

**For discussion  
on 4 December 2009**

**BOARD PAPER  
AAB/29/2009-10**

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

**FINALISATION OF THE GRADINGS  
OF THE 1,444 HISTORIC BUILDINGS**

**PURPOSE**

This paper seeks Members' views on the proposed approach for finalising the gradings of the 1,444 historic buildings in Hong Kong.

**BACKGROUND**

2. At the 139th Antiquities Advisory Board (AAB) Meeting held on 9 September 2009, AAB endorsed the way forward as proposed in Board Paper AAB/23/2009-10 "Public Consultation on 1,444 Historic Buildings Assessment". In gist, the following steps were agreed:

- Step 1: Members will first proceed to endorse the proposed gradings of buildings for which no adverse comments have been received.
- Step 2: Members will review the proposed gradings of buildings for which queries or requests for delisting/ upgrading have been received.
- Step 3: Members will consider the suggestions received for new items/ new categories to be graded in a separate exercise after conclusion of the assessment of the 1,444 historic buildings.

**UPDATES ON SUBMISSIONS RECEIVED ON PROPOSED GRADING**

3. Following the commencement of the public consultation on the 1,444 historic buildings assessment on 19 March 2009, AMO received a total of 664 submissions up to 30 November 2009. A breakdown is provided below:

Received from	Submissions received	
Public	242	(116 written; 126 verbal)
Owners of privately-owned buildings	318	(157 written; 161 verbal)
Media	22	(21 written; 1 verbal)
District Councils	31	(21 written; 10 verbal)
Government Departments	51	(38 written; 13 verbal)
<b>Total</b>	<b>664</b>	<b>(353 written; 311 verbal)</b>

AMO issued notification letters on the proposed gradings by registered mail /by hand to registered owners of all privately-owned buildings which are proposed to be accorded Grade 1 to 3 status.

4. Of the 1,444 buildings, the proposed gradings for 85 of them (list at **Annex A**) were queried by members of the public, individual organisations and owners of the buildings concerned. In particular, some owners were concerned about the implications of the proposed gradings on their private property rights and development rights. Some owners requested their buildings to be removed from the list. A list of the 72 buildings requested to be delisted is set out at **Annex B**.

5. AMO also received suggestions, mainly from members of the public, to upgrade the gradings for 96 buildings (list at **Annex C**). There were 11 requests to divide or combine buildings within the same compounds that are already in the list of 1,444 buildings for re-assessment (at **Annex D**). In addition, AMO received suggestions to include 109 new items and new categories in the list (at **Annex E**). The suggested new categories include ancient trails, stone retaining walls with old trees and bus termini, which have not been considered for grading in the past.

## **FOLLOW-UP ACTIONS SUBSEQUENT TO THE AAB MEETING HELD ON 9 SEPTEMBER 2009**

6. As suggested by Members at the AAB meeting held on 9 September 2009, AMO had made arrangements for photo-taking to verify the present condition of the buildings proposed to be graded. We expect that the process will be completed by end December 2009.

7. Notwithstanding the grading system was first introduced as an internal administrative mechanism of AAB and the grading of the buildings per se has no statutory effect, Members raised comments at the last AAB meeting on the legal standing of the current grading exercise and whether AAB had acted ultra vires under the purview of the Antiquities and Monuments Ordinance (Cap. 53) (the Ordinance). AMO has obtained legal advice and the reply is that the grading exercise might be regarded as being ancillary or connected with the AAB's advisory role and function under the Ordinance and the grading/ classification as approved by AAB could form part of its advice to the Authority pursuant to Section 18 of the Ordinance.

## **WAY FORWARD**

8. Having regard to the 3-step approach endorsed by Members at the meeting on 9 September 2009 for finalising the gradings of the 1,444 historic buildings, we propose to proceed in the manner detailed in paragraphs 9-13 below.

9. Under Step 1, we propose that Members may now confirm and endorse the proposed gradings of the buildings for which no adverse comments have been received in the priority order of Grade 1, 2, 3 and nil grading. There are about 800 items to be dealt with, comprising 350 government buildings and 450 private buildings in respect of which AMO has not received any adverse comments and the notification letters were properly received by the owners of the buildings concerned.

10. Under Step 2, we propose that Members review the proposed gradings of buildings which are subject to grading queries (i.e. those in **Annex A**), requests for delisting (i.e. those in **Annex B**)/ upgrading (i.e. those in **Annex C**), and requests concerning buildings in the same compound (i.e. those in **Annex D**) one by one. To facilitate Members' deliberation, the Commissioner for Heritage's Office (CHO), in collaboration with AMO, has been making contact (including exchange of correspondences and holding meetings) with the owners concerned to further explain the implications of the proposed gradings and to assuage their concerns. CHO/AMO will report the updated feedback from the owners to members in due course.

11. We note that in some cases, AMO's notification letters on the proposed grading did not reach the building owners. AMO is making further attempts to reach out to these owners and their representatives. Besides, some other owners have indicated a wish to reserve their comments on the proposed gradings for their buildings until a later date. We propose to deal with these cases under Step 2.

12. After completion of Step 1 and 2, we propose to deal with the suggestions for grading the 109 new items and new categories (i.e. those in Annex E). Given the diverse nature of the new items and new categories proposed, AMO will first conduct desk-top research, site inspections and detailed recording to facilitate Members' consideration of the suggestion. As agreed earlier, these suggestions for grading of new items and new categories will be considered in a separate exercise after conclusion of the assessment of the 1,444 historic buildings.

13. The finalised gradings, once endorsed by AAB, will be published on AMO and CHO's Official websites in batches.

## **ADVICE SOUGHT**

14. Members' views are sought on the proposed way forward as set out in paragraphs 9-13.

Antiquities and Monuments Office  
Leisure and Cultural Services Department  
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