CHAPTER 3 LAND MATTERS

PARAGRAPH 4 SUBSIDIARY PROCEDURES FOR PROVISION OF LAND

(a) Para. 4.3.2

Replace “For works of the Government of the Hong Kong Special Administrative Region, the requirements of railway protection of the completed MTR lines (excluding Disneyland Resort Line, Tseung Kwan O South Line and Kowloon Southern Link) are stipulated in WBTC 19/2002. The protection boundaries are delineated on the railway protection plans listed in the WBTC, which are generally 30 m outside the outer surface of the MTR structures. Any lot or site of which any part lies within the protection boundary is regarded as being within the protection boundary” in the fourth paragraph with the following:

The guidelines for planning and undertaking public works and maintenance works within the Railway Protection Area (“the Area”) are stipulated in DEVB TCW No. 1/2019. As a general guide, the boundary of the Area is about 30 m outside the outer surface of the railway structures or the railway fence/wall, or from the nearest rail if there is no railway fence/wall, but it encompasses the whole of any lot where any part thereof lies within the 30 m distance. At railway stations, the boundary of the Area is more extensive.

Replace the fifth, sixth and seventh paragraphs with the following:

No capital works or maintenance works (e.g. construction works, ground investigation, utility works), including tree planting works, shall take place within the Area unless the works proposals have been forwarded to MTRCL for comment and stipulation of any measures necessary to protect the railways. Works Departments shall check whether any part of their capital works or maintenance works, including tree planting works, falls within the Area. In case of any doubt as to whether the proposed works will have an effect on the railway, Works Departments should liaise with MTRCL. For any
proposed works within the Area, Works Departments shall liaise with MTRCL to minimise any potential/possible interference of the proposed works to railway operation. Where necessary, Works Departments shall consult MTRCL on various issues such as details of works proposals, protective measures, construction methods, monitoring mechanisms and maintenance requirements. In designing any structure spanning over a railway, Works Departments shall take account of the relevant requirements in the “Structures Design Manual for Highways and Railways” issued by the Highways Department.

When planning projects or works in close proximity to railway vent shafts and for tree planting works within the Area, the specific requirements are stipulated in DEVB TC(W) No. 1/2019. In particular, trees should not be planted at a distance less than 2 m away from the nearest rail of the unfenced railway section.

The requirements in DEVB TC(W) No. 1/2019 could be exempted for those works involving only ground breaking and excavation not exceeding 1 m deep within the Area under the following conditions, provided that MTRCL has been advised of the works in advance:

(a) outside an area not less than 6 m from at-grade railway tracks and station entrances; or
(b) outside the areas bounded by railway fence/wall.

The provisions in DEVB TC(W) No. 1/2019 also do not apply to emergency works, which include urgent repair works to existing utility services, water mains, stormwater drains, sewers, roads, slopes, street furniture and highway structures or emergency tree maintenance/clearance works, if these works fall outside the railway premises but within the Area. However, MTRCL should be advised of these works including the location and depth of excavation as soon as possible.

**PARAGRAPH 7**

**REFERENCES**

(b) Delete the following references:

WBTC No. 19/2002 Mass Transit Railway Protection

ETWB TCW No. 33/2003 West Rail Protection

ETWB TCW No. 2/2005 Capital Works or
Add the following reference:

DEVB TCW No. 1/2019  Railway Protection

CHAPTER 5  CONTRACT DOCUMENTS

PARAGRAPH 6  SPECIFICATION

(c) Para. 6.2

Replace “or adjacent to the Kowloon-Canton Railway (Hong Kong) Section, Tsim Sha Tsui Extension, Ma On Shan Rail and Lok Ma Chau Spur Line” with “the Railway Protection Area or in close proximity to railway vent shafts” and “ETWB TCW No. 2/2005 and DEVB’s emails dated 3.9.2007 and 25.9.2007” with “DEVB TCW No. 1/2019” in item (i).

Delete the following subjects and replace them with “Not used”:

(ii) For public works to be carried out within the Railway Protection Area for the completed facilities of the West Rail, reference should be made to ETWB TCW No. 33/2003;

(iii) For public works to be carried out within the protection boundary for completed facilities of the MTR Corporation Limited, reference should be made to WBTC No. 19/2002;

PARAGRAPH 9  SPECIAL TOPICS

(d) Para. 9.4.3

Replace “Insurance for” with “Execution of” in the heading.

Replace the paragraph with the following:

Works Departments shall request the Contractor to complete the “MTRCL's Indemnity Form” and “Letter of Undertaking” before entering into railway premises or working in the vicinity of at-grade or overhead railway structures/installations pursuant to DEVB TCW No. 1/2019.
PARAGRAPH 12  REFERENCES

(e) Delete the following references:

WBTC No. 19/2002  Mass Transit Railway Protection

ETWB TCW No. 33/2003  West Rail Protection

ETWB TCW No. 2/2005  Capital Works or Maintenance Works (including Tree Planting) Within or Adjacent to the Kowloon-Canton Railway (Hong Kong) Section, Tsim Sha Tsui Extension and Ma On Shan Rail

DEVB's email dated 3.9.2007  Inclusion of Lok Ma Chau Spur Line in ETWB TCW No. 2/2005

DEVB's email dated 25.9.2007  Inclusion of Lok Ma Chau Spur Line in ETWB TCW No. 2/2005

Add the following reference:

DEVB TCW No. 1/2019  Railway Protection

CHAPTER 8  TERM CONTRACT WORKS

PARAGRAPH 5  TERM CONTRACTS

(f) Para 5.2.2 Add the references “(Ref.: WBTC Nos. 15/99 and 15A/99, ETWB TC(W) No. 15/99B and SDEV’S memo ref. () in DEVB(W) 510/92/01 dated 5.5.2020)” under the heading.

Add “According to WBTC No. 15/99, which should be read in conjunction with WBTC Nos. 15A/99 and 15/99B, it is necessary to avoid the use of non-schedule rates and variation orders, and stick to the use of tendered rates as far as possible as stipulated in the Conditions of Contract.” before “For maintenance term contracts” in the fourth paragraph.

Replace “in accordance with WBTC No. 15/99 prior to
the issue of the variation, which should be read in conjunction with WBTC No. 15A/99.” with “In deciding on change in materials for repair and reconstruction involving the use of schedule items with higher tendered percentages, justification must be submitted to obtain the prior approval from officers at least at D2 level.” in the fourth paragraph.

Add the following paragraph after the fourth paragraph:

SDEV’s memo ref. ( ) in DEVB(W) 510/92/01 dated 5.5.2020 promulgates a set of new measures for controlling the use of non-schedule rates. For term contracts (maintenance or otherwise), if the estimated aggregate value of works items adopting non-schedule rates exceeds $7 million in a works order or the variation of a works order, the Head of Department shall be the approving authority to issue the works order or the variation of the works order. There are cases whereby a non-schedule rate item of value less than $7 million is adopted in a term contract and the same non-schedule rate is subsequently reapplied in other works orders or variations under the same contract. Works department shall keep track of the cumulative value of the non-schedule rate item adopted in all works orders or variations (“Cumulative Value”) under the same contract. When the value of the non-schedule rate item in a new order or variation renders the Cumulative Value exceeding $7 million, the Head of Department shall be the approving authority to issue the new works order or variation. Exemption for special circumstances could be found on para. 5 of the SDEV’s memo.

PARAGRAPH 6 REFERENCES

Add the following references:

SDEV’s memo ref. ( ) Control on the Use of Non-schedule Rates in Term Contracts in DEVB(W) 510/92/01 dated 5.5.2020

Quality Management & Standards Unit
Civil Engineering and Development Department
30 June 2020