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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 1 September 2021

Proposed resolution under the Buildings Ordinance

The Secretary for Development will move the proposed resolution in **Appendix 1** under section 2(3) of the Buildings Ordinance (Cap. 123) at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech which the Secretary for Development will deliver when moving the proposed resolution is in **Appendix 2**.

(Miranda HON)
for Clerk to the Legislative Council

Encls.

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—
Repeal
“[ss. 2(1)]”
Substitute
“[ss. 2]”.
 - (2) Schedule 5, area number 3(1)(a)—
Repeal
everything after “numbered” and before “to 139”
Substitute
“MTR/RP/1, MTR/RP/3 to 6, MTR/RP/8 to 22, MTR/RP/25 to 27, MTR/RP/30 to 32, MTR/RP/35 to 37, MTR/RP/39 to 46, MTR/RP/54 and 55, MTR/RP/60 to 66, MTR/RP/104 to 106, MTR/RP/111, MTR/RP/115”.
 - (3) Schedule 5, area number 3(1)(c)—
Repeal
“; and”
Substitute a semicolon.
 - (4) Schedule 5, area number 3(1)(d)—
Repeal
“MTR/G/1 Rev. A and”.
 - (5) Schedule 5, area number 3(1)(d)—

Repeal

“Registry.”

Substitute

“Registry; and”.

- (6) Schedule 5, after area number 3(1)(d)—

Add

“(e) the areas delineated and shown edged black on the plans numbered MTR/G/1 Rev. B, MTR/RP/2 Rev. A, MTR/RP/7 Rev. A, MTR/RP/33 Rev. A, MTR/RP/34 Rev. A, MTR/RP/38 Rev. A, MTR/RP/51 Rev. A, MTR/RP/52 Rev. A, MTR/RP/53 Rev. A, MTR/RP/101 Rev. A, MTR/RP/102 Rev. A, MTR/RP/103 Rev. A, MTR/RP/107 Rev. A, MTR/RP/108 Rev. A, MTR/RP/109 Rev. A, MTR/RP/110 Rev. A, MTR/RP/112 Rev. A, MTR/RP/113 Rev. A, MTR/RP/114 Rev. A, MTR/RP/501 to 507 and MTR/RP/601 to 613, dated 29 July 2021, signed by the Secretary for Development and deposited in the Land Registry.”.

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

Repeal

“; and”

Substitute a semicolon.

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

Repeal

“KCR/WR/RP/142 Rev. 2, KCR/WR/RP/143 Rev. 2, KCR/WR/RP/144 Rev. 2, KCR/WR/RP/145 Rev. 2.”.

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

Repeal

“to 1809”.

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

Repeal

“Registry.”

Substitute

“Registry; and”.

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

Add

“(d) the areas delineated and shown edged black on the plans numbered KCR/WR/RP/142 Rev. 3, KCR/WR/RP/143 Rev. 3, KCR/WR/RP/144 Rev. 3, KCR/WR/RP/145 Rev. 3, MTR/RP/800 to 869, MTR/RP/1805 Rev. A, MTR/RP/1806 Rev. A, MTR/RP/1807 Rev. A, MTR/RP/1808 Rev. A and MTR/RP/1809 Rev. A, dated 29 July 2021, signed by the Secretary for Development and deposited in the Land Registry.”.

**Speech by the Secretary for Development
at the Legislative Council sitting on 1 September 2021**

Buildings Ordinance (Chapter 123)

President,

I move the motion printed on the Agenda.

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

3. Railway protection areas refer to the areas described in the description of Area Number 3 in Schedule 5 to the BO, the boundary of which is generally 30 metres from the edge of the railways lines or premises. Under the BO, ground investigation and certain underground drainage works to be carried out in railway protection areas require prior approval of plans and consent to the commencement of works by the Building Authority, though these works are relatively simple. This is to safeguard railway structures and the normal operation of the railway system.

4. With the Kwun Tong Line Extension, the South Island line (East) and the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link coming into operation, we propose that the Schedule 5 to the BO be amended so as to include the areas along these railway lines as railway protection areas. In addition, updates to the existing railway protection areas of 10 railway stations are also proposed to cover areas with underground structures built after the designation of the relevant railway protection areas. Details of the above amendments are

set out in the Legislative Council Brief submitted earlier for this resolution for Members' reference. We have prepared a set of new plans for the proposed revisions of the railway protection areas. The plans have been deposited in the Land Registry for public inspection.

5. With these remarks, President, I move the motion and invite Members to support this motion.

Development Bureau

August 2021