

For discussion
on 28 February 2017

BOARD PAPER
AAB/2/2017-18

**MEMORANDUM FOR THE
ANTIQUITIES ADVISORY BOARD**

**THE PROPOSAL TO DECLARE
HUNG LAU, NEAR SHEK KOK TSUI VILLAGE,
CASTLE PEAK, TUEN MUN, NEW TERRITORIES
AS A PROPOSED MONUMENT
UNDER THE ANTIQUITIES AND MONUMENTS ORDINANCE**

PURPOSE

————— This paper aims to seek Members’ advice on the proposed declaration of Hung Lau, near Shek Kok Tsui Village, Castle Peak, Tuen Mun, New Territories (as delineated at Annex A) as proposed monument under section 2A(1) of the Antiquities and Monuments Ordinance (Cap. 53) (the “Ordinance”).

HERITAGE VALUE OF HUNG LAU

Historical and architectural merits

2. Hung Lau is situated at the former Castle Peak Farm (“CPF”) (青山農場) in Tuen Mun. CPF was originally owned by Li Ki-tong (李紀堂), a dedicated follower of Dr. Sun Yat-sen and a member of Hsing Chung Hui (or Xingzhonghui) (興中會), an anti-Qing revolutionary society. Between 1901 and 1911, CPF was used as a depot for weapon storage, a ground for manufacturing and experimentation of firearms for the contemplated uprisings, a place for meetings by the revolutionaries, and a haven for disbanded revolutionaries escaping from the Manchu vengeance. Hung Lau, located within the site of CPF, is a two-storey brick building blending Chinese and Western architectural characteristics. However, its exact construction year cannot be ascertained and the direct relationship between the building and revolutionary activities led by Dr. Sun Yat-sen cannot be

fully established. An appraisal on the historical and architectural values and photographs of Hung Lau are at **Annex B** and **Annex C** respectively.

Grading

3. In recognition of the historical and architectural values of Hung Lau, the Antiquities Advisory Board (“AAB”) accorded a Grade 1 status to the building in 1981. AAB subsequently discussed Hung Lau in 1985 and 1995 and expressed doubts in the common belief that the present building of Hung Lau per se (vis-à-vis the CPF site as a whole), probably built in the 1920s at the earliest, had direct relationship with revolutionary activities. After deliberation at the meeting in 1995, AAB requested the boundary of CPF be ascertained and recommended to declare CPF (the site, not Hung Lau specifically) as monument under the Ordinance.

4. The previous grading of Hung Lau was reviewed by AAB as part of the recent grading assessment of 1 444 historic buildings based on the updated assessment criteria. On 18 December 2009, AAB confirmed to retain the Grade 1 status of Hung Lau, taking into account the assessment results of the independent Historic Buildings Assessment Panel and collective memory as one of the important factors for consideration of the grading. Grade 1 historic building, by definition, is a “building of outstanding merit, which every effort should be made to preserve if possible”.

5. On 15 June 2011, AAB deliberated on the proposal to declare Hung Lau as monument. As it was uncertain whether Hung Lau was built before 1911, thus its relevance to the 1911 Revolution, AAB agreed at the time that Hung Lau would not be considered for declaration as monument unless there was new information to support the direct relationship between Hung Lau and the revolutionary activities. Extract of the minutes of meeting is at **Annex D**.

PROPOSED DECLARATION AS PROPOSED MONUMENT

6. Hung Lau is situated on Lot No. 36 in D.D. 300 in Tuen Mun, New Territories, a private land. It was sold to its current owner, Goodberg Limited (睿麗有限公司), in November 2016. Works to remove trees and temporary structures near Hung Lau were noticed on site on 16 February

2017. The Antiquities and Monuments Office (“AMO”) inspected Hung Lau on the same day and found that its main building remained intact.

7. Under the Buildings Ordinance (Cap. 123), prior approval by the Building Authority is required for demolition and alteration works (including demolishing and altering Hung Lau). Moreover, consent from the Building Authority should be obtained before the commencement of works. As per the record of the Buildings Department (“BD”), it has not received any demolition plan for Hung Lau or application to commence demolition. Since 18 February 2017, BD has been inspecting the site every day and monitoring the condition of Hung Lau. BD also gained access to inspect the interior of the building and there was no ongoing alteration or demolition works. BD has already reminded the owner of Hung Lau about the requirements under the Buildings Ordinance.

8. Meanwhile, the Commissioner for Heritage’s Office (“CHO”) and AMO have already contacted the owner’s representative, and suggested exploring preservation proposals with the owner. CHO and AMO will continue to follow up proactively.

9. The grading of Hung Lau as a Grade 1 historic building is an administrative measure and hence will not put the building under the statutory protection of the Ordinance. However, the Antiquities Authority may, as per the prevailing practice adopted for Grade 1 buildings, take action to declare Hung Lau as proposed monument under the Ordinance if the building needs immediate statutory protection from demolition or serious damage. By bestowing statutory protection on the building for up to 12 months, the proposed declaration would allow more time for further discussion with the owner on preservation options. The Antiquities Authority therefore, pending the advice of AAB, intends to exercise his power under section 2A(1) of the Ordinance to declare Hung Lau as proposed monument should there be real demolition threat (e.g. the owner having submitted the required demolition plan).

10. It should be noted that declaration of a historic building as proposed monument does not necessarily lead to its declaration as monument under the Ordinance. It would be up to the Antiquities Authority, after consultation with AAB, and having considered various related factors, including but not limited to the heritage value, the views of the community, the views of the owner and the cost of preservation, to decide whether a

proposed monument should be declared as monument for permanent preservation and if so, to seek the required approval of the Chief Executive for the declaration.

11. Since the enactment of the Ordinance in 1976, there have been five cases in which historic buildings in private ownership were declared as proposed monuments without owners' prior consent, i.e. Ohel Leah Synagogue at Robinson Road in 1987, Morrison Building in Tuen Mun in 2003, 128 Pok Fu Lam Road (known as "Jessville") in 2007, King Yin Lei at Stubbs Road in 2007, and Ho Tung Gardens at 75 Peak Road in 2011.

12. In the end, Ohel Leah Synagogue was saved based on a preservation arrangement agreed between the Government and the owner without payment of any compensation to the owner. Morrison Building was declared as monument by the Antiquities Authority in March 2004 for permanent protection. In respect of Jessville, it has been saved following the decision by the Chief Executive in Council in September 2009 to partially uplift the Pokfulam Moratorium to facilitate a mutually-agreed preservation-cum-redevelopment proposal. King Yin Lei was declared as monument in July 2008 and has been saved with a non *in-situ* land exchange with the owner. Upon considering the objection from the owner of Ho Tung Gardens and all relevant information and materials, the Chief Executive in Council directed in November 2012 that the intended declaration of Ho Tung Gardens as monument should not be made.

13. Based on previous AAB deliberation, Hung Lau does not appear to have reached the high threshold for its declaration as a monument, barring any new information that has not hitherto been considered. The declaration as a proposed monument therefore may not imply that Hung Lau will eventually be declared as a monument, which will depend on (re)consideration of all the relevant factors. But it will accord the parties concerned a reasonable time to consider the conservation of the Grade 1 historic building in case there is genuine and imminent demolition threat.

FINANCIAL IMPLICATIONS

14. Should Hung Lau be declared as proposed monument, any works within the boundary of the proposed monument, including demolition works for redevelopment, within 12 months since the declaration will

require a permit granted by the Antiquities Authority in accordance with section 6 of the Ordinance. If the Antiquities Authority refuses to grant the permit, the owner or the lawful occupier of the proposed monument may make a claim under section 8 of the Ordinance for compensation in respect of any financial loss he suffered or will suffer as a result of the refusal to grant the permit. With prior approval of the Chief Executive, the Antiquities Authority may pay compensation to the owner or the lawful occupier. The amount of compensation may be agreed between the owner and the Antiquities Authority, and in default of an agreement, may be assessed and awarded by the District Court as it thinks reasonable in the circumstances.

ADVICE SOUGHT

15. Members are requested to advise whether, when the Antiquities Authority considers appropriate, Hung Lau, near Shek Kok Tsui Village, Castle Peak, Tuen Mun, New Territories should be declared as proposed monument under section 2A(1) of the Ordinance.

Antiquities and Monuments Office
Leisure and Cultural Services Department
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