

## **LEGISLATIVE COUNCIL BRIEF**

### **Declaration of Hung Lau near Shek Kok Tsui Village, Castle Peak, Tuen Mun, New Territories as Proposed Monument under the Antiquities and Monuments Ordinance**

#### **INTRODUCTION**

Having consulted the Antiquities Advisory Board (“AAB”), the Secretary for Development (“SDEV”), in his capacity as the Antiquities Authority under the Antiquities and Monuments Ordinance (Chapter 53) (the “Ordinance”), has declared Hung Lau (as delineated at **Annex A**) as proposed monument under section 2A(1) of the Ordinance. The declaration has been published in the Gazette on 13 March 2017.

#### **JUSTIFICATIONS**

##### **Heritage Value of Hung Lau**

###### Historical and Architectural Merits

2. Hung Lau is situated at the former Castle Peak Farm (“CPF”) in Tuen Mun. The farm was originally owned by Li Ki-tong, a dedicated follower of Dr. Sun Yat-sen and a member of Hsing Chung Hui (or Xingzhonghui), 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, 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 the revolutionary activities.

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. In 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. In 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 for the time being unless there was new information to support the direct relationship between Hung Lau and the revolutionary activities.

### **Demolition Threat**

6. Hung Lau was sold to its current owner, i.e. Goodberg Limited, in November 2016. In the light of the works carried out near Hung Lau in mid-February 2017 to remove vegetation and temporary structures, the Buildings Department (“BD”) has reminded the owner of Hung Lau that prior approval and consent from BD are required for demolition works at

the site in accordance with the Buildings Ordinance (Chapter 123). Since 18 February 2017, BD has also carried out on-site inspection daily.

7. Meanwhile, AAB discussed at a special meeting on 28 February 2017 whether AAB should recommend the Antiquities Authority to declare Hung Lau as proposed monument. AAB at the time considered it not necessary to trigger the proposed monument declaration for the time being, given that there was no imminent demolition threat and that the Government had been in discussion with the owner on preservation proposals.

8. Notwithstanding, on 8 March 2017, it was noticed and widely reported that two windows had been removed at Hung Lau, with possible further demolition works in the pipeline. In response, BD has on the same day issued a statutory order under section 23 of the Buildings Ordinance to require the owner to stop the works.

## **DECLARATION OF PROPOSED MONUMENT**

9. The grading of Hung Lau as a Grade 1 historic building is an administrative measure and hence will not put the building under 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.

10. In view of the imminent demolition threat, AAB at its meeting on 9 March 2017 recommended the Antiquities Authority to declare Hung Lau as proposed monument, with a view to offering immediate statutory protection to the building. With the support of AAB, and given the Grade 1 status of Hung Lau and the imminent demolition threat to it, the Antiquities Authority considers it justified to declare Hung Lau as proposed monument under section 2A(1) of the Ordinance.

11. After the declaration as proposed monument, Hung Lau will be temporarily protected from demolition threat for 12 months, during which

the Government could explore possible preservation options for Hung Lau with its owner and at the same time consider whether Hung Lau should be declared as monument for permanent protection under the Ordinance. Under the Ordinance, the proposed monument declaration within private land cannot be extended beyond the aforementioned 12 months.

12. Under section 6(1) of the Ordinance, except in accordance with the 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 monument; or (b) demolish, remove, obstruct, deface or interfere with a proposed monument or monument. If the Antiquities Authority refuses to grant the permit, the owner may make a claim for compensation under section 8 of the Ordinance. With prior approval of the Chief Executive, the Antiquities Authority may pay compensation to the owner in respect of financial loss suffered or likely to be suffered by reason of the refusal. 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.

13. 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.

14. 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. However, it

will accord the parties concerned a reasonable time to consider the conservation of the Grade 1 historic building.

## **IMPLICATIONS OF THE DECLARATION**

15. The declaration of Hung Lau as proposed monument is in conformity with the Basic Law, including the provisions concerning human rights. It has no civil service, economic, productivity, environmental, family or gender implications. As far as sustainability implications are concerned, the declaration is conducive to upholding the sustainability principle of protecting Hong Kong's heritage assets. We are unable to estimate the financial implications of the declaration until and unless we have had a concrete case of compensation in hand.

## **PUBLIC CONSULTATION**

16. AAB was consulted on the proposed declaration as required under section 2A of the Ordinance on 9 March 2017. Members of AAB unanimously supported the proposed declaration.

## **PUBLICITY**

17. A press release on the declaration has been issued on the date of declaration (i.e. 13 March 2017). A spokesman will be available to answer media and public enquiries.

## **BACKGROUND**

18. Hung Lau, a Grade 1 historic building, is situated on private land, namely Lot No. 36 in D.D. 300, near Shek Kok Tsui Village, Castle Peak, Tuen Mun, New Territories.

19. Since the enactment of the Ordinance in 1976, there have been five cases in which historic buildings in private ownership were declared

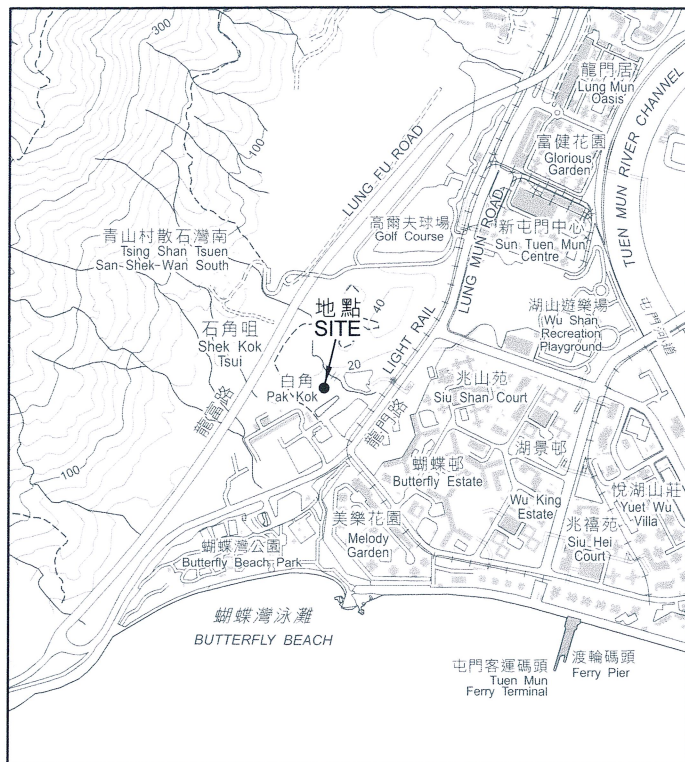
as proposed monuments without owner's prior consent: Ohel Leah Synagogue at Robinson Road in 1987, Morrison Building in Tuen Mun in 2003, No. 128 Pok Fu Lam Road (known as "Jessville") in 2007, King Yin Lei at Stubbs Road in 2007, and Ho Tung Gardens at Peak Road in 2011. In the end, Ohel Leah Synagogue 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.

## **ENQUIRIES**

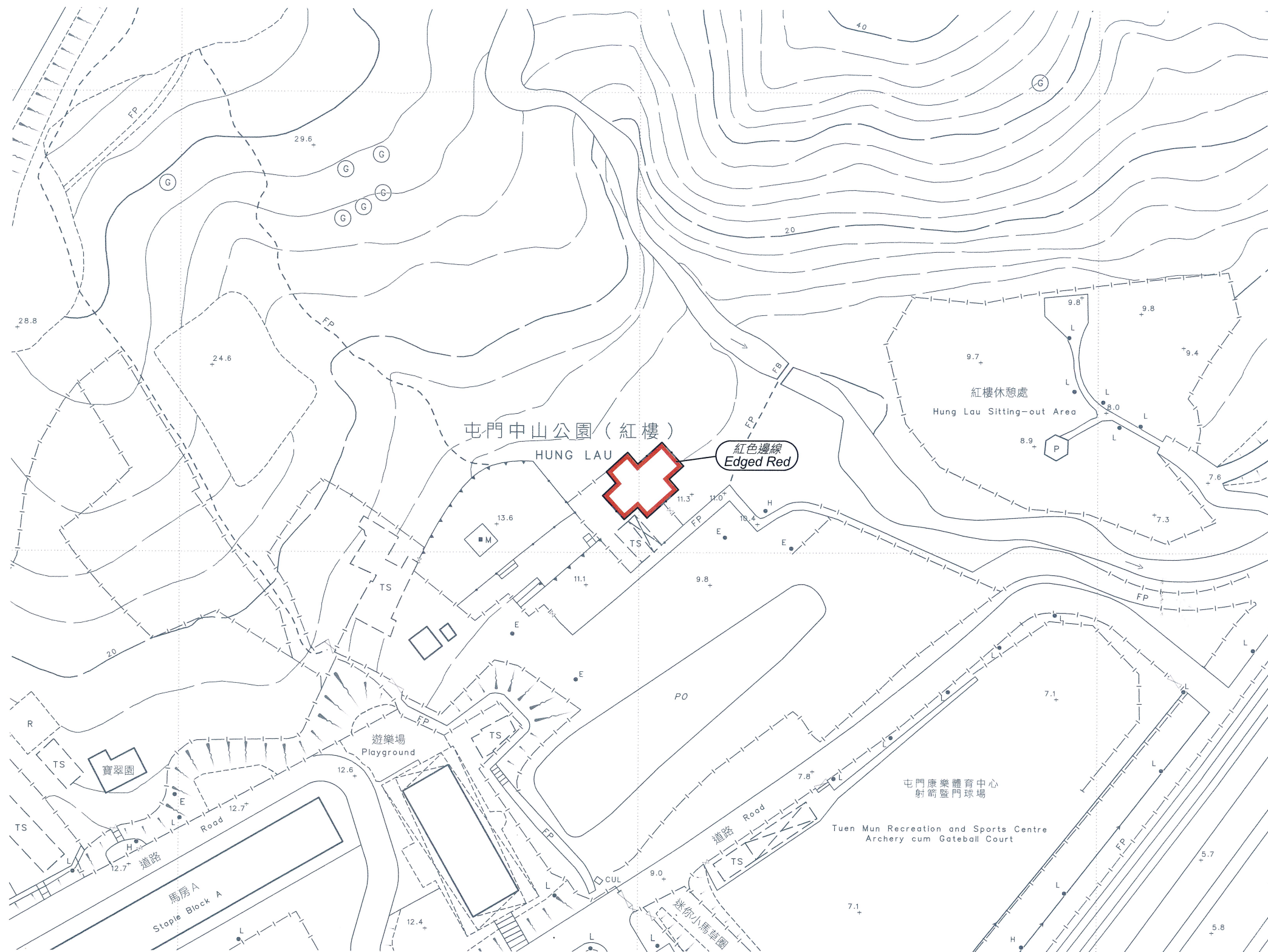
20. For any enquiries on this brief, please contact Mr José Yam, Commissioner for Heritage of the Development Bureau, at 3509 8270.

**Development Bureau**  
**March 2017**

位置 LOCATION



比例 SCALE 1:20 000



以紅色邊線標示的面積約為 172 平方米 EDGED RED AREA 172 SQUARE METRES (ABOUT)



*Eric S C Ma*

(馬紹祥 Eric S C Ma)  
發展局局長 Secretary for Development  
日期 Date 13 Mar 2017

只作識別用 FOR IDENTIFICATION PURPOSES ONLY

地政總署 屯門測量處  
District Survey Office, Tuen Mun  
Lands Department

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古物及古蹟條例 (第 53 章)  
按照第 2A(4) 條存放於土地註冊處的新界屯門丈量約份第 300 約地段  
第 36 號內稱為“紅樓”的建築物圖則  
ANTIQUITIES AND MONUMENTS ORDINANCE (CAP. 53)  
PLAN OF THE BUILDING KNOWN AS “HUNG LAU” WITHIN LOT No. 36  
IN D.D. 300, TUEN MUN, NEW TERRITORIES,  
DEPOSITED IN THE LAND REGISTRY IN ACCORDANCE WITH SECTION 2A(4)

檔案編號 File No. LD DSO/TM 13/25  
測量圖編號 Survey Sheet No. 5-SE-15C  
發展藍圖編號 Layout Plan No. -----  
參考圖編號 Reference Plan No. -----  
圖則編號 PLAN No. TMM3930

**Heritage Appraisal of Hung Lau  
near Shek Kok Tsui Village, Castle Peak, Tuen Mun, New Territories**

The exact year of construction of Hung Lau is not known. Hung Lau is commonly known as the “Red House” (紅樓), although whether this name comes from its revolutionary associations or its reddish colour may be a matter of conjecture. *Historical Interest*

Hung Lau is situated at the former Castle Peak Farm (青山農場) which was originally owned by Li Ki-tong (李紀堂), alias Li Pak (李柏), the third son of a wealthy merchant named Li Sing (李陞), a dedicated follower of Dr. Sun Yat-sen (孫逸仙 / 孫中山) and a member of the anti-Qing revolutionary society Hsing Chung Hui (or “Xingzhonghui”) (興中會). Between 1901 and 1911, the former Castle Peak Farm had been used as a depot for weapon storage, a ground for the manufacture and experimentation of firearms required for the contemplated uprisings, a meeting place of revolutionaries and a haven for disbanded revolutionaries escaping from the Manchu vengeance. Having said that, no direct relationship between the building and revolutionary activities led by Dr. Sun Yat-sen could be fully established.

Hung Lau, which is more Western than Chinese, is not particularly distinguished. The main part of the house is a two-storey pitched-roof building divided into two units by cross walls, with a two-storey verandah extension at the front and a two-storey kitchen and storeroom annexe at the rear. From the layout, it would appear that the building originally was two semi-detached living units. There are few architectural embellishments. Windows are plain metal windows in hooded openings. The balustrade to the first floor verandah is formed of pierced screen blocks, virtually the only ornamentation. The walls are constructed of bricks and plastered with a faded pink finish. The roof and floor construction is of timber using Western structural methods. Internally, the only items of interest are the glazed and panelled wooden doors to the verandahs. *Architectural Merit*

The present building carries some characteristics of the architecture in the 1920s and 1930s. In comparison of old survey plans, discrepancy is noted on the building’s location and configuration. It is uncertain as to whether the existing building is the same original structure that existed on the site in the early 20<sup>th</sup> century. Its present use is residential. *Built Heritage Value & Authenticity*



Due to its location in the former Castle Peak Farm, Hung Lau is a piece of built heritage with social value and local interest. The former Castle Peak Farm is still a reminder of Hong Kong's role in the revolutionary movement in Chinese history.

*Social Value  
& Local  
Interest*

Photographs of Hung Lau



Hung Lau, photo taken in 1977



Hung Lau, photo taken in 2009



Hung Lau, photo taken on 21 February 2017



Side elevation of Hung Lau, photo taken on 21 February 2017