

Ho Tung Gardens

On 24 October 2011, the Antiquities Authority consulted the Antiquities Advisory Board (“AAB”) on the proposed declaration of Ho Tung Gardens (“HTG”) as a monument. In October 2011, after consulting the AAB, the Antiquities Authority announced her plan to declare HTG as a monument in accordance with the Antiquities and Monuments Ordinance (“the Ordinance”), and informed the owner of her intention. The owner expressed objection then and submitted a petition to the Chief Executive according to the Ordinance.

2. Upon considering the owner’s objection and all relevant information and materials, the Chief Executive in Council 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. According to section 4(6) of the Ordinance, the direction of the Chief Executive in Council shall be final.

3. As HTG will not be declared as a monument, it will not be subjected to protection under the Ordinance. In other words, the owner may proceed with the building and demolition plans approved by the Buildings Department earlier to redevelop HTG. The then Secretary for Development had met with the owner and her representatives for numerous times to discuss preservation proposals and appropriate economic incentives, but an agreement could not be reached. Nevertheless, the Development Bureau still hopes to continue the discussion with the owner, and hopes that the owner would consider preserving parts of the HTG while redeveloping the site.

4. It is the Government’s policy objective to strike a proper balance between respect for private property rights and heritage conservation. The Administration understands that not everyone would agree to spending billions of dollars of public money to preserve historic buildings. The Administration has been providing economic incentives through land exchange, transfer of or increase in plot ratio, etc. in exchange for the owners’ agreement to hand over or to preserve the historic buildings under their ownership. In the past few years, the Administration has successfully preserved a number of historic buildings, such as preserving King Yin Lei through non-in-situ land exchange and preserving the front portion of the shophouse at 179 Prince Edward Road West through minor relaxation of plot ratio. However, not all cases (including the wish of the owners)

are the same. Every case is different and, therefore, similar economic incentives may not be able to work in all cases.

5. The case of HTG shows that the Administration needs to review the present policy on the preservation of privately-owned historic buildings. The Development Bureau will commence reviewing the policy, so as to better meet the public's expectations on the preservation of privately-owned historic buildings when implementing the heritage conservation policy in future. The review will cover areas such as how we should strike the balance between our respect for private property rights and the need for conservation; whether there is a need to change the current policy, and, if so, how it should be changed; whether it is the case that the Hong Kong society would not be willing to spend a large amount of public money in exchange for the preservation of privately-owned historic buildings under all circumstances; whether members of the public would support spending public money to preserve privately-owned historic buildings under certain circumstances, e.g. the historic buildings should reach a certain level of historic value, the compensation should not exceed a certain amount, or the historic building should be opened to public (and in that case, the extent of public access); and whether we should set a standardised mechanism for providing economic incentives to owners.

6. Members will be invited to contribute ideas and comments during the review process.