON PARK, HAIPHONG ROAD, TSIM SHA TSUI, KOWLOON

Present: Mr Edward Ho, SBS, JP (Chairman)
The Hon Bernard Charnwut Chan, GBS, JP
Prof Leslie Chen Hung-chi
Ms Susanna Chiu Lai-kuen
Mr Patrick Fung Pak-tung, SC
Mr James Hong Shu-kin
Mr Philip Kan Siu-lun
Mr Kwong Hoi-ying
Mr Andrew Lam Siu-lo
Prof Lau Chi-pang
The Hon Patrick Lau Sau-shing, SBS, JP
Mr Laurence Li Lu-jen
Prof Bernard Lim Wan-fung, JP
Dr Ng Cho-nam, BBS
Mr Ng Yat-cheung, JP
Ms Miranda Szeto Shiu-ching
Dr Linda Tsui Yee-wan
Ir Dr Greg Wong Chak-yan, JP
Mr Bryan Wong Kim-yeung
Mr Yeung Yiu-chung, BBS, JP
Ms Heidi Kwok (Secretary)
Senior Executive Officer (Antiquities and Monuments)
Leisure and Cultural Services Department

Absent with Apologies:

Mrs Mariana Cheng Cho Chi-on, BBS, JP
Mr David Cheung Ching-leung
Mr Almon Poon Chin-hung, JP
Prof Simon Shen Xu-hui
Ms Lisa Yip Sau-wah, JP
Miss Vivian Yu Yuk-ying

In Attendance: Development Bureau

Miss Janet Wong, JP
Deputy Secretary (Works)1

Mr Jack Chan
Commissioner for Heritage

Mr Alan Au
Assistant Secretary (Heritage Conservation)⁴

Leisure and Cultural Services Department

Mr Thomas Chow, JP
Director of Leisure and Cultural Services

Mr Chung Ling-hoi, JP
Deputy Director (Culture)

Dr Louis Ng
Assistant Director (Heritage and Museums)

Mr Tom Ming
Executive Secretary (Antiquities and Monuments)

Mr Kevin Sun
Curator (Archaeology)

Mrs Ada Yau
Curator (Education and Publicity)

Ms Fione Lo
Curator (Historical Buildings)

Mr Hessler Lee
Principal Marketing Coordinator (Heritage and Museums)

Miss Addy Wong
Senior Marketing Coordinator (Heritage and Museums)

Ms Yvonne Chan
Executive Officer I (Antiquities and Monuments)

Planning Department

Ms Brenda Au
District Planning Officer/Hong Kong

Architectural Services Department

Mr S L Lam
Senior Property Services Manager/Eastern and Antiquities

Opening Remarks

The Chairman welcomed members and representatives from the Development Bureau and government departments. He went on to congratulate the Hon Patrick Lau for having been re-elected as LegCo Member and Prof Bernard Lim for having been awarded Justice of Peace. He then introduced Ms Fione Lo who had recently taken over from Ms Cissy Ho as Curator (Historical Buildings) in AMO.

Item 1 Matters Arising and Progress Report (Board Paper AAB/69/2007-08)

Presentation Session

2. Mr Tom Ming highlighted King Yin Lei which was gazetted as a monument on 11 July 2008. He reported that restoration of the roof was expected to complete by January 2009 whereas tender for other parts of the building was scheduled to be called in October 2008 and awarded in November 2008 with the whole project expected to complete by 2010.

Discussion Session

3. In response to a member's inquiry about the tourism project at the former Marine Police Headquarters site, Mr Tom Ming responded that, according to his understanding, there were technical and land issues to be resolved, thus the completion date of the project could not be confirmed at this stage.

Item 2 Preservation of Archaeological Heritage in Hong Kong (Board Paper AAB/70/2007-08)

Presentation Session

4. Mr Tom Ming briefed members on the background and the existing arrangements for the preservation of Hong Kong's archaeological heritage.

Discussion Session

5. In response to a member's inquiry, Mr Tom Ming said that the basic principle of preservation of Hong Kong's archaeological heritage was to preserve important archaeological sites intact as far as possible and rescue excavation would be considered only if it was unavoidable and with full justifications. He added that the archaeological discoveries so far had enabled us to basically reconstruct generally the history of Hong Kong though there were some gaps, which hopefully could be filled in through archaeological discoveries in future. He reiterated that in line with international practice, excavation would not be initiated for important archaeological sites unless there were overriding reasons.

6. Mr Kevin Sun added that reference had been made to the Charter for the Protection and Management of the Archaeological Heritage adopted by the

International Council on Monuments and Sites in 1990 and the Antiquities and Monuments Ordinance (A&MO). While excavation would not be initiated at important archaeological sites, small-scale survey/excavations were still allowed for research purpose.

7. In reply to a member's inquiry, Mr Tom Ming advised that as archaeological excavation was a specialized field with a small market demand, there were only a few archaeologists in Hong Kong qualified to apply for an excavation licence. Noting that most archaeologists in Hong Kong came from overseas or the Mainland, the member further asked if sufficient training was provided to groom local archaeologists. Mr Kevin Sun responded that though local universities did provide some relevant courses, they did not offer professional training in field archaeology. For the AMO, formal training of archaeology was usually pursued in the Mainland and the United Kingdom.

8. A member expressed concern that the project proponent responsible for funding the Environment Impact Assessment (EIA) might compromise the archaeological survey/excavation required in view of the tight time schedule and the financial implication. He thus considered that AMO played the important role of a gatekeeper in the EIA process.

9. Mr Kevin Sun explained that in the EIA process, the project proponent was required to undertake the EIA study according to the prescribed Study Brief, Technical Memorandum, and Guidelines. If the study was not up to AMO's satisfaction, Environmental Protection Department would not issue the Environmental Permit to the project proponent to commence work.

10. In response to a member's inquiry, Mr Tom Ming said that efforts had been made to publicise the 17 archaeological sites or structures, which had been declared as monuments. For instance, Lei Cheng Uk Han Tomb had been developed into a museum and the Remnants of the South Gate of Kowloon Walled City was open to the public. For sites accessible by land or sea such as Tung Chung Fort and ancient rock carvings, there were either explanatory panels or small exhibitions on-site. Moreover, relevant information was available in pamphlets and on AMO's website.

11. In response to a member's inquiry, Mr Kevin Sun advised that on average AMO received 10 to 15 licence applications each year, mainly in connection with EIA and Heritage Impact Assessment for public works projects. Upon the member's further inquiry on whether Government had a budget for such excavations, Dr Louis Ng responded that under the existing arrangement, the project proponent was responsible for funding the excavation required while the AMO played a monitoring role.

12. A member noted that Hong Kong and Mainland China were closely related in their archaeological heritage as revealed by pottery/ceramic sherds unearthed in both areas. Noting that the 800,000 items of archaeological finds kept in store might not all reach the high threshold for display in museums, he suggested to make better use of them by displaying them at District Councils or libraries to enable local residents to know more about their heritage.

13. Mr Kevin Sun responded that important archaeological finds discovered during construction of the Chek Lap Kok Airport had been displayed at the airport for some time. Besides, an exhibition on archaeological finds in Tuen Mun area was also held at the Tuen Mun Town Hall in response to the Tuen Mun District Council's request. He noted the member's good suggestion and would explore the feasibility of such proposal.

14. A member suggested to organize small-scale roving exhibitions on the archaeological finds as this would not cost much but would support the school curriculum.

15. A member shared the view that more archaeological finds should be displayed for publicity and education purposes whereas relics of high heritage value could be exhibited at museums. He also opined that the project proponent/developer should be responsible for the storage and care of the archaeological finds. Mr Kevin Sun added that in line with internationally accepted practice, a project proponent was usually responsible for the costs from excavation to publication of the report. Besides, there was no provision under the existing law to request the project proponent/developer to pay for the storage and care costs of the finds, which were properties of the Hong Kong Government.

16. A member suggested the production of a documentary film on the restoration of King Yin Lei. Mr Tom Ming responded that video-recording and, photo-taking of the restoration process had been arranged to facilitate future production of different forms of documentaries/ programmes.

Item 3 Any Other Business

Request for Presentation to the AAB

17. A member referred to two recent requests for presentation to the AAB. He recalled that past discussions on this subject did not come to any conclusion and asked how these cases should be handled.

18. Mr Tom Ming reported that one request came from Masterplan Limited which acted on behalf of the Central and Western Concern Group. It had submitted an application to the Town Planning Board (TPB) proposing the rezoning of a large area of Soho and the area around Graham Street in Sheung Wan to 'Other Specified Uses' annotated 'Special Design Area' so as to preserve the character of Hong Kong's 'Old City'. He said that the application was basically a town planning issue which would be considered by the TPB on 24 October 2008. He would however defer to members' decision on the said request.

19. A member was of the opinion that since the rezoning proposal would involve the preservation of historic buildings through the conservation approach of 'point', 'line' and 'area', it would not be an entirely planning issue.

20. Upon the Chairman's inquiry, Ms Brenda Au advised that the consideration of the rezoning application by TPB under section 12A of the Town Planning

Ordinance (TPO) and the request for a presentation of the application to the AAB were separate matters. As an established practice, if an application involved heritage conservation aspect, Planning Department (PlanD) would consult AMO and DEVB in particular the Commissioner for Heritage for comments, which would be conveyed to TPB for consideration. On the subject rezoning application, AAB might consider reflecting its views through AMO or DEVB to TPB if Members so wished. She said that the rezoning application, which aimed to stringently control building height and development density through the statutory plan, would involve an extensive area and adversely affect development rights. As such, wide public consultation and community consensus would be required.

21. In light of the community's rising expectation for heritage conservation, a member considered that there was no harm in entertaining Masterplan's request as TPB would take into account views and comments from AAB, DEVB and stakeholders, etc. in examining the rezoning application.

22. Since the rezoning proposal was relevant to the work of the AAB, another member also considered it logical to listen to the presentation.

23. A member expressed that he would not mind listening to outside presentations, but questioned if there was any channel for the AAB to reflect its views to the relevant authority as the AAB's role, being advisory, was quite passive.

24. The Chairman remarked that while the AAB should respond to major community concerns, it should critically consider practical issues such as whether it had sufficient time to entertain all requests for presentation and whether such requests were motivated by personal interest, noting that there were other communication and appeal channels.

25. A member recalled that TPB would consult AMO on relevant heritage issues, and AMO would then decide if it should consult the AAB. He considered it legitimate for AAB to give views when it was consulted by AMO and it was worth discussion whether AMO should consult AAB on every referral from TPB as he noted that AMO had not sought AAB's views on some cases.

26. Miss Janet Wong said that since TPB had prescribed procedures in considering such applications after taking into account the wider community interests, the AAB should be prudent in handling such requests taking into account factors such as the timing of presentation and its impact on the workload of the AAB.

27. A member agreed that the AAB should be selective in considering public requests for presentation. It should leave it to the Administration to decide on which case the AAB should be consulted considering its impact on the community.

28. Mr Thomas Chow reminded members that the terms of reference (TOR) of the AAB was to advise the Antiquities Authority on measures to promote the restoration and conservation of historic buildings. Hence, members had to consider whether they would be acting according to AAB's TOR.

29. Noting the applicant's specific request for a presentation to the AAB and the

increasing number of judicial reviews, a member suggested that the relevant authorities should review the existing consultation mechanism to rule out any possible loophole for complaint and to determine if it had good reason to accept or reject the request.

30. Members endorsed his good suggestion to clarify the consultation process among DEVB, PlanD, AMO and AAB in regard to planning applications to avoid public misperception.

DEVB
PlanD
AMO

31. There being no other business, the meeting was adjourned at 3:45 p.m.

AAB

Antiquities and Monuments Office
Leisure and Cultural Services Department
November 2008

Ref: LCS AM 22/3