

立法會
Legislative Council

LC Paper No. LS83/03-04

**Paper for the House Committee Meeting
on 18 June 2004**

**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 Legislative Council meeting of 30 June 2004 to amend the description of a scheduled area in the Fifth Schedule to the Ordinance

2. The existing Scheduled Area Number 3(1) and Area Number 3(2) in the Fifth Schedule to the Ordinance specify respectively the railway protection areas along the Mass Transit Railway lines and those along the railway lines of the West Rail (Phase 1) of the Kowloon-Canton Railway Corporation ("KCRC"). 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.

3. Since the railway structures of the new East Rail Extensions - Hung Hom to Tsim Sha Tsui of the KCRC would be completed by September 2004, the Administration proposes to amend the description of the existing Scheduled Area Number 3(2) to include the railway protection areas along this new railway line. According to the Administration, a new set of plans dated 1 June 2004, which shows the railway protection areas along the East Rail Extensions - Hung Hom to Tsim Sha Tsui, has been signed by the Secretary and deposited in the Land Registry.

4. The legal and drafting aspects of the proposed resolution present no problem.

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