

立法會
Legislative Council

LC Paper No. LS116/01-02

**Paper for the House Committee Meeting
on 14 June 2002**

**Legal Service Division Report on
Motion under section 2(3) of the Buildings Ordinance (Cap. 123)**

The Secretary for Planning and Lands has given notice to move a motion under section 2(3) of the Buildings Ordinance (Cap. 123) at the meeting of the Legislative Council on 26 June 2002 to amend the description of a scheduled area in the Fifth Schedule to the Ordinance.

2. At present, Scheduled Area No. 3 in the Fifth Schedule to the Ordinance is described as the railway protection areas along the Mass Transit Railway (MTR) lines shown on some specified plans dated 29 June 1998 signed by the then Secretary for Planning, Environment and Lands and deposited in the Land Registry. These protection areas are those within 30 metres from the edges of Mass Transit Railway structures. The purpose of providing for these protection areas is to require the Buildings Authority's prior approval of plans and consent for the commencement of all ground investigation and underground drainage works to be carried out within those areas. This is necessary to ensure the safety of MTR structures and hence the integrity of the MTR system.

3. According to the draft speech of the Secretary on the motion issued by the Planning and Lands Bureau in June 2002, the purpose of the proposed amendments is to update the plans to take into account the changes that have been made to the MTR system since 1998. These changes involve the extension of the Kwun Tong Line to the North Point Station and the completion of the construction works for the Tseung Kwan O Extension Line.

4. No difficulties relating to the legal and drafting aspects of the draft resolution have been identified.

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