

立法會
Legislative Council

LC Paper No. LS131/02-03

**Paper for the House Committee Meeting
on 20 June 2003**

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

The Secretary for Housing, Planning and Lands (the Secretary) has given notice to move a motion under section 2(3) of the Buildings Ordinance (Cap. 123) (the Ordinance) at the meeting of the Legislative Council on 2 July 2003 to amend the description of a scheduled area in the Fifth Schedule to the Ordinance.

2. The existing Scheduled Area Number 3 in the Fifth Schedule to the Ordinance are the railway protection areas along the Mass Transit Railway lines shown on specified plans, some dated 29 June 1998 and others dated 29 May 2002, and deposited in the Land Registry. According to the Administration, railway protection areas are those within 30 metres from the edges of the railway structures. The purpose of providing for these protection areas is to require the Building 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 the railway structures and hence the normal operation of the railway system. The existing Scheduled Area Number 3 only includes the railway protection areas along the Mass Transit Railway lines.

3. Since the West Rail (Phase 1) of the Kowloon-Canton Railway Corporation is scheduled to come into operation in September 2003, the Administration seeks to amend the description of the existing Scheduled Area Number 3 to include the railway protection areas along this new railway line. According to the Secretary's draft speech, a new set of plans dated 6 June 2003, which shows the railway protection areas along the West Rail (Phase 1), have been signed by the Secretary and deposited in the Land Registry.

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

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