

FACSIMILE TRANSMISSION

From

MS GLADYS LI, S.C.

Telephone:

Fax:

Date : 30 August 2012
To : The Chairman & Members
Antiquities and Monuments Office
Fax No. :
No. of Pages : 9 (including this page)

(If you have not received all pages clearly, please telephone us immediately)

Dear Sir/Madam

Proposed Grading of the Post 1950 Former Central Government Offices

Attached please find my views on the Proposed Grading of the Post 1950 Former CGO.

Yours sincerely



Gladys Li

This individual submission is written in response to the invitation for views from members of the public on the 'Proposed Gradings of the Post 1950 Former Central Government Offices' and having regard to the Reference Materials on the AMO/AAB web-site on the subject save for the letter dated 26 July 2012 to the Development Secretary signed by Sheridan Burke, President of the International Scientific Committee on Twentieth Century Heritage, Albert Dubler, President of the International Union of Architects and Ana Tostões, President, Docomomo International, a copy of which was made available by the Government Hill Concern Group.

Preliminary Observations

The mission of conserving Hong Kong's heritage rests upon all of us but particularly upon those who are tasked with performing the statutory and administrative roles under the existing framework for heritage conservation. As recognised in the AMO's statement on its Vision, Mission and Values, the process is underpinned by, among other things, professionalism and the development and enhancement of heritage conservation standards.

If the mission is to be fulfilled, professionalism in the administrative task of grading requires that the grading process carries **credibility** and credibility in turn requires that the grading be supported by objective and valid reasons. No professional worth his or her salt would give an opinion without being able to justify it with reasons; his or her peers must be in a position to judge whether the stated reasons do in fact justify the opinion. A grading is an opinion.

Objective and valid reasons are essential under the relationship established since 26 November 2008 between the statutory monument declaration system and AAB's administrative grading system whereby the list of Grade 1 buildings/sites "*will be accepted as providing a pool of highly valuable heritage buildings for consideration by the Antiquities Authority under the Ordinance.*" – (Board Paper AAB/28/2009-10). Government's commitment to considering each and every Grade 1 building as put up by AAB for possible monument declaration involves as a corollary that the according of Grade 1 status has to be meticulously assessed and rigorously justified (para. 5 of the Board Paper). This cannot be demonstrated without the reasons for grading being carefully and fully articulated.

Since potentially all the sites or buildings listed Grade 1 are to be considered for possible declaration as a monument, comparability and consistency in the principles adopted in the assessment process are of utmost importance.

What is being graded

In the Introduction to the Explanatory Notes for the Historic Building Assessment Form, it is stated that the term 'historic buildings' as used in the evaluation system and the selection principles for historic buildings is used to include historic structures and the immediate adjoining landscape of the buildings.

An integral aspect of the assessment and grading exercise is therefore a full description of precisely what is being assessed or graded and what is covered by the grading.

Buildings and structures are built on a site. Buildings may have forecourts or driveways or backyards. There may be gardens.

As an example, the Cenotaph, currently graded Grade 1, is more than just the central stele. It clearly includes the cruciform paths, the lawns, the surrounding built perimeter, posts and railings.

In the case of City Hall, also currently graded Grade 1, what is graded is the whole complex including the Low Block, the High Block and the Memorial garden. Although no specific mention is made of the colonnade, it is unthinkable that it is excluded from the grading.

Under section 2 of the Antiquities and Monuments Ordinance (the Ordinance), the term 'monument' means a place, building, site or structure which is declared to be a monument. Clearly, a place with no building or structure is capable of being a monument. Therefore, Government Hill as a place or site is certainly capable of being a monument. The question what is included or excluded is a matter of deciding how far the historic site extends; for instance, whether Battery Path is included. [Since its name is based upon the fact that it was the main path leading to the Battery on Government Hill, it would be illogical to exclude it from the protection of the site were the site to be designated a monument.]

Proposed Gradings of the Post 1950 Former Central Government Offices

Either prior to or at the AAB's 157th Meeting held on 23 November 2011, it appears to have been decided by the AAB that the requests made by the Government Hill Concern Group (GHCG) for

consideration by the AAB of the heritage value of Government Hill as a whole should be rejected.

The views recorded as expressed by 2 members at paragraphs 27 and 28 of the Minutes under the existing grading mechanism, that Government Hill could not be accorded a grading is clearly **wrong in law** given the definitions of 'monument' and 'proposed monument' in the Ordinance. Government Hill is a place and a site.

The Minutes of the AAB's 159th Meeting held on 14 June 2012 have yet to be posted onto the website. However, in the course of discussion on why the term 'Former CGO Compound' had been changed to 'Former CGO Site', the Chairman was advised that the term 'site' embraced everything on and in the site including the buildings and the underground air raid shelters and tunnels.

It is unclear from the provisional grading of Grade 1 of "the Post-1950 Former CGO site as a whole" whether the advice given to the Chairman at the meeting on 14 June 2012 is correct and whether it is the basis upon which members of the AAB present at the 159th meeting graded it.

The 'Post-1950 Former CGO site' as a term must mean the site upon which the post-1950 CGO offices were planned and built. It is the site of the buildings. The underground air raid shelters and tunnels were obviously built in anticipation of or during WWII not after the War. They are part of Government Hill.

Therefore, if one is grading the site of the Post-1950 buildings and the buildings are included, it is difficult, if not impossible, to understand how the site can have a higher heritage significance than the post-1950 buildings when the site derives its heritage

significance from the existence of those buildings upon it. The grading should be grade 1 for everything and it is nonsensical to grade the buildings separately from the site.

It is of course otherwise if the grading is of Government Hill which is the site of government offices from the earliest days of Hong Kong's colonial history and which still retains buildings or structures on it from those earliest days such as St. John's Cathedral or Battery Path.

Grading a complex of buildings versus grading the buildings separately

The principle would appear to be as enunciated by the 'Expert Panel' and reproduced at paragraph 22 of the Minutes of the AAB's 148th Meeting held on 31 August 2010 in response to some owners' proposal that their buildings/structures in a compound should be assessed as one item in their entirety. The opinion of the 'Expert Panel' was that *"if items formed a harmonious integral building cluster built at the same time, they should be combined and given a single grading. If buildings/structures were constructed in different periods, they should be assessed individually."*

Examination of the gradings of the 1444 Historic Buildings indicates that there is in fact no consistency in how the items are listed and therefore graded.

The following examples are cited:

Items 2-7, itemised separately in the list but combined as one item and accorded a collective grading of Grade 1 even though under the column 'Year of Construction/Restoration', the

Wai was built between 1465 and 1487 whereas the surrounding wall was built between 1662-1722.

Thus, notwithstanding that different parts were built at different times, the nature of the buildings being a cluster of buildings all constituting a walled village, it makes sense to grade it as one and nonsensical to treat different elements differently. The same applies to items 23-26.

Items 19-21, itemised separately and graded separately.

The Main building, Servants' quarters and Rickshaw parking space, although separate structures, were almost certainly built *'in the same period'*. They are within the same 'compound' or 'site'. These 3 separate items could just as well have been itemised as a single item 'No. 28 Kennedy Road, Main and ancillary buildings'.

Even if the Rickshaw parking space were to be of lower architectural or other merit (the equivalent of a car parking space), it would have made no sense to grade it separately and accord it a lower grading. In effect, the grading of the Main Building has almost certainly applied to the grading of the parking space.

Item 52

City Hall complex comprising Low Block, High Block, Memorial Garden (and car park and probably the colonnade) itemised as one and given a single grading, Grade 1.

Item 226

Dragon Garden, a complex comprising the gardens, buildings and structures, itemised as one single item, building commenced in the 1950s and completed in the 1960s, given a single grading.

No justification for separate gradings of the Main Wing, East Wing and West Wing

The above examples demonstrate that whether buildings are separately itemised or collectively itemised or a complex of buildings is singly itemised in the list is arbitrary. There is no principle involved.

Given that the Main Wing, the East Wing and the West Wing were planned and designed as one complex to serve the purpose of being the Central Government Offices to house the different functions of government, there is no justification for according separate gradings to the different elements of the complex.

The fact that the Wings were built at different times (all in the 1950s) is irrelevant. They were built in the same period but in a phased way to accommodate the fact that the pre-existing buildings were still in use as government offices and demolition of those on the central and western part of the site was delayed until building of the first new wing was completed. To use this as a pretext for giving separate gradings is laughable.

To seek to base the different gradings on the different uses to which the buildings were put and therefore their 'importance' is highly subjective and inherently unreliable as a criterion for

grading. On that basis, No. 28 Kennedy Road, the Servants' quarters (used by servants) and the Rickshaw parking space (probably used by coolies) should have been accorded lower gradings. It is insulting to use this kind of an argument as justification as it implies that the other two wings were used by historically important people whereas the West Wing was just for the more lowly civil servants and the public.

In the words of overseas experts (see their letter dated 26 July 2012 to the Development Secretary), *"Differentiating between the parts is philosophically contradictory and ethically troubling"*.

In law, the decision to accord separate gradings is unreasonable and liable to render the decision flawed.

Final Grading

With the wealth of material provided by the Government Hill Concern Group and others, there should be one single grading for the Post 1950 Former Central Government Offices complex and that single grading is Grade 1 and given the unique historic significance of Government Hill as a whole, the AAB should advise that Government Hill be declared a monument.