

West Island Line

Concern about the Resumption of Underground Strata

Background Information

West Island Line (WIL) is an extension of the MTR Island Line. This underground railway will run underneath the built-up areas and high-density development in the Western District. The construction of the WIL will therefore unavoidably require the resumption of some portions of the underground strata of private buildings in the Western District. The Government will need to resume the underground strata in affected private lots for the construction of the WIL under the Railways Ordinance (Cap 519).

Impact of the Railway Facilities on the Structure of Nearby Buildings

The construction of the WIL is subject to regulation by the Railways Ordinance, the Buildings Ordinance and other relevant legislations. During the detailed design stage of the WIL, there was thorough and comprehensive study on the ground condition along the railway alignment. The construction details of buildings along the alignment were obtained and a building impact assessment due to WIL works was conducted to arrive at an optimal and safe design. Before the commencement of construction, a condition survey will be carried out to record the condition of the public areas and individual units of the buildings in the proximity of the WIL alignment. The MTR Corporation Limited (MTRCL) has stringent control over the construction works, which will be complied with the safety standards stipulated under the Buildings Ordinance and relevant Regulations. In addition, MTRCL will install monitoring equipment and implement a stringent and effective monitoring mechanism to closely monitor the condition of nearby buildings during the course of the construction.

Impact of Underground Strata Resumption on the Redevelopment of Nearby Buildings

The proposed resumption of part of the underground strata for the construction of railway facilities will not affect the permitted plot ratio of private lot. Whether the resumption of underground strata will have impact on the redevelopment of buildings depends on the location of the railway facilities in the lot concerned and the geological conditions. It is impracticable to generalize about the potential for

redevelopment as it involves various considerations, such as the question of whether the permitted plot ratio of the lot has been fully utilized, the planning constraints of the lot, the design of the new building (such as load, pile and foundation type), the location and depth of the underground railway facilities in the lot, geological conditions, etc.

Mechanism for Compensation Claim

Under the Railways Ordinance (Cap 519), any person who is affected by the resumption of underground strata for the construction of railway facilities may make a claim for compensation in accordance with the provisions of the Ordinance within the specified time limit. More details are available on the website of the Department of Justice (<http://hklaw.ccg.hksarg/eng/doc/subindex.doc>).

Questions and Answers about Matters of Concern

Q: Will the structure of buildings be affected?

A: The construction of WIL is subject to regulation by the Railways Ordinance, the Buildings Ordinance and other relevant legislations. During construction, the MTRCL is required to ensure the structural stability and safety of nearby buildings and closely monitor the buildings to ensure safety and compliance with the requirements of the design and relevant legislations.

Q: Can WIL be built without the resumption of underground strata?

A: The MTRCL and the Government have endeavoured to explore a variety of schemes to minimize nuisance to the public. Since the WIL is an underground railway running underneath built-up areas and high-density development in the Western District, its construction will unavoidably require the resumption of part of the underground strata of private buildings in the Western District.

Q: Will the government narrow the scope of the underground strata resumption?

A: That depends on the area concerned. For the railway tunnel section between Sai Woo Lane at Sai Ying Pun and Sheung Wan, the proposed alignment is unlikely to change due to the constraints of existing building foundations. When the WIL scheme was first gazetted in October 2007, the scope of underground strata resumption was set at a distance of approximately 3 metres from the proposed railway structures. The scope of resumption covers the underground strata within the 3 metres region, because the building foundation works will be restricted within this area. Therefore the 3-metre region will not be further narrowed. As for the area to the west of Sai Woo Lane, the gazetted scope of underground strata resumption is set at a distance of more than 3 metres from the proposed railway structures. The reason is that the alignment and layout of the railway structures is subject to adjustment at the detailed design stage after gazettal. The scope of resumption is thus narrowed after completion of the detailed design. The portion of underground strata to be resumed will depend on the location of the underground railway facilities in the lot. Government will notify affected parties of the latest scope of underground strata resumption.

Q: Will the proposed resumption of part of the underground strata affect the redevelopment potential of buildings? How is the redevelopment potential of a building assessed? Does an existing 10-storey building have great redevelopment potential?

A: This is quite a complicated issue. Many factors may affect redevelopment potential, such as the condition of the building and its surrounding environment, whether the permitted plot ratio has been fully utilized, planning constraints of the lot, the design of the new buildings (e.g. load, pile and foundation type), the location and depth of the underground railway facilities in the lot, and the impact of geological condition, among other things, on the lot, etc.

(Note: With regard to the Buildings Ordinance, the permitted plot ratio is set out in Schedule 1 to the Building (Planning) Regulations (Cap 123F) at Annex 1. More details are available on the website of the Department of Justice (<http://hklaw.ccgo.hksarg/eng/doc/subindex.doc>).

Q: What should owners of affected buildings do when buyers try to beat the price down?

A: If the redevelopment of existing buildings is affected and the optimum scale of redevelopment cannot be achieved under the building regulations, landowners may make a claim for compensation for the loss in accordance with the provisions of the Railways Ordinance. Therefore, anyone attempting to beat down the price by using the underground strata resumption as an excuse is on baseless ground.

Q: What is the procedure for making a claim for compensation?

A: Any affected person may serve a written claim for compensation on the Transport and Housing Bureau. The address is 15/F, Murray Building, Garden Road, Central, Hong Kong.

Q: Is there a time limit for making a claim?

A: Yes. The time limit varies depending on under which provision of the Railways Ordinance the claim is made. For example, if the claim for compensation is made under item 1 in Part II of the Schedule to the Railways Ordinance for the resumption of underground strata, the time limit for serving a written claim on the Transport and Housing Bureau is one year from the date of resumption. If the claim for compensation is made under item 9 in Part II of the Schedule for an amendment required or a condition imposed to avoid incompatibility with the railway facilities during redevelopment, the time limit for serving a written claim on the Transport and Housing Bureau is one year from the completion of the building works.

Q: If the claim for compensation is made after the expiry of the specified period, will the claimant get the compensation?

A: In general, the right to claim compensation is barred if the claim is made after the expiry of the specified period. However, section 33 of Railways Ordinance states the rules in processing claims out of time. In a nutshell:-

- ✧ The Lands Tribunal may extend the period, with or without conditions for such period as it thinks fit, but not in any case exceeding 6 years from the time when the right to compensation first arose.
- ✧ The Secretary of Transport and Housing may, if he is satisfied that the claimant has not had actual notice of an order; or circumstances exist that the Secretary considers reasonable, accept service of a claim after the specified period.

Q: Which department is responsible for assessing the claims for compensation?

A: The claims will be assessed by the Lands Department. When considering the claims, the Lands Department may request the claimant to furnish further information. To safeguard his/her own interests, the claimant should cooperate as much as possible. The claims will be assessed in accordance with the provisions of the Railways Ordinance.

Q: If the claimant is dissatisfied with the compensation, is there a channel for lodging complaints?

A: Yes. If the claimant is dissatisfied with the compensation assessed by the Lands Department, he/she may refer the claim to the Lands Tribunal for adjudication.

Q: When will the underground strata be resumed?

A: The notice of resumption of underground strata was served from December 2009 to August 2010.

Q: Is there a channel for making other enquiries?

A: Yes. Enquiries about engineering and technical issues such as building safety and redevelopment potential can be made to the Highways Department (Telephone Number: 2762 4936 or 2762 4044), whilst those about land issues such as resumption of underground strata and compensation can be made to the Lands Department (Telephone Number: 2270 7728 or 2270 7727).

Other Information

Gazettal documents about the West Island Line are available on the website of the Highways Department.

(<http://www.hyd.gov.hk/eng/major/road/rail/wil/gazettal/scheme/index.htm>)

Highways Department

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[regulations 18A, 20 & 21]
(L.N. 110 of 2005)

Height of building in metres	Domestic buildings						Non-domestic buildings					
	Percentage site coverage			Plot ratio			Percentage site coverage			Plot ratio		
	Class A site	Class B site	Class C site	Class A site	Class B site	Class C site	Class A site	Class B site	Class C site	Class A site	Class B site	Class C site
Not exceeding 15 m	66.6	75	80	3.3	3.75	4.0	100	100	100	5	5	5
Over 15 m but not exceeding 18 m	60	67	72	3.6	4.0	4.3	97.5	97.5	97.5	5.8	5.8	5.8
Over 18 m but not exceeding 21 m	56	62	67	3.9	4.3	4.7	95	95	95	6.7	6.7	6.7
Over 21 m but not exceeding 24 m	52	58	63	4.2	4.6	5.0	92	92	92	7.4	7.4	7.4
Over 24 m but not exceeding 27 m	49	55	59	4.4	4.9	5.3	89	90	90	8.0	8.1	8.1
Over 27 m but not exceeding 30 m	46	52	55	4.6	5.2	5.5	85	87	88	8.5	8.7	8.8
Over 30 m but not exceeding 36 m	42	47.5	50	5.0	5.7	6.0	80	82.5	85	9.5	9.9	10.2
Over 36 m but not exceeding 43 m	39	44	47	5.4	6.1	6.5	75	77.5	80	10.5	10.8	11.2
Over 43 m but not exceeding 49 m	37	41	44	5.9	6.5	7.0	69	72.5	75	11.0	11.6	12.0
Over 49 m but not exceeding 55 m	35	39	42	6.3	7.0	7.5	64	67.5	70	11.5	12.1	12.6
Over 55 m but not exceeding 61 m	34	38	41	6.8	7.6	8.0	60	62.5	65	12.2	12.5	13.0
Over 61 m	33.33	37.5	40	8.0	9.0	10.0	60	62.5	65	15	15	15

(L.N. 294 of 1976)