

## LEGISLATIVE COUNCIL BRIEF

### Declaration of Ho Tung Gardens at 75 Peak Road as a Proposed Monument under the Antiquities and Monuments Ordinance

#### INTRODUCTION

After consultation with the Antiquities Advisory Board (AAB)<sup>1</sup>, the Secretary for Development (SDEV), in her capacity as the Antiquities Authority under the Antiquities and Monuments Ordinance (Chapter 53) (the Ordinance), has decided to declare Ho Tung Gardens (as delineated at **Annex A**) as a proposed monument under section 2A(1) of the Ordinance. The declaration will be published in the Gazette on 28 January 2011.

#### JUSTIFICATIONS

##### Heritage and architectural value

2. Ho Tung Gardens is on the list of 1 444 historic buildings<sup>2</sup> in Hong Kong. On 25 January 2011, AAB confirmed the Grade 1 status of Ho Tung Gardens, taking account of the assessment of an independent expert panel as well as the views and information received during the public consultation period on the proposed gradings of the 1 444 historic buildings. A Grade 1 historic building by definition is a “building of outstanding merit, which every effort should be made to preserve if possible.”

3. Ho Tung Gardens, also known in Chinese as 曉覺園, comprises three buildings (including a basically two-storey main building in Chinese

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<sup>1</sup> AAB is an independent statutory body established under section 17 of the Ordinance to advise the Antiquities Authority on any matters relating to antiquities, proposed monuments or monuments or referred to it for consultation under section 2A(1), section 3(1) or section 6(4) of the Ordinance.

<sup>2</sup> The Antiquities and Monuments Office (AMO) carried out from 2002 to 2004 an in-depth survey of 1 444 historic buildings in Hong Kong that were mostly built before 1950. An independent expert panel, comprising experts from the fields of town planning, architecture and engineering as well as historians, was subsequently formed to conduct assessments of the heritage value of these historic buildings each of which would be given a proposed grading (Grade 1, Grade 2, Grade 3 or nil grade) based on the assessments. Following the completion of the assessment exercise, a public consultation exercise was carried out from March to September 2009 on the proposed gradings of the 1 444 historic buildings and the views and additional information received in response to the proposed gradings have been taken into account by AAB, together with the assessments by the expert panel, in confirming the gradings of the historic buildings. Up to 28 January 2011, AAB has confirmed the gradings of more than 1 100 historic buildings.

Renaissance style, a servants' quarter and a garage) and structures including Chinese pavilions, a Chinese pagoda, etc. The name 曉覺 is derived from the names of the couple 何曉生 (alias Sir Robert Ho Tung 何東爵士) (1862-1956) and 張蓮覺 (alias Lady Clara Ho Tung Cheung Lin-kok) (1875-1938). The main building was built around 1927 and the ornamental gateway (牌樓) at the entrance was completed in 1938. The main house of Ho Tung Gardens was designed by a local architectural practice, Palmer and Turner. Before the Japanese occupation of Hong Kong, the Hong Kong Government had used the premises to house one of its military units. During the Japanese invasion in December 1941, the site received several direct hits. The house underwent renovation after the war.

4. Sir Robert Ho Tung, affectionately referred to in his old age by the local community as “The Grand Old Man of Hong Kong” (香港大老), is almost the most prominent and distinguished business and community leader in early 20th-century Hong Kong. As one of the first very successful Eurasian businessmen in colonial Hong Kong, he made distinguished successes in his global businesses, as a testimony to the unique role of Hong Kong as a bridge between the East and the West. Well-networked in both the local and overseas communities, he participated actively in local affairs. He served on the boards of influential charitable organisations, including Tung Wah Hospital. He also contributed to the establishment of The Chinese Club, a counterpart to The Hong Kong Club for Chinese community leaders at the time, and was its first Chairman. He was knighted twice by the British monarchy, first as Knight Bachelor by King George V in 1915 and then as Knight Commander of the Order of the British Empire (K.B.E.) by Queen Elizabeth II in 1955. He also received honours and decorations from the Governments of China, Portugal, France, Germany, Italy, Belgium and Annam, from His Holiness Pope Pius XII and from the Order of St. John of Jerusalem.

5. Sir Robert Ho Tung was the first non-European to receive permission from the Hong Kong Government to reside in the Peak area. Ho Tung Gardens symbolizes the rising status of the Chinese community. His family is one of the most prominent families in Hong Kong. Many family members have participated actively in the local affairs and charitable work in Hong Kong. They include-

- (a) Lady Clara Ho Tung (何張蓮覺) - wife of Sir Robert Ho Tung; the founder of the first Buddhist school for girls in Hong Kong (寶覺第一義學); and the founder of the Buddhist temple Tung Lin Kok Yuen<sup>3</sup> (東蓮覺苑);

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<sup>3</sup> Tung Lin Kok Yuen is a Grade 1 historic building.

- (b) Mr. Ho Fook (何福) - brother of Sir Robert Ho Tung and grandfather of Dr. Stanley Ho (何鴻燊); an unofficial Member of the Legislative Council;
- (c) General Robert Ho Shai-lai (何世禮) - son of Sir Robert Ho Tung; an important historic figure not only in the history of Hong Kong but also in the history of modern China;
- (d) Sir Lo Man-kam (羅文錦) - son-in-law of Sir Robert Ho Tung; an unofficial member of the Executive Council and Unofficial Member of the Legislative Council;
- (e) Mr. Lo Tak-shing (羅德丞) - grandson of Sir Robert Ho Tung; an unofficial member of both the Executive Council and the Legislative Council;
- (f) Mr. Robert H.N. Ho (何鴻毅) - grandson of Sir Robert Ho Tung; founder of the Robert H.N. Ho Family Foundation; and
- (g) Sir Eric Edward Hotung (何鴻章) - grandson of Sir Robert Ho Tung; Ambassador at Large of the Democratic Republic of Timor-Leste.

6. Their community leadership and close involvement in the development of social services in Hong Kong are still evident in many places in Hong Kong, for example:

- (a) Ho Tung Road in Kowloon Tong;
- (b) Ho Tung Technical School for Girls (now Ho Tung Secondary School), one of the first government technical schools for girls in Hong Kong under the initiative of Sir Robert Ho Tung and Lady Clara Ho Tung;
- (c) Lady Ho Tung Hall of the University of Hong Kong established with the donation of Sir Robert Ho Tung;
- (d) Buddhist temple Tung Lin Kok Yuen in Happy Valley;
- (e) Po Kok School (寶覺女子中學暨附屬小學, formerly known in Chinese as 寶覺第一義學), the first Buddhist school for girls in Hong Kong;
- (f) Kam Tsin Village Ho Tung School (金錢村何東學校) in Sheung Shui;

- (g) Tung Wah Group of Hospitals Ho Tung Home for the Elderly in Tsz Wan Shan; and
- (h) Lady Ho Tung Welfare Centre<sup>4</sup> in Sheung Shui.

7. The main building of Ho Tung Gardens is built in Chinese Renaissance style, with painted walls and rectangular windows of various sizes. A square tower with a Chinese tiled roof but resembling an Italianate campanile with arched windows and doorway is a striking feature of the main house. Architecturally, the exterior of Ho Tung Gardens largely remains intact. The overall layout and setting, comprising the main residence, the surrounding garden ground, the Chinese pagoda and the ancillary structures, is also well preserved.

8. There are only a few buildings in Hong Kong in Chinese Renaissance style, of which Ho Tung Gardens and King Yin Lei at Stubbs Road are masterpieces. Ho Tung Gardens exemplifies a mixture of Chinese and Western cultural elements, and thus it gives expression to a unique culture in Hong Kong, where the East meets and integrates with the West.

9. Ho Tung Gardens is the only remaining residence directly related to Sir Robert Ho Tung in Hong Kong and is much valued for its high heritage value. Apart from its association with Sir Robert Ho Tung, it is also valued for its associations with Lady Clara Ho Tung, and their son Robert Ho Shai-lai (何世禮) who lived there from 1960s to 1990s.

10. An appraisal on the heritage value of Ho Tung Gardens is at **Annex B**. Photographs of Ho Tung Gardens are at **Annex C**.

### **Declaration as a proposed monument**

11. Under our monitoring system established to monitor any submission to relevant Government departments on proposed works that may affect monuments and historic buildings, it has been brought to our attention that the owner of Ho Tung Gardens has submitted to the Buildings Department (BD) a building plan and a demolition plan for the site for developing 11 houses. Both plans have recently been approved by BD as they comply with all the relevant requirements under the Buildings Ordinance, which regulates building safety.

12. The administrative grading of Ho Tung Gardens as a Grade 1 historic building per se will not put the building under statutory protection under the Ordinance. However, the Antiquities Authority will actively consider whether a building in the pool of Grade 1 buildings has reached the high threshold of heritage value for the declaration of monument under the

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<sup>4</sup> Lady Ho Tung Welfare Centre is a Grade 2 historic building.

Ordinance, and may take action to declare it as a proposed monument under the Ordinance if the building needs immediate statutory protection (e.g. if the building is under threat of demolition or alteration/ renovation works are proposed to be carried out which may affect the heritage value of the building).

13. The Ordinance provides that, 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 AAB, by notice in the Gazette declare it as a proposed monument. Having regard to AMO's professional assessment of the high heritage merit of Ho Tung Gardens and with the support of AAB, the Antiquities Authority considers it justified to declare Ho Tung Gardens as a proposed monument under section 2A of the Ordinance to provide it with timely protection.

14. Under section 6(1) of the Ordinance, except in accordance with a permit granted by the Antiquities Authority no person shall –

- (a) excavate, carry on building or other works, plant or fell trees or deposit earth or refuse on or in a proposed monument; or
- (b) demolish, remove, obstruct, deface or interfere with a proposed monument

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 would 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.

15 The declaration has effect for 12 months from the gazettal date, during which the Antiquities Authority could consider in a more comprehensive manner whether or not Ho Tung Gardens should be declared as a monument under the Ordinance and further discuss preservation options with the owner.

## **IMPLICATIONS OF THE DECLARATION**

16. The declaration of Ho Tung Gardens as a proposed monument is in conformity with the Basic Law, including the provisions concerning human rights. It does not have any economic, productivity, environmental or civil service implications. As far as sustainability implications are concerned, the declaration is conducive to the sustainability principle of protecting Hong Kong's historical and architectural assets. We are unable to accurately

estimate the financial implications of the declaration until and unless we have had a concrete case of compensation in hand. If in future we will proceed to a further step to declare Ho Tung Gardens as a monument on a permanent basis, the financial implications are expected to be much more significant should compensation to the owner be required given the potential redevelopment value of the site. We will further assess the financial implications when deliberating on the permanent protection plan for Ho Tung Gardens.

## **PUBLIC CONSULTATION**

17. AAB was consulted on the proposed declaration as required under section 2A of the Ordinance on 25 January 2011. The Board rendered its support for preserving this unique piece of architecture, which AAB members fully recognised as having a very high heritage value, particularly its significance in the history of Hong Kong.

## **PUBLICITY**

18. A press release on the declaration will be issued on the date of declaration (i.e. 28 January 2011). A spokesman will be available to answer media and public enquiries.

## **BACKGROUND**

19. Ho Tung Gardens was built in around 1927. The site of Ho Tung Gardens accounts for an area of 11 520 sq. m. It is zoned “Residential Group C2” on the approved The Peak Outline Zoning Plan with a maximum plot ratio of 0.5 and a maximum building height of 4 storeys.

20. Since the coming into force of the Ordinance in 1976, there have been four cases in which historic buildings in private ownership were declared as proposed monuments without the owner’s prior consent: Ohel Leah Synagogue at Robinson Road in 1987, Morrison Building in Tuen Mun in 2003, 128 Pok Fu Lam Road (known as “Jessville”) in 2006 and King Yin Lei at Stubbs Road in 2007. In the end, Ohel Leah Synagogue was saved based on a preservation arrangement agreed between Government and the owner without payment of any compensation to the owner. Morrison Building was declared as a monument by the Antiquities Authority in April 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 a monument in July 2008 and has been saved with a non in-situ land exchange with the owner.

## **ENQUIRIES**

21. For any enquiries on this brief, please contact Mrs. Laura Aron, Commissioner for Heritage of the Development Bureau, at 2848 2104.

**Development Bureau**

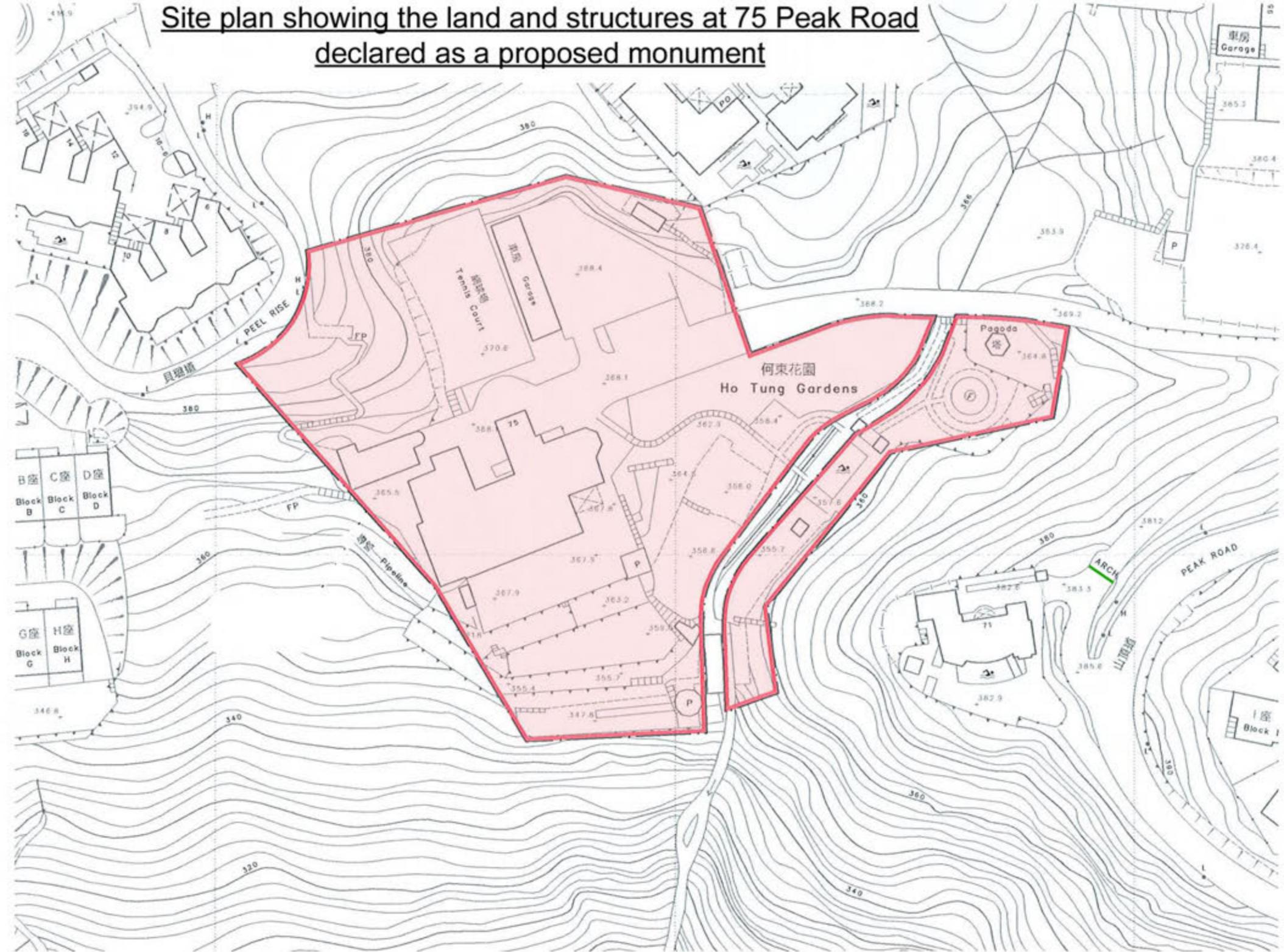
**January 2011**

位置 LOCATION



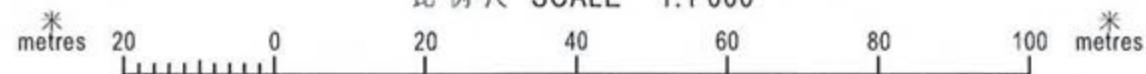
比例 SCALE 1:20000

Site plan showing the land and structures at 75 Peak Road declared as a proposed monument



**Legend:**  
 The land and structures shaded pink and the structure edged green were declared as a proposed monument on 28 January 2011

比例尺 SCALE 1:1 000



## Appraisal of the heritage value of Ho Tung Gardens

Ho Tung Gardens, also known in Chinese as 曉覺園, is a residential house with an extensive garden. The name 曉覺 is derived from the names of the couple 何曉生 (alias Sir Robert Ho Tung) (1862-1956) and 何張蓮覺 (Lady Clara Ho Tung) (née Cheung) (1875-1938). The site was also known in English as ‘The Falls’ because of the presence of a mountain stream nearby. Palmer & Turner, a local architecture firm, drew up the plans for the main house. The main house was built around 1927 while the ornamental gateway (*pai lou*, 牌樓) at the entrance was completed in 1938. Lady Clara Ho Tung passed away in January 1938. So, the gateway might have been built to commemorate her. Calligraphies of high-ranking Chinese officials of the Qing government such as Zeng Guofan (曾國藩) and Zuo Zongtang (左宗棠) could be found in the garden.

**Historical  
Interest**

Before the Japanese occupation of Hong Kong, the military authorities had used the premises at ‘The Falls’ to house one of their units. During the Japanese invasion in December 1941, the site received several direct hits. One of the bombs landed right on the family shrine at the top of the house, another on Lady Clara Ho Tung’s bedroom and several elsewhere in the house and on the grounds. After the war, the house underwent several renovations. However, the setting of the Gardens is well-preserved.

Ho Tung Gardens was closely associated with Sir Robert Ho Tung (何東). Affectionately referred to in his old age by the local community as “The Grand Old Man of Hong Kong” (香港大老), Sir Robert Ho Tung was almost the most prominent and distinguished business and community leader in early 20th-century Hong Kong. As one of the first very successful Eurasian businessmen in colonial Hong Kong, he made distinguished successes in his global businesses, as a testimony to the unique role of Hong Kong as a bridge between the East and the West. Well-networked in both the local and overseas communities, he participated actively in local affairs. He served on the boards of influential charitable organisations, including Tung Wah Hospital. He also contributed to the establishment of The Chinese Club, a counterpart to The Hong Kong Club for Chinese community leaders at the time, and was its first Chairman. He was knighted twice by the British monarchy, first in 1915 and then in 1955. He also received honours and decorations from the Governments of China, Portugal, France, Germany, Italy, Belgium, and Annam, from His Holiness Pope Pius XII and from the Order of St. John of Jerusalem.

Many members of his family have participated actively in the local affairs and charitable work in Hong Kong. They include:

- (a) Lady Clara Ho Tung (何張蓮覺) - wife of Sir Robert Ho Tung; the founder of the first Buddhist school for girls in Hong Kong, 寶覺第一義學; and the founder of the Buddhist temple Tung Lin Kok Yuen 東蓮覺苑;
- (b) Mr. Ho Fook (何福) - brother of Sir Robert Ho Tung and grandfather of Dr. Stanley Ho (何鴻燊); an unofficial Member of the Legislative Council;
- (c) General Robert Ho Shai-lai (何世禮) - son of Sir Robert Ho Tung; an important historic figure not only in the history of Hong Kong but also in the history of modern China;
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- (g) Sir Eric Edward Hotung (何鴻章) - grandson of Sir Robert Ho Tung; Ambassador at Large of the Democratic Republic of Timor-Leste.

Ho Tung Gardens was the main residence of Lady Clara Ho Tung and most of her children from the 1920s to 1938, and his son General Ho Shai-lai from the 1960s to the 1990s. Lady Clara Ho Tung's daughter Dr Irene Cheng (née Ho) (鄭何艾齡) (1904-2007) recalled that dozens of relatives and friends, including those from Tung Lin Kok Yuen, came up to 'The Falls' to see her mother or to pray at her bedside during her last days. The house at 'The Falls' had a room earmarked for Sir Robert Ho Tung, who spent a few nights there during the period between Lady Clara's last illness and her funeral when he kept her and their children company. When Lady Clara Ho Tung passed away on 5 January 1938, Sir Robert Ho Tung was there along with the rest of the family.

When the British took over Hong Kong, residence at The Peak was limited to Europeans while Chinese were not permitted to live there according to the Hill District Reservation Ordinance (山頂區保留條例). Sir Robert Ho Tung was the first non-European to receive permission from the Hong Kong Government to reside in the Peak area. Ho Tung Gardens symbolizes the rising status of the Chinese community.

Ho Tung Gardens is situated in a large garden with three buildings (including the main residence, a servants' quarter and a garage). The garden has pavilions, a pagoda, a tennis court and a swimming pool. The main residence is basically two-storied in Chinese Renaissance style, with painted walls and rectangular windows of various sizes. A square tower with a Chinese tiled roof but resembling an Italianate *campanile* with arched windows and doorway is a striking feature of the main house. Except for the Chinese tiled roofs to the tower, the roof of the other parts of the main house is flat. The pavilions and the pagoda in the site are reinforced concrete structures with Chinese tiled roofs. The granite gateway was built in 1938, the year in which Lady Clara Ho Tung passed away.

**Architectural  
Merit**

Architecturally, the exterior of Ho Tung Gardens largely remains intact. The overall layout and setting (整體佈局) comprising the main residence, the surrounding garden ground, the Chinese pagoda and the ancillary structures is also well preserved. Ho Tung Gardens deserves an in-depth study on the significance of its layout and setting.

There are only a few buildings in Hong Kong in Chinese Renaissance style, of which Ho Tung Gardens and King Yin Lei at Stubbs Road are masterpieces. Ho Tung Gardens exemplifies a mixture of Chinese and Western cultural elements, and thus it gives expression to a unique culture in Hong Kong, where the East meets and integrates with the West.

Ho Tung Gardens is the only remaining residence directly related to Sir Robert Ho Tung in Hong Kong and is much valued for its high heritage value. Sir Robert Ho Tung had several residences: 'Idlewild' at 8 Seymour Road in Mid-Levels, which he bought in 1899; 'The Chalêt' and 'Dunford', which were situated below Mount Kellet Road and 'The Neuk', which was close by on Aberdeen Road, purchased in 1906. Later on, 'The Chalêt' and 'Dunford' were sold and replaced with 'The Falls', and 'The Neuk' was retained as Sir Robert's residence on The Peak until World War II.

**Rarity &  
Authenticity**

Apart from its association with Sir Robert Ho Tung, Ho Tung Gardens is also valued for its associations with Lady Clara Ho Tung, and their son Robert Ho Shai-lai (何世禮) (1906-1998) who lived there from 1960s to 1990s during the latter part of his life. General Ho Shai-lai is an important historic figure not only in the history of Hong Kong but also in the history of modern China.

*Social Value &  
Local Interest*

The community leadership of the Ho Tung family and their close involvement in the development of social services are still evident in many places in Hong Kong, for example –

- (a) Ho Tung Road in Kowloon Tong;
- (b) Ho Tung Technical School for Girls (now Ho Tung Secondary School) which is one of the first government technical schools for girls in Hong Kong under the initiative of Sir Robert Ho Tung and Lady Clara Ho Tung;
- (c) Lady Ho Tung Hall of the University of Hong Kong established with the donation of Sir Robert Ho Tung;
- (d) the Buddhist temple Tung Lin Kok Yuen in Happy Valley;
- (e) Po Kok School (寶覺女子中學暨附屬小學, formerly known in Chinese as 寶覺第一義學), the first Buddhist school for girls in Hong Kong;
- (f) Kam Tsin Village Ho Tung School (金錢村何東學校) in Sheung Shui;
- (g) Tung Wah Group of Hospitals Ho Tung Home for the Elderly in Tsz Wan Shan; and
- (h) Lady Ho Tung Welfare Centre in Sheung Shui.

Ho Tung Gardens is situated in a quiet surrounding on The Peak with residential buildings of a similarly low height and low density. Furthermore, the hill setting, lush greenery and broad views complement this heritage site.

*Immediate  
Environs*

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## Photographs of Ho Tung Gardens



**Location**



**Overview**



**Main Building**



**Chinese Gateway**



**Chinese Pagoda**