

**立法會**  
***Legislative Council***

LC Paper No. LS70/11-12

**Paper for the House Committee Meeting  
on 1 June 2012**

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

The Secretary for Development (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 13 June 2012 to amend Schedule 5 to the Ordinance to include new railway protection areas and sewage tunnel protection areas and to update certain existing areas.

2. The purpose of providing for the above-mentioned protection areas is to exclude them from the exemptions under section 41 of the Ordinance so that the Building Authority's prior approval of plans and consent are required 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 and to avoid possible damage to the sewage tunnels in the sewage tunnel protection areas of the Harbour Area Treatment Scheme (HATS).

3. Scheduled Area Number 3 in Schedule 5 to the Ordinance relates to railway protection areas. The Administration proposes to amend the description of the existing Scheduled Area Number 3 to include new railway protection areas along the Disneyland Resort Line, Lok Ma Chau Spur Line and Kowloon Southern Link of the West Rail Line (WRL) and to update corresponding railway protection plans for the WRL to include the information on the interface of WRL with other relevant railway lines to reflect the merger of the Mass Transit Railway and Kowloon-Canton Railway system in December 2007. According to the Administration, the boundary of a railway protection area is generally 30 metres from the edge of the railway line or premises.

4. Scheduled Area Number 5 in Schedule 5 to the Ordinance relates to sewage tunnel protection areas. The Administration proposes to amend the description of the existing Scheduled Area Number 5 to include HATS Stage 2A tunnels which are currently under construction and to update the sewage tunnel protection areas of HATS Stage 1 to reflect the route of some sections of the sewage tunnels. According to the Administration, the boundary of a sewage tunnel protection area is generally 50 metres on either side from the centre line of the sewage tunnel.

5. According to the Administration, a new set of plans showing the new and revised areas mentioned in paragraphs 3 and 4 above were signed by the Secretary on 16 May 2012 and deposited in the Land Registry. Members may refer to the LegCo Brief (File Ref: DEVB(PL-B) 30/30/86) issued by the Development Bureau in May 2012 for further and background information.

6. The Panel on Development has not been consulted on the proposed resolution.

7. No difficulties have been identified in the legal or drafting aspects of the proposed resolution.

Prepared by

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