AMENDMENT NO. 4/2019

CHAPTER 3  LAND MATTERS

PARAGRAPH 4  SUBSIDIARY PROCEDURES FOR PROVISION OF LAND

(a) Para. 4.3.4  Add a new paragraph 4.3.4 after paragraph 4.3.3 as follows:

Communication and Announcement Mechanism on Public Works within Railway Protection Area

There have been overwhelming public concerns on railway safety, particularly incidents involving settlements of railway facilities due to nearby developments. Addressing the community’s concerns, the Buildings Department and the EMSD have established and announced to the public a communication and announcement mechanism for private works within railway protection area. Similar public announcement practice for public works within railway protection area under the management of works departments at Appendix 3.14A shall also be followed to address the community’s concerns. The mechanism sets out guidelines/procedures for notifying the public of such incidents in a timely manner. Reference should be made to SDEV’s memo dated 7.8.2018 for further details. For the avoidance of doubt, where a project is to be implemented under entrustment agreement, the client department or the project office proposing the entrustment should liaise with the proposed agency to confirm the relevant roles and responsibilities under the mechanism.

PARAGRAPH 7  REFERENCES

(b)  Add the following reference:

SDEV’s memo dated 7.8.2018 Communication and Announcement Mechanism on Public Works within Railway Protection Area
APPENDICES

(c) Appendix 3.14A  Add the appendix given in Annex A to this Amendment.

Quality Management & Standards Unit
Civil Engineering and Development Department
14 May 2019
APPENDIX 3.14 COMMUNICATION AND ANNOUNCEMENT MECHANISM ON PUBLIC WORKS WITHIN RAILWAY PROTECTION AREA

Scope

Public works construction sites within railway protection area.

Communication among Works Department (WD), Buildings Department (BD), Electrical and Mechanical Services Department (EMSD), and MTR Corporation Limited (MTRCL)

2. WD will send a copy of the letter of works commencement of public works to BD, EMSD and MTRCL. In the course of works, WD will liaise with MTRCL for follow-up liaison and monitoring procedures with each other as appropriate.

3. WD, BD, EMSD and MTRCL will notify each other immediately if:
   (a) the adjoining railway facilities are in imminent danger;
   (b) the reading of any monitoring checkpoint for railway facilities reaches the Alarm Level of the AAA-Levels triggering the WD to:
      (i) review the construction method(s) and consider mitigation measures (but not suspension of the works concerned); or
      (ii) suspend the works concerned immediately to avoid potential impacts on the structural safety of railway facilities or safety of railway operation;

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1 Statutory railway protection areas are stipulated in Schedule 5 to the Buildings Ordinance and such protection areas for railways pending inclusion into Schedule 5.
2 The managing Works Department of the concerned public works contract.
3 Works generally refer to construction works including but not limited to ground investigation, foundation, excavation and lateral support, retaining wall and sub-structural works etc. which will be executed within or may affect railway facilities and/or operation.
4 The notification should also be accompanied by a consolidated plan showing all the settlement monitoring checkpoints for the public works project.
5 The letter should be sent to (i) BD (CSE/Kowloon & Rail), EMSD (SE/Railway2) and MTRCL (Railway Protection & Land Survey Manager).
6 BD’s involvement is confined to re-assure the public the structural safety of the affected railway facilities only.
7 It refers to checkpoint installed according to the plans as requested by MTRCL. The checkpoint is for measuring ground/structure settlement, vibration, tilting of structure, water drawdown, track, overhead line etc.
8 AAA-Levels refer to “Alert-Action-Alarm” Levels established and agreed between WD and MTRCL before commencement of construction works concerned.
(c) the structural safety of railway facilities or safety of railway operation have been so affected by the construction activities concerned requiring suspension of works; or

(d) the resumption of the suspended works.

4. For the situation mentioned in paragraph 3(b)(i), WD and MTRCL will share the monitoring data of checkpoints with each other for information. Once escalating into the situation mentioned in paragraph 3(b)(ii), WD and MTRCL will share the monitoring data of checkpoints with BD and EMSD. WD will immediately arrange its staff/Consultant to inspect the affected railway facilities and assess their structural safety. BD will then inspect and re-assure the structural safety of the affected railway facilities. EMSD may inquire MTRCL as necessary with a view to strengthening monitoring measures to ensure safety of railway operation. WD and MTRCL will liaise with each other to review the construction method(s) and consider necessary mitigation measures, and MTRCL shall keep BD and EMSD informed of the agreed enhancement proposal(s) in dealing with exceedance of the allowable threshold(s) of the agreed AAA-Levels.

Announcement

Joint Press Release on Suspension of Works

5. A WD-BD-EMSD joint press release will be prepared and strive for release within 48 hours upon suspension of works concerned due to situations mentioned in paragraph 3(a), (b)(ii) and (c) above, in which WD, BD and EMSD should ascertain –

(a) the structural safety of the affected railway facilities by WD/WD’s Consultant with BD’s re-assurance; and

(b) the safety of railway operation by EMSD.

6. WD, with input from BD and EMSD, will submit the draft joint press release for DEVB’s and THB’s separate clearance. WD will arrange to issue the joint press release. For the avoidance of doubt, the joint press release may be issued before or after MTRCL’s own announcement of the concerned case, subject to the circumstance of each individual case.

Joint Press Release on Resumption of Works

7. Upon receipt of the Contractor’s request for resumption of the suspended works –

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9 Suspension of works may be requested by WD, BD, EMSD or MTRCL, or being voluntarily initiated by the Contractor of the site.
10 The draft joint press release should be submitted to the relevant housekeeping team of Policy Bureau for clearance.
(a) WD will confirm that the necessary remedial, mitigation and precautionary measures have been approved by MTRCL and the resumption of suspended works would not adversely affect the structural safety of the railway facilities and the safety of railway operation;

(b) BD will re-assure the structural safety of the affected railway facilities on top of the assessment by WD/WD’s Consultant;

(c) EMSD will confirm that MTRCL has a strengthened monitoring system in place to keep close monitoring of the safety of railway operation under the maintenance regime of track works; and

(d) MTRCL will ensure the resumption of the suspended works would not affect the structural safety of the railway facilities and the safe operation of the railway and, if applicable, coordinate with WD on the adjusted pre-set level for suspension of construction works for monitoring the construction works.

8. A WD-BD-EMSD joint press release (template at Appendix B) will be prepared and issued within 48 hours after the application for resumption of suspended works has been agreed. WD will issue the joint press release, with a copy to THB, DEVB, BD, EMSD and MTRCL for information.

Works Department
Buildings Department
Electrical and Mechanical Services Department
October 2018
Template of Joint Press Release on Suspension of Works
(English Version)

The settlement of railway facilities of <XX Station>

A Government spokesman said today (<Date>) that <reason for suspension (e.g. the readings recorded in the settlement monitoring checkpoints installed at the (location of railway facilities) have reached/exceeded the pre-set trigger level / upon the MTR Corporation Limited (MTRCL)'s request / upon the Buildings Department (BD)'s request / upon the Electrical and Mechanical Services Department (EMSD)'s request / upon the advice of <the relevant Works Department (WD)>>, the <type of works (e.g. foundation works)> of <Project title> have been suspended on <Date of suspension>. <The additional monitoring checkpoints were set up by the relevant contractor in meeting the MTRCL’s requirement in accordance with the established procedures for Railway Protection Areas in order to facilitate monitoring of settlement data by the MTRCL to ensure that the structural safety of the railway facilities and safe operation of the railway would not be affected by the works concerned.>

<the WD> and the MTRCL will continue to closely monitor the situation and maintain close communicatoin with the BD and the EMSD to ensure structural safety of the railway facilities and safe operation of the railway.

The BD has deployed staff to inspect the affected <railway facilities> and confirmed that they are structurally safe. The EMSD has reviewed the monitoring data submitted by the MTRCL in relation to safe operation of the railway and confirmed that the condition of the railway fulfills the operational safety requirements. The construction works concerned have not affected the structural safety of railway facilities and safe operation of the railway.

While the related works have been suspended, <the WD> and the MTRCL will request the contractor responsibile for the said construction works to formulate mitigation measures and adopte a construction method that would alleviate the effects on the structure of railway facilities.

Upon receipt of the corresponding amendment plans of the project and application for resumption of construction works, <the WD> will vigorously scrutinise the application with a view to ensuring structural safety of the railway facilities, including consulting the MTRCL and other relevant government departments. The EMSD will also confirm that the MTRCL has put in place stringent monitoring measures to ensure the safety of railway operation. Moreover, if the contractor propose to revise the pre-set trigger level(s) for suspension of works, <the WD> will consider the proposal having regard to the circumstances after consulting the EMSD and other relevant government departments. When the application for resumption of suspended works has been agreed, <the WD>, the BD and the EMSD will make announcement to the public about the decision.
<XX 站> 鐵路設施沉降事宜

政府發言人今日<（X 月 X 日）>表示，<工務工程項目> 在進行 <工程類別 (例如：打樁工程)> 期間，由於 <停工原因 (例如：(鐵路設施地點) 的監測點的沉降記錄達到/超逾停工指標)>，<應香港鐵路有限公司（港鐵公司）的要求／屋宇署的要求／機電工程署的要求／按管理該工程工務部門的建議>，有關 <工程類別> 已於 <停工日期> 暫停。<有關監測點是港鐵公司按照鐵路保護區的既定程序，要求工程承建商設置，以便港鐵公司監察沉降數據，確保鐵路設施結構和運作安全不受有關工程影響。>

<管理該工程工務部門>和港鐵公司會繼續密切監察有關情況，並與屋宇署和機電工程署保持緊密溝通，確保鐵路設施結構和鐵路運作安全不受影響。

屋宇署已派員視察有關 <鐵路設施>，確認其結構安全。機電工程署已檢視港鐵公司與鐵路運作安全相關的監測記錄，確定鐵路狀況符合安全運作要求。上述建築工程沒有影響鐵路設施結構和鐵路運作安全。

<管理該工程工務部門> 會聯同港鐵公司要求負責該工程項目的承建商制訂緩解措施方案，並採取減低對鐵路設施影響的施工方法。

如接獲該工程承建商的緩解措施方案及復工要求，<管理該工程工務部門> 會以確保鐵路設施結構安全的原則嚴格審批有關申請，包括諮詢港鐵公司及其他相關政府部門。機電工程署亦會確定港鐵公司有嚴謹的監測措施繼續確保鐵路運作安全。此外，若工程承建商同時建議調整暫停相關工程的監察指標，<管理該工程工務部門> 亦會在諮詢港鐵公司及其他相關政府部門的意見後，按情況考慮工程承建商提出的建議。當復工要求獲得接納後，<管理該工程工務部門>、屋宇署及機電工程署會向公眾公佈有關決定。
Template of Joint Press Release on Resumption of Works  
(English Version)

Consent given to resume <Type of works> near <XX Station>

A Government spokesman said today (<Date>) that consent has been given to resume the <Type of works> of the <Project title>.

The spokesman said that since <reason for suspension> (e.g. the readings recorded in the settlement monitoring checkpoints installed at <location of railway facilities> have reached/exceeded the pre-set trigger level), the <Type of works> (e.g. foundation works) of the <Project title> were suspended on <Date of suspension>. The Government announced the situation on <Date>, and the Buildings Department (BD) and the Electrical and Mechanical Services Department (EMSD) have respectively confirmed the structural safety of the relevant railway facilities and safe operation of the railway.

The contractor responsible for the said construction works subsequently submitted to the <the Works Department responsible for the project (WD)> an incident report and a proposal of <remedial/mitigation> measures to alleviate the effects of the said construction works on the structural safety of the nearby railway facilities. The contractor has also requested for resumption of the suspended works.

The BD has ascertained the structural safety of the railway facilities concerned. The MTR Corporation Limited (MTRCL) has been consulted and confirmed that the resumption of works will not affect the structural safety of the railway facilities and safe operation of the railway. The EMSD has also confirmed that the MTRCL has put in place stringent monitoring measures to ensure the safety of railway operation.

Having considered the above advice, the request for resumption of works was accepted on <Date>. The suspended <Type of works> will be resumed on <Date of resumption>, and the proposed <remedial measures / mitigation measures> will be completed prior to the commencement of the remaining works. Having considered the engineering assessment and the revised plans submitted by the contractor responsible for the project, <the WD> accepted the revision of the pre-set trigger level for suspension of works to <XX> millimetres.

<the WD> and the MTRCL will continue to closely monitor the situation and maintain close communication with the BD and the EMSD to ensure structural safety of the railway facilities and the safe operation of the railway, the spokesman said.
Template of Joint Press Release on Resumption of Works
(Chinese Version)

<XX 站> 附近的建築工程復工事宜

政府發言人今日<（X 月 X 日）>表示，<工務工程項目>的<停工工程（例如：打樁工程）>已獲准恢復進行。

發言人表示，由於<停工原因（例如：安裝於<鐵路設施地點>的監測點的沉降記錄達到/超逾停工指標）>，<工務工程項目>於<停工日期> 暫停有關的<停工工程（例如：打樁工程）>。政府亦於<日期>公布有關情況，並由屋宇署及機電工程署分別確認相關鐵路設施結構和鐵路運作安全。

負責上述工程項目的承建商已向<管理該工程工務部門>提交事件報告，並建議適當<補救／緩解>措施，以減低建築工程對附近鐵路設施結構安全的影響。有關工程承建商並要求復工。

屋宇署確認現時有關鐵路設施結構安全，香港鐵路有限公司（港鐵公司）已獲徵詢並確認復工不會對鐵路設施結構及運作安全構成影響。機電工程署亦確定港鐵公司有嚴謹的監測措施繼續確保鐵路運作安全。

經考慮上述意見後，有關復工要求已於<日期>獲接納。已暫停的<停工工程> 將於<復工日期> 復工，並會在先完成<補救／緩解>措施後，才恢復進行餘下的工程。經考慮負責該項目的承建商所提交的工程分析及修訂圖則，<管理該工程工務部門> 接納有關項目將預設停工指標修訂為<XX>毫米。

發言人表示，<管理該工程工務部門>和港鐵公司會繼續密切監察有關情況，並與屋宇署和機電工程署保持緊密溝通，確保鐵路設施結構和鐵路運作安全。