

立法會
Legislative Council

LC Paper No. CB(3) 812/11-12

Ref. : CB(3)/M/OR

Tel : 3919 3300

Date : 25 May 2012

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 13 June 2012

**Proposed resolution under
the Buildings Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Development will move at the Council meeting of 13 June 2012 under section 2(3) of the Buildings Ordinance (Cap. 123). The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is also attached.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

Buildings Ordinance

Resolution

(Under section 2(3) of the Buildings Ordinance (Cap. 123))

Resolved that the Buildings Ordinance (Cap. 123) be amended as set out in the Schedule.

Schedule

Amendments to Buildings Ordinance

1. **Schedule 5 amended (scheduled areas)**
 - (1) Schedule 5, area number 3(1)(a)—
Repeal
“to 3”.
 - (2) Schedule 5, area number 3(1)(a)—
Repeal
“and MTR/RP/101”
Substitute
“, MTR/RP/101 to 139 and MTR/RP/142”.
 - (3) Schedule 5, area number 3(1)(a)—
Repeal
“; and”
Substitute a semicolon.
 - (4) Schedule 5, area number 3(1)(b)—
Repeal
“Registry.”
Substitute
“Registry; and”.
 - (5) Schedule 5, after area number 3(1)(b)—
Add
“(c) the areas delineated and shown edged black on the plans numbered MTR/G/2 Rev. A, MTR/G/3 Rev. A, MTR/RP/140 Rev. A, MTR/RP/141 Rev. A and MTR/RP/301 to 306, dated 16 May 2012, signed by the

Secretary for Development and deposited in the Land Registry.”.

- (6) Schedule 5, area number 3(2)(a)—

Repeal

“KCR/WR/RP/100 Rev. 1,”.

- (7) Schedule 5, area number 3(2)(a)—

Repeal

everything after “KCR/WR/RP/136 Rev. 1” and before “dated 6 June 2003”

Substitute

“and KCR/WR/RP/139 Rev. 1,”.

- (8) Schedule 5, area number 3(2)(a)—

Repeal

“; and”

Substitute a semicolon.

- (9) Schedule 5, area number 3(2)(b)—

Repeal

“areas delineated and shown edged black on the plans numbered KCR/ERE/TSTE/RP/100, KCR/ERE/TSTE/RP/101 and”

Substitute

“area delineated and shown edged black on a plan numbered”.

- (10) Schedule 5, area number 3(2)(b)—

Repeal the full stop

Substitute

“; and”.

- (11) Schedule 5, after area number 3(2)(b)—

Add

“(c) the areas delineated and shown edged black on the plans numbered KCR/WR/RP/100 Rev. 3, KCR/WR/RP/137 Rev. 2, KCR/WR/RP/138 Rev. 2, KCR/WR/RP/140 Rev. 2, KCR/WR/RP/141 Rev. 2, KCR/WR/RP/142 Rev. 2, KCR/WR/RP/143 Rev. 2, KCR/WR/RP/144 Rev. 2, KCR/WR/RP/145 Rev. 2, KCR/ERE/TSTE/RP/101 Rev. C, MTR/RP/1658 to 1659, MTR/RP/1670 to 1680 and MTR/RP/1804 to 1809, dated 16 May 2012, signed by the Secretary for Development and deposited in the Land Registry.”.

- (12) Schedule 5, area number 5—

Repeal

everything after “on the”

Substitute

“plans numbered KCE/S/G/765B, KCE/S/G/766B, KCE/S/G/767B, KCE/S/G/768B, KCE/S/G/769B, KCE/S/G/770B, KCE/S/G/771B and 90806/STPA/1000 to 1004, dated 16 May 2012, signed by the Secretary for Development and deposited in the Land Registry.”.

**Speech by the Secretary for Development
at the Legislative Council sitting on 13 June 2012**

Buildings Ordinance (Chapter 123)

President,

I move that the motion under my name on the Agenda be passed.

2. The motion seeks to amend Schedule 5 to the Buildings Ordinance (BO) (Cap. 123) to update the railway protection areas and sewage protection areas specified in that schedule.

3. Under sections 41(3) and 41(3C)(f) of the BO, ground investigation and underground drainage works carried out in the railway protection areas require prior approval of plans and consent to the commencement of works by the Building Authority (BA). This is to ensure the safety of the railway structures and hence the normal operation of the railway system. Railway protection areas refer to the areas as shown on a set of plans prescribed under Area Number 3 in Schedule 5. The boundary of such areas is generally 30 metres from the edge of the railway line or premises.

4. Similarly, to avoid possible damage to the sewage tunnels in the sewage tunnel protection areas of the Harbour Area Treatment Scheme

(HATS), ground investigation works carried out in such areas require the BA's prior approval of plans and consent to the commencement of works under section 41(3) of the BO. Sewage tunnel protection areas refer to the areas as shown on a set of plans prescribed under Area Number 5 in Schedule 5. The boundary of such areas is generally 50 metres on either side from the centre line of the sewage tunnel.

5. With the opening of the Disneyland Resort Line, Lok Ma Chau Spur Line and Kowloon Southern Link of the West Rail Line in the past few years, we propose to incorporate new railway protection areas along these railway lines. In addition, with the merger between the Mass Transit Railway and Kowloon-Canton Railway system in December 2007, the corresponding railway protection plans for the West Rail Line have to be updated to include the information on its interface with other relevant railway lines.

6. The plans now referred to under Area Number 5 in Schedule 5 include the sewage tunnel protection areas of HATS Stage 1. We propose to extend the protection to the HATS Stage 2A tunnels which are currently under construction. In addition, the sewage tunnel protection areas of HATS Stage 1 have to be updated to reflect the as-constructed route of some sections of the sewage tunnels.

7. We have prepared a set of new plans to show correctly the new protection areas and revised areas. The plans have been deposited in the Land Registry.

8. I invite Members to support this motion to ensure the protection of the concerned railway lines and sewage tunnels.

9. With these remarks, President, I move the motion.

Development Bureau

May 2012