

**ANTIQUITIES ADVISORY BOARD**

**Minutes of the 160<sup>th</sup> Meeting**  
**on Monday, 17 December 2012 at 9:30 a.m.**  
**in Conference Room, Hong Kong Heritage Discovery Centre**  
**Kowloon Park, Haiphong Road, Tsim Sha Tsui, Kowloon**

Present: Mr Bernard Charnwut Chan, GBS, JP (Chairman)  
Dr Anissa Chan Wong Lai-kuen, MH, JP  
Mrs Mariana Cheng Cho Chi-on, BBS, JP  
Ms Susanna Chiu Lai-kuen  
Professor Ho Pui-yin  
Professor Chung Po-yin  
Mr Philip Kan Siu-lun  
Mr Tim Ko Tim-keung  
Mr Tony Lam Chung-wai  
Mr Andrew Lam Siu-lo, JP  
Dr Lau Chi-pang  
Ms Lilian Law Suk-kwan, JP  
Dr Lee Ho-yin  
Mr Laurence Li Lu-jen  
Professor Tracey Lu Lie-dan  
Dr Ng Cho-nam, BBS, JP  
Ms Janet Pau Heng-ting  
Dr Simon Shen Xu-hui  
Professor Billy So Kee-long  
Dr Joseph Ting Sun-pao  
Mr Conrad Wong Tin-cheung, JP  
Mr Yeung Yiu-chung, BBS, JP

Ms Becky Lam (Secretary)  
Senior Executive Officer (Antiquities and Monuments)  
Leisure and Cultural Services Department

Absent with Apologies: Mr Henry Ho Kin-chung

In Attendance: Development Bureau

Ms Grace Lui

Deputy Secretary (Works) 1

Miss Vivian Ko

Commissioner for Heritage

Ms Queenie Lee

Assistant Secretary (Heritage Conservation) 3

Leisure and Cultural Services Department

Mrs Betty Fung, JP

Director of Leisure and Cultural Services

Ms Cynthia Liu

Deputy Director (Culture)

Dr Louis Ng

Assistant Director (Heritage and Museums)

Mr Tom Ming

Executive Secretary (Antiquities and Monuments)

Mr Kenneth Tam

Chief Heritage Manager (Antiquities and Monuments)

Mrs Ada Yau

Curator (Archaeology)

Mr Kevin Sun

Curator (Education and Publicity)

Ms Fione Lo

Curator (Historical Buildings) 1

Ms Angela Siu  
Curator (Historical Buildings) 2

Dr Alan Fung  
Assistant Curator I (Buildings Survey)

Planning Department  
Mr Ronald Chiu  
Town Planner/Metro & Urban Renewal 3

Architectural Services Department  
Mr Fong Siu-wai  
Assistant Director (Property Services)

Mr Lam Sair-ling  
Senior Maintenance Surveyor/Heritage

### **Opening Remarks**

The Chairman thanked Members and representatives from government departments for attending the meeting.

#### **Item 1 Confirmation of Minutes (Board Minutes AAB/9/2011-12)**

2. The minutes of the 159<sup>th</sup> Meeting held on 14 June 2012 was confirmed without any amendment.

#### **Item 2 Matters Arising and Progress Report (Board Paper AAB/44/2011-12)**

3. Mr Tom Ming reported the progress on the declaration of Ho Tung Gardens (“HTG”) as monument. He said that the Chief Executive in Council, upon considering the owner’s objection and all relevant information and materials, directed on 27 November 2012 that the intended declaration of HTG as a monument

shall not be made. The Antiquities Authority was notified of the Chief Executive in Council's decision on 4 December 2012. Antiquities Advisory Board ("AAB") Members were informed of the decision on the same day. Detailed information had been set out in Appendix A of the Board Paper AAB/44/2011-12.

4. The interim report on the Archaeological Watching Brief Findings in Harcourt Garden for South Island Line (East) prepared by the archaeologist appointed by the MTR Corporation had been circulated to Members of the Legislative Council, Central and Western District Council and AAB for information. To improve the current arrangements for reporting archaeological discoveries, enhancement to the notification system had been carefully reviewed and put in place. Under the enhanced notification system, the Antiquities and Monuments Office ("AMO") would :

- (i) submit those sections relevant to archaeology in the Environmental Impact Assessment reports to AAB for information; and
- (ii) inform AAB once the AMO had been notified of archaeological discoveries and had completed preliminary assessment on the heritage value of such discoveries before AMO informed the project proponent / archaeologist concerned of the agreed preservation method.

5. The Chairman agreed that the reporting measures proposed above would enhance the current notification system and improve the transparency of archaeological discoveries.

6. Mr Tom Ming reported that subsequent to Members' endorsement of the design for protectors and visitors' facilities at rock carvings and inscription sites as reported at the meeting held on 22 March 2012, the improvements works had commenced and were in steady progress. Arrangement had also been made for 3D laser scanning for the rock carvings at Lung Ha Wan, Big Wave Bay and Wong Chuk Hang. The results would be reviewed for preparation of 3D laser scanning for other rock carvings and inscription in Hong Kong.

7. The Chairman brought Members' attention to the request from Mr William Meacham for making a presentation in respect of HTG at a formal AAB

Meeting. He said that Mr Meacham had cited the case of Ohel Leah Synagogue (“the Synagogue”) as an example, opining that the Government might not need to pay compensation for the preservation of a historic building. He also said that he was in possession of a legal opinion which argued that the Government would not be liable for compensation under the Antiquities and Monuments Ordinance (“the Ordinance”). The Chairman had invited Mr Meacham to discuss the matter with the AAB right before the AAB formal meeting but the latter refused. The Chairman invited Mr Tom Ming to give a brief account on the Synagogue case to facilitate Members’ decision on whether to invite Mr Meacham to attend the formal meeting.

8. Mr Tom Ming explained that the situations of the HTG and the Synagogue were different in nature. The HTG was declared a proposed monument in January 2011. In October 2011, the Antiquities Authority, after consulting the AAB, announced her plan to declare the HTG as a monument and informed the owner of her intention. The owner expressed objection and submitted a petition to the Chief Executive. After consideration, the Chief Executive in Council directed that the intended declaration of the HTG as a monument shall not be made. On the other hand, the Synagogue was declared a proposed monument in 1987 but the declaration was withdrawn by the Antiquities Authority subsequently. Mr Meacham filed a judicial review regarding the withdrawal made by the Government but the judicial review eventually discontinued. The Synagogue was finally preserved by the owner without any public money incurred.

9. Dr Lee Ho-yin recalled that the then Secretary for Development (“SDEV”) had discussed various economic incentive options with the owner of the HTG but an agreement could not be reached between both parties.

10. Dr Lau Chi-pang opined that the Government had already offered a number of preservation proposals which, however, were not accepted by the owner. He believed that the Government had considered the Synagogue case as mentioned by Mr Meacham, and thus there was no point to accede to Mr Meacham’s request.

11. Mr Tony Lam was of the view that the AAB had unanimously supported the Antiquities Authority to declare the HTG as a monument after careful consideration. However, it should be up to the Chief Executive in Council to decide whether the HTG should be declared as a monument.

12. Dr Lee Ho-yin shared the same view with Mr Tony Lam. He considered that the use of huge sums of public money without public support might be the main reason why the Government did not declare the HTG as a monument.

13. In view of the significant heritage value of the HTG, Mr Andrew Lam hoped that the owner would consider preserving the HTG as far as practicable while implementing the redevelopment plan for the site. He expressed reservation about the legal opinion offered by Mr Meacham and viewed that the legal opinion should not be considered as a formal one.

14. Prof Tracey Lu echoed the view of Mr Tony Lam. She also pointed out that the case of HTG reflected the challenge of maintaining a proper balance between respect for private property rights and the need for heritage conservation. She therefore suggested reviewing the Ordinance to better meet the public's expectations on preservation of privately-owned historic buildings.

15. Mr Laurence Li expressed his appreciation on the enthusiasm of the public like Mr Meacham in heritage conservation. He said that the then SDEV had already offered to the owner of HTG a number of preservation-cum-development options to preserve the building but unfortunately an agreement could not be reached. Moreover, he considered that the legal opinion as quoted by Mr Meacham had failed to meet public expectation on respecting private property rights.

16. The Chairman concluded that the Board would not invite Mr Meacham to the meeting. Though a preservation agreement could not be reached between the Government and the owner of the HTG, the Board still hoped that the owner could consider preserving the HTG, in particular the Chinese gateway and the gardens.

17. Ms Grace Lui assured that SDEV was aware of the need to review the current policy on the preservation of privately-owned historic buildings and Members' comments on the review would be sought. SDEV would continue the discussion with the owner and explore the possibilities of preserving parts of the HTG while redeveloping HTG.

### **Item 3      Reaffirmation of the Recommendation to Declare the Béthanie as a**

**Monument**  
**(Board Paper AAB/45/2011-12)**

18. Ms Angela Siu gave a presentation on the heritage merits of the Béthanie. She said that the AAB had recommended declaring the Béthanie as a monument in view of its outstanding historical and architectural merits back in 1993. In the recent assessment exercise of 1 444 historic buildings, the AAB accorded a Grade 1 status to the Béthanie at its meeting held on 18 December 2009. The heritage value of the building had undoubtedly reached the “high threshold” required for monument declaration.

19. In view of the significance of the Béthanie as the base of the French Catholic missionary work in the East Asia, Dr Joseph Ting supported declaring the Béthanie as a monument. As a side issue, Prof Chung Po-yin raised that Pound Lane was also of heritage significance since it demonstrated the missionary and medical works of the French Catholic Church in Hong Kong.

20. Noting that alteration and addition works had been carried out for converting the Béthanie into the second campus of the Hong Kong Academy for Performing Arts (“HKAPA”) from 2003 to 2006, Mr Andrew Lam enquired if there were other historic buildings which had been declared as monuments after alteration. Mr Tom Ming advised that revitalisation works had been conducted from 2004 to 2006 for converting Kam Tong Hall into Dr Sun Yat-sen Museum and the building had been declared a monument in 2010.

21. Dr Lee Ho-yin supplemented that many temples and ancestral halls in the New Territories had also undergone alteration before declaration as monuments. Similar to the parliament building in Berlin, Germany, the Béthanie had to be suitably altered so as to meet the requirements of prevailing building regulations and its present use as a campus for the HKAPA .

22. Mr Lam Sair-ling remarked that the character-defining elements of the Béthanie had been preserved. Alteration had been arranged in compliance with the international conservation standards with minimal adverse impact to the building.

23. Mrs Mariana Cheng was of the view that the authenticity and heritage significance of the Béthanie had not been diminished despite the alteration works.

24. Prof Tracey Lu questioned if the boundary proposed for declaration included a “buffer zone” as recommended by UNESCO for a site in the World Heritage List. Mr Tom Ming explained that the proposed boundary as delineated on the plan attached to the paper showed the exact area to be declared as a monument under the Ordinance. Under the Heritage Impact Assessment (“HIA”) Mechanism introduced by Development Bureau, if a capital works project is partly or wholly within a “heritage site”<sup>1</sup> or in the vicinity (interpreted as not more than 50 metres measures from the nearest point of the project boundary) of a “heritage site”, the project would need to go through the HIA Mechanism.

25. With Members’ comments and supplementary information above, the Chairman concluded that the Board reaffirmed the recommendation of declaring the Béthanie as a monument.

#### **Item 4 Declaration of the Cenotaph, Central as a Monument (Board Paper AAB/46/2011-12)**

26. Ms Angela Siu then briefed members on the heritage value of the Cenotaph.

27. The Chairman opined that the Cenotaph in Hong Kong, situated in an open space, was even more magnificent than the Cenotaph in Whitehall, London.

28. Dr Lee Ho-yin considered that the Cenotaph was an important landmark in perpetuating collective memory of the community. Dr Joseph Ting added that the British constructed cenotaphs in colonies to commemorate the dead of the First World War and the one in Hong Kong should be the most conspicuous. Both supported the declaration of the Cenotaph as a monument.

29. Mr Tim Ko pointed out that the Cenotaph had been constructed to

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Heritage sites include:

- (i) all declared monuments;
- (ii) all proposed monuments;
- (iii) all sites and buildings graded by the AAB;
- (iv) all recorded sites of archaeological interest; and
- (v) Government historic sites identified by the AMO.



commemorate the dead of the First World War, in which not many Hong Kong people had really taken part. The years “1939-1945” had been subsequently added to honour victims of the Second World War. He suggested a dedicated memorial for those died in the Second World War.

30. With Members’ above comments, the Chairman concluded that the Board supported declaring the Cenotaph as a monument.

**Item 5     Assessment of 1 444 Historic Buildings - Finalisation of the Gradings of Buildings and Results of Assessment of New Items  
(Board Paper AAB/47/2011-12)**

31. The Chairman invited Dr Alan Fung to take Members through all items listed in Annex A of Board Paper AAB/47/2011-12 with the aid of PowerPoint. Mr Tom Ming said that the two items were privately-owned buildings with queries and concerns raised by the owners. With further information and explanations provided by AMO, the queries and concerns had been addressed. After deliberations, Members endorsed the proposed gradings of the two items listed in Annex A.

32. Dr Alan Fung then went on to introduce the item listed in Annex B of the Board Paper.

33. Dr Joseph Ting recommended according a proposed Grade 2 status, instead of the proposed Grade 3, to Chai Wan Factory Estate (“Factory Estate”).

34. Dr Lau Chi-pang and Ms Lillian Law wondered if the Factory Estate was the only H-shape factory block remaining in Hong Kong. Dr Alan Fung replied in the affirmative and supplemented that some I-shaped factory blocks still existed but were of a later period.

35. Dr Lau Chi-pang suggested that similar factory blocks be added to the list of new items for grading assessment. Dr Lee Ho-yin was of the view that both the Factory Estate and Mei Ho House (Grade 2) were of comparable heritage significance. Both Lau Chi-pang and Dr Lee ho-yin supported to accord a proposed Grade 2 status to the Factory Estate.

36. Mr Tim Ko commented that the authenticity of the Factory Estate was considered on the high side when compared to Mei Ho House.

37. Dr Ng Cho-nam said that the Factory Estate stood not only as a witness to the industrial development in Hong Kong but also as an important landmark in Chai Wan.

38. Ms Susanna Chiu opined that the Factory Estate was of high integrity and should be preserved.

39. Mr Conrad Wong supported to accord a higher grading, instead of the proposed Grade 3 to the Factory Estate.

40. Mr Tom Ming informed Members that there had already been a development proposal for the Factory Estate, thus it would be desirable for the AAB to agree on a proposed grading for the building to facilitate formulation of an appropriate conservation management plan.

41. The Chairman concluded that the Factory Estate be accorded with a proposed Grade 2 status. Following the usual practice, the AMO would proceed to arrange a 1-month public consultation on the proposed grading.

42. The Chairman recapped that at the last meeting, the AAB accorded the Former Central Government Offices (“CGO”) Site, the Main Wing, the East Wing and the West Wing with proposed gradings as set out at Annex C. Following the usual practice, AAB conducted a public consultation on the proposed gradings of the Former CGO. The original deadline of the public consultation was 20 July 2012 but the deadline was subsequently extended in light of the public request for more time to express their views on the proposed gradings of the Former CGO. All public submissions had been submitted to Members for consideration and a summary of the views were listed in paragraph 7 of the Board Paper.

43. The Chairman concluded that the Board generally agreed to accord a Grade 1 status to the Former CGO site, the Main Wing and the East Wing.

44. Before deliberation on the grading for West Wing, the Chairman referred Members to the established voting procedures adopted by AAB.

45. In reply to Dr Anissa Chan's enquiry on simple majority ruling, the Chairman explained that any matter involving simple majority ruling should be decided by a majority of members present and voting at the meeting.

46. Ms Susanna Chiu suggested that voting be conducted by secret ballot. To maintain the openness of the Board's operation, Dr Lee Ho-yin raised disagreement to the suggestion. He also reiterated his decision not to vote for the grading of the West Wing.

47. The Chairman remarked that according to the established voting procedures, voting should be conducted by means of a show of hands. He considered it inappropriate to change the practice at this juncture.

48. To rectify certain misleading media reports after the last meeting, Dr Lee Ho-yin and Mr Laurence Li reiterated that the voting procedures and the arrangement for public consultation on the proposed grading for historic buildings had been in place for years.

49. In light of the deliberations on the proposed grading of West Wing, Members agreed to finalise the grading by voting. With the voting result of 12 Members supporting Grade 1 and 8 Members supporting Grade 2, the Chairman concluded that the West Wing be accorded with a Grade 1 status.

50. Mr Andrew Lam took the opportunity to reconfirm his understanding that the "Former CGO" covered the whole CGO site and the three Wings therein but not the Battery Path.

51. In response to the request of a concern group asking to accord priority to the grading assessment of the Tsim Sha Tsui Star Ferry Pier Bus Terminus, the Chairman recalled that the Tsim Sha Tsui Transport Interchange comprising the Bus Terminus and other features had been put under the list of new items. Mr Tom Ming advised that the AAB agreed at its meeting in 2009 that gradings of new items would be dealt with after the conclusion of the assessment of 1 444 historic buildings but AAB would flexibly advance its discussion on the grading of the new items if there was a cogent need for an early assessment. Noting that there was no plan for the redevelopment of the Bus Terminus, Mr Andrew Lam agreed that the practice should be followed.

52. The Chairman concluded that the agreed practice would be followed for the grading assessment of new items, including the Tsim Sha Tsui Transport Interchange.

## **Item 6 Any Other Business**

53. Mr Tim Ko expressed his shock over the inclusion of Chi Lin Nunnery and Nan Lian Garden into China's World Heritage Tentative List ("Tentative List") by the State Administration of Cultural Heritage ("SACH"). He considered that some buildings and sites in Hong Kong with higher heritage significance should be more qualified for inclusion into the Tentative List. He also queried why the AAB had not been consulted on the application made by Chi Lin Nunnery.

54. The Chairman referred Members to the information prepared by the AMO that the application had been initiated and prepared by Chi Lin Nunnery. The SACH had sent experts to conduct a site visit to Chi Lin Nunnery and Nan Lian Garden before including them into the Tentative List. Ms Grace Lui further explained that the Government was supportive of the application and played the role of a facilitator in the application process. The Government rendered assistance in the onward submission of the application to SACH and making arrangement for SACH representatives to visit Chi Lin Nunnery and Nan Lian Garden.

55. Ms Grace Lui considered that the inclusion of Chi Lin Nunnery and Nan Lian Garden into the Tentative List should be taken positively. The Government would study and facilitate other concrete and worth-supporting proposals when received.

56. Prof Tracey Lu commented that the competition for inscription on the World Heritage List was extremely keen. She believed that the nomination of any items in a State Party's Tentative List to United Nations Educational, Scientific and Cultural Organization ("UNESCO") would be determined by a number of factors. Prof Tracey Lu also mentioned that there was a strict quota for each country every year in the nomination.

57. Mr Tim Ko, Prof Tracey Lu and Dr Joseph Ting considered that Chi Lin Nunnery and Nan Lian Garden did not have any association with Hong Kong history and therefore they wondered whether Chi Lin Nunnery and Nan Lian

Garden could represent Hong Kong.

58. Mr Tom Ming explained that the inscription on the World Heritage List was based on the criteria set by UNESCO. Some post-war constructions such as the Sydney Opera House and the Historic Centre of Warsaw had been inscribed on the World Heritage List. The system and criteria for inscribing World Heritage Sites was different from the statutory monument declaration system and the administrative grading mechanism in Hong Kong.

59. Dr Ng Cho-nam regretted that a number of valuable trees had been fell for the construction of Chi Lin Nunnery and criticised its negative impact on nature conservation.

60. Dr Joseph Ting, Dr Lau Chi-pang and Mr Andrew Lam suggested AAB be informed of such applications in future. The Chairman said that the AAB should be informed of heritage related issues in the light of increasing aspirations from the public. Ms Grace Lui appreciated Members' concerns and agreed that corresponding arrangement would be made.

61. Mr Andrew Lam and Dr Lee Ho-yin expressed their heartfelt thanks to the Chairman for his chairmanship over the past four years. Under his capable leadership, the transparency of the Board's operation had been enhanced significantly.

62. Mrs Betty Fung and Ms Grace Lui, on behalf of the Government, also thanked the Chairman and the retiring Members for their remarkable service for AAB in the past few years.

63. There being no other business, the meeting was adjourned at 11:55 a.m.

Antiquities and Monuments Office  
Leisure and Cultural Services Department  
February 2013

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Ref: LCSD/CS/AMO 22-3/1