

立法會
Legislative Council

LC Paper No. LS109/20-21

**Paper for the House Committee Meeting
on 20 August 2021**

**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) at the Legislative Council ("LegCo") meeting of 1 September 2021. The motion seeks to amend Schedule 5 to Cap. 123 to update the descriptions of the railway protection areas in that Schedule.

2. Railway protection areas are areas specified and delineated in plans mentioned in the description of Area Number 3 in Schedule 5 to Cap. 123. These areas relate to those along the Mass Transit Railway lines (including those railway lines formerly operated by the Kowloon-Canton Railway Corporation). According to paragraph 2 of the LegCo Brief (File Ref: DEVB(PL-B)/30/30/86) issued by the Development Bureau in August 2021, railway protection areas are generally 30 metres from the edge of the railway line or railway related structures. The Administration proposes to amend the description of the existing Area Number 3 to:

- (a) include new railway protection areas along the Kwun Tong Line Extension, the South Island Line (East) and the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"); and
- (b) include some railway-related underground structures built near the existing railway protection areas at Lai Chi Kok Station, Hong Kong Station, Central Station, Sheung Wan Station, Admiralty Station and all interfacing stations with the XRL.

3. The effect of the proposed resolution, if passed, is that building works involving ground investigation and certain underground drainage works carried out in the railway protection areas are subject to certain requirements

including the appointment of professionals in supervising the building works, prior approval of plans and consent to the commencement of building works by the Building Authority (sections 4, 9 and 14(1) of Cap. 123).

4. According to paragraph 4 of the LegCo Brief, a set of plans showing the new and revised railway protection areas was signed by the Secretary on 29 July 2021 and deposited in the Land Registry for public inspection.

5. According to paragraph 7 of the LegCo Brief, the Administration is of the view that the proposed resolution is of technical nature, involving only extending the coverage of the railway protection areas described in Schedule 5 to Cap. 123. Public consultation is considered not necessary.

6. As advised by the Clerk to the Panel on Development, the Panel has not been briefed on the proposed resolution.

7. The proposed resolution, if passed, would come into operation on the day of publication in the Gazette.¹

8. No difficulties have been identified in relation to the legal and drafting aspects of the proposed resolution.

Prepared by

Mark LAM
Assistant Legal Adviser
Legislative Council Secretariat
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¹ If the proposed resolution is passed by LegCo on 1 September 2021, the Administration intends to publish the resolution in the Gazette on 3 September 2021.