

Brief Account of the Historical Development of the Monument Declaration System

The current Monument Declaration System can be traced back to the two major legislative exercises in 1971 and 1982.

1971 Legislative Exercise

2. The Antiquities and Monuments Bill 1971 was passed by the Legislative Council (LegCo) on 17 November 1971. The main purpose of this Bill was to establish control over archaeological discoveries in Hong Kong and to ensure that items of historical interest were preserved for the enjoyment of the community. Under section 2 of this Bill, a “monument” was defined to mean “a place, building, site or structure which is declared to be a monument under section 3”. In other words, there was then only one category of monument, called “monument”.

3. In terms of the procedure for monument declaration, Section 3 of this Bill specified that “Subject to section 4, the Authority may, after consultation with the Board and with the approval of the Governor, by notice in the Gazette, declare any place, building, site or structure, which the Authority considers to be of public interest by reason of its historical, archaeological or palaeontological significance, to be a monument.” This provision has remained unchanged up to present.

4. The “high threshold” of monument declaration was already enshrined in the 1971 Legislative Exercise. In the speech by the then Secretary for Home Affairs, Mr DCC Luddington, in moving the second reading of this Bill at LegCo on 3 November 1971, “... Naturally this legislation will have to be very selective in its application so as to ensure that necessary developments are not held up for the preservation of antiquities of minor importance ...”

5. This Bill commenced operation in January 1976, with the Antiquities Advisory Board established under the Antiquities and Monuments Ordinance in 1976.

1982 Legislative Exercise

6. The Antiquities and Monuments (Amendment) Bill 1982 was passed by LegCo on 16 June 1982. The main purpose of this Bill was to, inter alia, introduce new procedure for declaration of places or buildings as “proposed monuments” to provide interim protection for buildings or places of historical, archaeological or palaeontological significance pending detailed consideration of the case for declaration as monuments; and to provide for different categories of monuments.

7. For the proposed monument mechanism, it has the following features –

- (a) For the purpose of considering whether or not any place, building, site or structure should be declared to be a monument the Antiquities Authority may, after consultation with the Board, by notice in the

Gazette declare it to be a proposed monument, proposed historical building, or proposed archaeological or palaeontological site or structure. However, there is no need for the Antiquities Authority to have the approval by the Chief Executive before making a proposed monument declaration;

- (b) a proposed monument declaration only has effect for a period of 12 months from the making, and a declaration relating to a proposed monument within private land cannot be extended;
- (c) similar stringent statutory controls applicable to a declared monument is also applicable to a proposed monument; and
- (d) there is a mechanism for the owner or any lawful occupier of private land within a proposed monument to apply for withdrawal of the declaration.

8. For the different categories of monuments, the Bill re-defined the term “monument” to mean “a place, building, site or structure which is declared to be a monument, historical building or archaeological or palaeontological site or structure under section 3”. Since then, there have been three categories of “monuments”, i.e. –

- (a) monuments;
- (b) historic buildings; and
- (c) archaeological or palaeontological site or structure.

9. As at November 2008, there are 86 items of monuments declared under the Ordinance, of which 28 items were declared under paragraph 8(a) above, 57 items under paragraph 8(b) above and one item under paragraph 8(c) above.

10. Under the latest classifications by the AMO for the 86 monuments, 68 items (including 11 items under paragraph 8(a) above and all 57 items under paragraph 8(b) above) can be generalised as “buildings”, while 18 items (including 17 items under paragraph 8(a) above and the only item under paragraph 8(c) above) can be generalised as “archaeological sites and others”.

Subsequent Minor Technical Amendments

11. After the 1982 Legislative Exercise, minor technical amendments were introduced to the Ordinance in 1985, 1989, 1996, 1997, 1998 and 2008 to give effect to the change of Authority arising from the re-organisation of bureaux and departments within Government.