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Submission by the Civic Party
to the Legco Subcommittee on Antiquities and Monuments (Withdrawal of Proposed Monument) (No. 128 Pokfulam Road)

Having examined the material put forward by the Government regarding the withdrawal of the provisional monument status of Jessville (No. 128 Pokfulam Road), the Civic Party would like to highlight the following observations:

1. When comparing the first assessment report on Jesseville issued by the government in April 2007 ("the First Report") and the second report also issued by the government in February 2008 ("the Second Report"), the difference in the judgment on the Jessville's heritage value does not seem credible given that the only new information obtained by the officials during the intervening period is gathered from a site visit to the property.

2. As an illustration to the judgmental gaps, the Second Report claimed that the historical value of the property is low because "the influence of the owner of the Building, Mr Thomas Tam, in the society is short-lived. He was socially less active and influential given his short period of public service". Yet from the First Report it was said that Mr Tam 's influence "as a social leader was rooted in different spectra of the community…" and that his period of public service spanned from 1936 to 1954, which amounted to 18 years. By any measure, one cannot claim that a period of public service lasting 18 years as "short-lived".

3. In fact, apart from the above-mentioned subjective comment on the historical value attached to Mr Tam, the site inspection confirmed all the different aspects of heritage value of the property mentioned in the First Report, including the criteria of authenticity, rarity and integrity. The only flaws that the site inspection claimed to have revealed is one small point related to its architectural value, viz, "on close inspection, the dome and the pavilion are of ordinary workmanship", and that "the interior door is not of extraordinary style". It would be difficult to convince any fair-minded person that the subjective judgment on these two minor architectural features will warrant the

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reversal of the property's status as a monument.

4. Yet the fundamental flaw of the heritage assessment process lies with the conflict of interests arising from the dual roles performed by the Secretary for Development – that of the head of the Development Bureau and the Conservation Authority. Since the Secretary is responsible for all development matters, including the viability of land swaps (if applicable), land premium gains, planning applications, works considerations and other technical issues, it is inconceivable that when making a decision on whether a property such as Jessville should warrant a monument status, the entire decision-making process has not been contaminated by any factors beyond the consideration of heritage value. From the papers and presentations provided by the government on Jessville, officials have not been able to allay public fears that the mixing up of developmental and heritage considerations does exist and that the decision-making process in heritage assessment is fundamentally flawed.

5. In view of the above, the Civic Party would like to appeal to Legco to take the following action:

   a) cancel the withdrawal order of the Provisional Monument for Jessville, so as to send a clear signal to the government that the system does require urgent review, and to the public that the system is flawed;
   b) request AAB to restart the heritage assessment process for Jessville, including the engagement of external independent experts for site inspection and cultural value assessment;
   c) notify the Town Planning Board of its concern on the heritage assessment process;
   d) ask the government to provide detailed documentary evidence on the assessment, site inspection and report drafting process related to Jessville, including the contacts and interaction between administrative level officials and the relevant archeological experts responsible for report writing. This is essential in helping the public to understand whether the heritage assessment process has indeed been contaminated by non-heritage related considerations.

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12 March, 2008

The Civic Party

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