

8 CULTURAL HERITAGE

Introduction

- 8.1 The EIA for the entire development of Tuen Mun Area 54 conducted under the “Planning and Development Study of Potential Housing Site in Area 54, Tuen Mun” was approved by the EPD under the EIA Ordinance on 3 September 1999. Subsequent to the EIA, an additional EIA Review Report was carried out to review and update the cultural heritage impact assessment (CHIA) in the approved EIA Report based on the latest layout plan of the development at Tuen Mun Area 54.
- 8.2 This cultural heritage impact assessment for the TM54SPS was undertaken by a desk-based review of all relevant information, including the approved EIA Report and the Additional EIA Review Report.

Environmental Legislation and Criteria

- 8.3 Legislation, Standards, Guidelines and Criteria relevant to the consideration of Cultural Heritage impacts under this study include the following:
- Antiquities and Monuments Ordinance
 - Environmental Impact Assessment Ordinance
 - Hong Kong Planning Standards and Guidelines
 - Technical Memorandum on Environmental Impact Assessment Process.
- 8.4 The Antiquities and Monuments Ordinance provides the statutory framework to provide for the preservation of objects of historical, archaeological and palaeontological interest.
- 8.5 The Ordinance contains the statutory procedures for the Declaration of Monuments. The proposed monument can be any place, building, site or structure, which is considered to be of public interest by reason of its historical, archaeological or palaeontological significance.
- 8.6 Under section 6 and subject to subsection (4) of the Ordinance, the following acts are prohibited in relation to certain monuments, except under permit;
- To excavate, carry on building works, plant or fell trees or deposit earth or refuse on or in a proposed monument or monument
 - To demolish, remove, obstruct, deface or interfere with a proposed monument or monument
- 8.7 The discovery of an Antiquity, as defined in the Ordinance must be reported to the Antiquities Authority, or a designated person. The Ordinance also provides that, the ownership of every relic discovered in Hong Kong after the commencement of this ordinance shall vest in the Government from the moment of discovery. The Authority on behalf of the government may disclaim ownership of the relic.
- 8.8 No archaeological excavation may be carried out by any person, other than the Authority and the designated person, without a licence issued by the Authority. A licence will only be issued if the Authority is satisfied that the applicant has sufficient scientific training or experience to enable him to carry out the excavation and search satisfactorily, is able to conduct, or arrange for, a proper scientific study of any antiquities discovered as a result of the excavation and search and has sufficient staff and financial support.

Environmental Impact Assessment Ordinance

- 8.9 The EIAO was implemented on 1 April 1998. Its purpose is to avoid, minimise and control the adverse impact on the environment of designated projects, through the application of the EIA process and the Environmental Permit (EP) system.

Hong Kong Planning Standards and Guidelines

- 8.10 Chapter 10 of the HKPSG details the principles of conservation, the conservation of natural landscape and habitats, historic buildings and archaeological sites. It also addresses the issue of enforcement. The appendices list the legislation and administrative controls for conservation, other conservation related measures in Hong Kong, and Government departments involved in conservation.

Technical Memorandum on Environmental Impact Assessment Process

- 8.11 The general criteria and guidelines for evaluating and assessing impacts to Cultural Heritage are listed in Annexes 10 and 19 of the Technical Memorandum on Environmental Impact Assessment Process (EIAO-TM). The guidelines state that preservation in totality and measures for the integration of sites of cultural heritage into the proposed project will be a beneficial impact. It also states that destruction of a site of cultural heritage must only be undertaken as a last resort.

Desk-based Review

Archaeology

- 8.12 The archaeological potential of the area was discovered in 1997 during the territory-wide survey carried out by a team from Zhongshan University. The survey team identified archaeological deposits in both Siu Hang Tsuen and Kei Lun Wai, Tuen Mun. The findings indicated occupation of the area from the Song, Ming and Qing periods.
- 8.13 On the basis of this information the CHIA study in the approved EIA Report identified that development of Area 54, specifically at Sites 1 and 2 will fall within the above mentioned two areas of archaeological significance. The first and larger of the two areas of archaeological significance was centred around Siu Hang Tsuen and was given a boundary area within the CHIA that ran for 200m from East to West and 60m from North to South. The second was located near the village of Kei Lun Wai (to the west of Siu Hong Court).
- 8.14 The Hong Kong Institute of Archaeology conducted in 2000 an archaeological survey and impact assessment around the drainage channels at Chung Shan and Siu Hang Tsuen, Tuen Mun. A total of four test pit excavations and no less than 33 auger hole tests were conducted in close vicinity of the development area. The findings included that rich cultural remains were established at Siu Hang Tsuen village. Structural remains consisting of floor levels, postholes and flat and curved tiles potentially dating to the Southern Song Dynasty but no later than Yuan Dynasty were recorded.
- 8.15 An Archaeological Watching Brief was undertaken between 28th of April and 25th of June and on the 2nd and 3rd of July 2003 at the Kei Lun Wai Archaeological Site. The information of this Watching Brief is restricted.
- 8.16 Additionally a site initial evaluation on the 27th of August 2002 and a site inspection was undertaken at Siu Han Tsuen according to Antiquities and Monuments Office (AMO) filed restricted records. The areas marked on **Figure 8.1** show the extent of the Kei Lun Wai archaeological site boundary.

Built Heritage

- 8.17 The CHIA study in the approved EIA Report identified a number of historical buildings, ancestral halls, old wells, graves and temples. The majority of the recorded resources were located in the historical villages of Siu Hang Tsuen, Tsz Tin Tsuen and Kei Lun Wai. No historical buildings and structures were identified within the site of the proposed TM54SPS.
- 8.18 The Study Area for all development sites in Tuen Area 54, covering the site of TM54SPS, was also reviewed in the Additional EIA Review study with respect to the List of Graded Historical Buildings in Hong Kong as disclosed by the Government of Hong Kong on 6th January 2007. No Graded Historical Buildings or Declared Monuments were found to be located in the Study Areas for any of the development sites.

Impact Assessment

Archaeology

- 8.19 The proposed TM54SPS is located in the central part of Site 4A of Tuen Mun Area 54, falling within the boundary of the Kei Lun Wai Archaeological Site (refer to **Figure 8.1**). As a result, construction of the proposed TM54SPS would likely have direct impacts on the archaeological resources within the archaeological site. In view of the nature and small scale of the Project, the potential impacts on the archaeological resources would be limited.

Built Heritage

- 8.20 As no historical buildings/structures, Graded Historical Buildings and Declared Monuments were identified within the site of the proposed TM54SPS, impact on built heritage resources is not expected.

Mitigation Recommendations

Archaeology

- 8.21 Since the site of the proposed TM54SPS falls within Kei Lun Wai archaeological sites and potential impact to archaeological deposits is expected, an archeological survey shall be conducted prior to commencement of the construction works to ascertain the archaeological potential. Owing to land access constraint, the archaeological survey cannot be conducted in this EIA stage., It is recommended that Site 4A of Tuen Mun Area 54 be added to the programme of archaeological survey and rescue excavation to be undertaken by the AMO of LCSD for the proposed development at Tuen Mun Area 54 prior to the commencement of construction works. If archaeological value of the site is identified during the survey, appropriate mitigation measures shall be designed and implemented to the satisfaction of the AMO by the project proponent.

Built Heritage

- 8.22 No mitigation would be required.

Conclusion

Archaeology

- 8.23 The site of the proposed TM54SPS falls within Kei Lun Wai Archaeological Site. Direct impact on archaeological resources is expected during the construction of the proposed TM54SPS. An archeological survey shall be conducted prior to commencement of the construction works to ascertain the archaeological potential. Owing to land access constraint, the archaeological survey cannot be conducted in this EIA stage. It is recommended that Site 4A of Tuen Mun Area 54 be added to the programme of archaeological survey and rescue excavation to be undertaken by the AMO of LCSD for the proposed development at Tuen Mun Area 54 prior to the commencement of construction works. If archaeological value of the site is identified during the survey, appropriate mitigation measures shall be designed and implemented to the satisfaction of the AMO by the project proponent.

Built Heritage

- 8.24 No historical building or structure was identified within the site of the proposed TM54SPS. As such, impact on built heritage resources due to the proposed TM54SPS is not expected.