

Chapter 4

Section 1 - Excavation Permit Administration Procedure

1.0 Introduction

1.1 Under section 10A of the Land (Miscellaneous Provisions) Ordinance (LMPO), the Director of Highways (DHy) or his delegated officers may issue an excavation permit (XP) authorizing the making and maintaining of excavations in streets in unleased land and maintained by Highways Department (HyD).

1.2 This procedure covers any excavation with an area which can be completely bounded by a circle with 450m diameter. Where an excavated area cannot be completely bounded by a circle with 450m diameter, the applicant can choose either (i) to divide his works into portions, each of which can be completely bounded by a circle with 450m diameter, or (ii) to apply for a capital works excavation permit which can cover an excavated area exceeding the limit of 450m diameter circle. Details of capital works excavation permit are described in Section 4 – Capital Works Excavation Permit Administration Procedure.

2.0 Registration

2.1 The applicant, including utility undertaking (UU) and government department, is required to firstly register his proposed excavation works in the Excavation Permit Management System (XPMS) by creating a plan. An applicant can apply for an XP for each plan. A plan is allowed to have more than one excavation item. Each item represents an excavation on carriageway, footway, back/ side lane, verge, cycle track or roadside slope maintained by HyD.

2.2 The minimum registration lead time requirement varies according to the location and duration of the proposed excavation works. For details, please refer to the following table.

Category		Minimum Lead Time
(i)	(a) Works on carriageway of trunk roads/primary distributors; or (b) Works on any carriageway exceeding 3 months	6 months
(ii)	(a) Works on carriageway (other than trunk roads/primary distributors) not exceeding 3 months; or (b) Works not on carriageway but exceeding 3 months	2 months
(iii)	Works not on carriageway and not exceeding 3 months	1 months

Any plan that does not meet the registration lead time requirement and XP needs not be issued urgently should be handled in accordance with the UTLC Paper No. 1/98 - “Excavation Permit Applications that Do Not Satisfy the Lead Time Requirement for Registration” which is attached at the “Related Documents” of the Manual for reference.

2.3 To complete the registration of a new plan, the applicant has to:

- (i) fill in all the mandatory textual information, such as location and proposed start date.
- (ii) digitize the alignment of the proposed trench/ excavation, and mark the area with point/line/polygon. XPMS will base on the input of intended excavation locations to work out the extent of excavation which the XP will cover. For details of the approved extent to be generated by point/line/polygon in XPMS, please refer to **Appendix 4.1.1**.
- (iii) provide the works programme by creating the Gantt chart in XPMS as described in Paragraph 3.0 below.

[Note: Regarding digitizing alignment for the proposed excavation, XP applicants should be aware that the XPMS has standard rules to determine approved extent of excavation by making reference to the shape of the alignment (i.e. point/line/polygon) and the proposed location (e.g. footpath, carriageway or slope, etc.). The approved extent of excavation will be shown on the plan alignment of the XP for record and reference.

Permittees shall never carry out any excavation outside the approved extent.]

- 2.4 When the plan is registered, XPMS will perform spatial check immediately. If anyone of the following restrictions is violated, the plan registration will be rejected by XPMS. The applicant should consider revising the proposed start date, the plan alignment with reference to the rejection reason, in order to avoid violation of the restriction again during resubmission of the plan.
- (i) Road Opening Restriction
 - (ii) Repeated Opening Restriction
 - (iii) Registration Lead Time
 - (iv) Non Highway Reserve
- 2.5 In case of having difficulties in digitizing the plan alignment, the applicant may request for assistance of HyD Regional Office through XPMS. In this regard, the applicant should check the “Request Digitization Assistance” checkbox in XPMS, and mark a point on XPMS’s map view indicating the approximate location of the proposed excavation. The applicant should also attach a softcopy of 1:1000 sketch showing the alignment of the proposed trench/ excavation and area where the XP is to cover. The Drawing Office of the respective HyD Regional Office would digitize the alignment of the proposed trench/ excavation and the affected area for the applicant within 10 working days upon receipt of the request. After then, the plan will be returned to the applicant for completion of registration.
- 2.6 When the plan fails to pass the spatial check and the applicant considers that violation cannot be avoided, he may apply for the waiver(s) corresponding to the restriction(s) being violated through XPMS. The waiver application(s) will be submitted to the Inspector of Works (IOW) for vetting and then the respective HyD officer for approval when the plan is registered. The respective HyD officer rank for waiver approval is listed below:
- (i) Road Opening Restriction – Chief Highway Engineer (CHE) of the respective Regional Office
 - (ii) Repeated Opening Restriction – Senior Engineer (SE) of the respective Regional Office
 - (iii) Registration Lead Time – Engineer/Chief Technical Officer (E/CTO) of the respective Regional Office

- 2.7 Immediately after registration via XPMS, the applicant should check if the works will affect-
- (i) Light Rail Transit (LRT), Mass Transit Railway (MTR), East or West Rail facilities;
 - (ii) road side trees; obtain approval for tree planting/felling/transplanting, etc. from Leisure and Cultural Services Department (LCSD);
 - (iii) unleased government land other than streets maintained by HyD; obtain XP from Lands Department (LandsD).

The applicant should approach the corresponding party to resolve the issue, if any, before proceeding to permit application stage.

3.0 Permit Period Assessment (PPA)

3.1 When the applicant creates a new plan (other than emergency work), the applicant has to decide under which one of the following categories the plan falls within:

- (i) Short duration works: the duration shall not exceed 14 working days.
- (ii) Standard works: the duration will be computed using a standard template for each commonly undertaken activity for each trade.
- (iii) Non-standard works: the duration will be substantiated by the applicant.

3.2 For non-standard works, the applicant is required to create a simple Gantt chart by completing the blank templates as provided in XPMS. Alternatively, the applicant can make use of the readily available standard works templates by modifying suitable fields. XPMS is also capable to import MS Project compatible file for the non-standard works programme from the applicant.

3.3 Other than short duration works, the applicant can upload files with total size not exceeding 8MB containing necessary supporting documents, which can be retrieved by the E/CTO of the respective HyD Regional Office. The applicant is recommended to zip the file for more effective transmission and storage.

- 3.4 Once the applicant registers the plan with alignment successfully in XPMS, such plan would be transferred to the E/CTO of the respective HyD Regional Office for processing.
- 3.5 The IOW of the respective HyD Regional Office retrieves the new plan details together with the permit period calculation and assesses the permit period calculated by the applicant. The IOW can either accept or amend with reasons the permit period proposed by the applicant. If necessary, the IOW may request the applicant to submit more information before accepting or amending the permit period proposed by the applicant. For a good quality submission, the IOW will normally complete the permit period assessment and inform the applicant the result of his assessment via XPMS in 10 working days for standard works and 20 working days for non-standard works.
- 3.6 The applicant can at any time revert the plan to registration stage in order to update the proposed start date, works programme or plan alignment. For instance, works programme needs to be changed when Transport Department (TD)/ Hong Kong Police Force (HKPF) impose restrictions on the working hours, or on the staging of works which leads to a longer working period.
- 3.7 In general, XPMS would submit the plans to TD or LCSD for agreement automatically based on the following criteria:
- (i) TD – if Traffic Impact Assessment (TIA) route or Day-time Ban (DTB) route is involved;
 - (ii) LCSD – if Old and Valuable Tree (OVT) or LCSD maintenance area is involved.
- If a plan would likely induce serious traffic impact, even though TIA/DTB route is not involved, the IOW of the respective Regional Office should exercise his discretion in forwarding the plan to TD for agreement. TD and LCSD will respond within 1 month and 2 weeks respectively.
- 3.8 The applicant will be informed of the permit period assessment made by the IOW of the respective HyD Regional Office through XPMS. Such notice of result of assessment shall not be regarded as served under section 10M(2) of the LMPO. If the applicant does not agree with the assessment, he can discuss with the E/CTO and submit a new permit

period assessment if necessary. If the case still cannot be settled, the E/CTO should issue an XP based on his assessment and also notify the permittee the result of his assessment at the same time. Such notice of result of assessment shall be regarded as served under section 10M(2) of the LMPO. The permittee can appeal, within 28 days from the date of service of this notice of the result of the E/CTO's assessment, to the CHE of the respective HyD Regional Office under section 10M(3) of the LMPO. The CHE may vary the E/CTO's assessment in accordance with section 10M(5) of the LMPO. If the CHE considers necessary to vary the permit period, a new permit will be issued to supersede the original permit. For special cases where the permittee has applied for and successfully obtained a permit extension before receipt of the notice of the result of the CHE's review on the assessment of the E/CTO, the CHE may refund appropriate prescribed fee (i.e. extension registration fee (\$590) and corresponding economic cost, if any) in accordance with section 10M(5)(c) of the LMPO to the permittee if the CHE determines to vary the expiry date of permit to the end of the extended permit period. If the CHE revises the expiry date of permit to a date later than the original expiry date before the permittee applied for an extension, the permittee would be required to pay extra prescribed fee (i.e. daily fees) in accordance with section 10M(5)(b) of the LMPO.

4.0 Coordination of Works

4.1 As mentioned in paragraph 2.4 above, in order to avoid occurrence of repeated opening at the location of the proposed work, XPMS would carry out spatial check to find out whether:-

- (i) any other UU has carried out excavation at that location not more than 3 months before the intended commencement date of the proposed work;
- (ii) any other UU will carry out excavation at that location within 3 months after the intended completion date of the proposed work;
- (iii) the applicant has ever carried out excavation at that location not more than 6 months before the intended commencement date of his proposed work; and
- (iv) the applicant will carry out excavation at that location again within 6 months after the intended completion date of his proposed work.

If repeated opening is identified, the applicant should adjust the proposed

start date of his plan or apply for waiver through XPMS. As XPMS cannot distinguish any exempted repeated opening items (*such as trial hole/trench and joint bay*), under such case, the applicant is still required to submit waiver application via XPMS to the respective HyD Regional Office for approval. If the repeated opening is confirmed as an exempted item, the waiver will be granted shortly.

[Note: For exempted repeated opening items, the applicant can just simply mark the checkbox in the waiver application screen for the declaration of exempted repeated opening items and submit the application for approval. When the waiver application is submitted to IOW for vetting and the respective IOW considers the declaration is justified, the waiver will be granted and no further approval by E/CTO and SE will be required.]

- 4.2 If the IOW confirms no repeated opening, he should determine whether the proposed work is in conflict with any other work which is within 30m from the proposed work. If the IOW determines that the proposed work is in conflict with other works, he should group the conflicting plans into an “uncoordinated” case for the concerned applicants’ actions. If no conflict is found, a new case should be formed to contain the plan and the IOW should set the case status to “coordinated”. For guidelines of case formulation, see **Appendix 4.1.2**.
- 4.3 For a new uncoordinated case consisting of newly registered plans, the applicant of the plan with the earliest proposed start date should take the lead in coordinating with other parties. If a new plan is inserted into an existing conflicting case which has been coordinated, the new comer only needs to liaise with other parties in the case who have plans within 30m of his proposed alignment. If the existing conflicting case is not yet coordinated, the applicant of the plan with the earliest start date should take the lead in coordination among the others.
- 4.4 Whenever a new case is formed, a programme showing all the plans within the case will be generated by XPMS automatically for coordination purpose. The start and end dates are abstracted real time from each individual plan and presented in the form of a Gantt Chart. The applicant who takes the lead in coordination shall then work out a coordinated programme with other UUs within the case. When the

coordinated programme agreed by other UUs is arrived, all concerned UUs must immediately amend their plans respectively to reflect the coordinated programme, if any change is needed. Once the updating of all the affected plans is done, the applicant who takes the lead in coordination can put forward the case to HyD for acceptance through XPMS. If the IOW is satisfied with the coordination, he should update the case status to “coordinated”. Otherwise, the leading applicant should be informed of any deficiency requiring rectification.

[Note: If one of the UUs failed to update the programme or refused to revise the programme, the lead coordinator can still submit the programme for acceptance. However, he must state the reason(s) in the comment box for assessment. For guidelines of case coordination, see Appendix 4.1.2.]

5.0 Updating of Proposed Start Date or End Date

5.1 After plans have been “coordinated”, users in general will not be allowed to change the start/end dates of his “coordinated” plan, except that the plan duration is shortened by bringing forward its end date. Under such circumstance, the status of the subject plan remains “coordinated” and the system will alert other users within the same case to the change. Those coordinated successive plans may consider bringing forward their programmes to eliminate the time gaps thereby induced. If there is any new “uncoordinated” successive plan, the plan owner must bring forward its programme to eliminate time gaps, if any. All other changes of start/end dates of a “coordinated” plan will result in changing the current “coordinated” plan status to “PPA” stage, “plan registration” stage or “uncoordinated” status of “Case Coordination” stage in accordance with the following situations:

- (i) when the plan duration needs to be prolonged, the subject plan will be reverted to “PPA” stage;
- (ii) when the plan alignment needs to be changed, the subject plan will be reverted to “plan registration” stage;
- (iii) when the plan duration is shortened and the start date is shifted or when the plan duration remains unchanged but its start date is shifted, the plan will be reverted to “uncoordinated” status for updating of start/end dates. XPMS will then check for any violation of repeated opening and lead time requirement

automatically. If there is no violation and the overall duration of the case is not extended, the subject plan will be changed back to “coordinated” status automatically.

[Note: The above-mentioned situations will only affect the subject plan which has changed its start/end dates. Other plans in the case will remain “coordinated” plan status.]

Regarding the situation (iii) mentioned in the above, if the subject plan is found violating repeated opening or lead time requirement, the plan status and the case status will not be changed back to “coordinated” automatically. The IOW will review the new coordinated programme again. The plan which needs change will become the leading plan of the case which has previously been coordinated. The leading plan owner needs to work out with other plan owners within the case and submit the revised coordinated programme to the IOW. Other plan owners within the case shall update their plans’ start/end dates according to the agreed programme, if necessary. If there are any “coordinated” plans within the case which become conflicting with the leading plan, the leading plan owner should work out a coordinated programme with the conflicting plans, and they should update their start/end dates individually. The status of these plans may need to be reverted to “uncoordinated” for such updating in accordance with the situations mentioned in the above. If no violation of repeated opening or lead time requirement is found, the plans’ status will be changed back to “coordinated” again automatically.

5.2 When all individual updating as necessary are done, the leading plan owner should submit the revised coordinated programme as generated by the system to IOW for consideration. If the revised programme is acceptable, the IOW will set the case as “coordinated”.

6.0 Seek Traffic Advice

6.1 The applicant should submit the temporary traffic management (TTM) proposal to TD and HKPF for agreement if –

- (i) the proposed works involve opening on carriageway of Traffic Impact Assessment (TIA)/ Day-Time Ban (DTB) routes;
- (ii) the proposed works would necessitate closure of any lane of a carriageway;

- (iii) the proposed works involve change of traffic flow directions of a carriageway; or
- (iv) the proposed works involve diverting pedestrian traffic onto carriageway.

TD and HKPF will provide comments within 1 month. For works affecting TIA/DTB routes, the applicant should also follow the procedures as stipulated in HyD's Guidance Notes No. RD/GN/021 - Guidelines on Traffic Impact Assessment & Day-Time Ban Requirements for Road Works on Traffic Sensitive Routes.

6.2 For plans which do not need TTM proposal, the applicant should submit lighting, signing and guarding (LSG) proposal to HKPF for agreement after registration via XPMS. HKPF would reply to the applicant within 2 weeks for LSG proposal.

6.3 If the roadwork will affect traffic aids, upon TD's request, the applicant is required to submit the record photos before and after the roadwork through reporting Advance Notification (AN) and Completion Notice (CN) respectively for TD's acceptance.

[Note: Traffic aids include: traffic signs, directional signs, road markings, traffic light signal posts, illuminated traffic bollards, railings, crash barriers, etc..]

6.4 TD/HKPF can provide comments on the TTM/LSG proposal to the applicant via XPMS. The applicant shall revise his TTM/LSG proposal according to the comments given by TD/HKPF and resubmit it to TD/HKPF through XPMS. When the revised TTM/LSG proposal is agreed by TD/HKPF, the plan will be passed to the permit processing stage. If TD/HKPF consider that the TTM/LSG proposal will cause significant impact to the vehicular/pedestrian traffic, TD/HKPF may turn down the proposal. If the applicant encounters such situation, his XP application will be reverted back to the "Registration" stage.

[Note: Under normal circumstances, TD/HKPF would not hastily terminate a TTM/LSG proposal if it can be revised to suit the situation. When TD/HKPF decide to terminate a TTM/LSG proposal as mentioned in this paragraph, it would be a situation that such act is the last resort.]

6.5 XPMS will withhold the accepting function at XPMS until the lead time between TD's/HKPF's acceptance date and the intended works start date is less than 120 days, although comments to the TTM/LSG can still be made. XPMS will alert TD/HKPF to proceed with the plans with TTM/LSG readily for agreement.

7.0 LCSD Advice & Construction Noise Permit Application

7.1 LCSD can provide advice on the excavation works to the applicant via XPMS. The applicant should address/respond to LCSD's advice accordingly. In case if LCSD disagree with the proposed excavation because of adverse impact on the planting/trees/landscaping, the applicant is required to adjust the excavation extent as far as possible. The plan should be reverted to the "Registration" stage for plan alignment updating. If the excavation works is finally acceptable to LCSD, the applicant is required to accept the undertakings as imposed by LCSD, which is outside the discretion of excavation permit conditions.

7.2 If the applicant finds that Construction Noise Permit (CNP) is required for the excavation works, the applicant should submit the CNP application to Environmental Protection Department (EPD) by post or by hand. TD's/HKPF's traffic advice printed from the XPMS can be used as supporting document for EPD's consideration. Although the statutory period for processing CNP application is 28 days, EPD aims to complete the CNP application process within 14 days. For special or urgent cases, the applicant can liaise with the respective officer to explore way to expedite the application on a case by case basis.

8.0 Permit Processing

8.1 After the "Coordinated" status is given and the TTM and/or LSG proposal(s) have been accepted by TD/HKPF, the applicant may proceed to apply for an XP. The maximum lead time for XP application prior to commencement of works is 120 days.

8.2 The applicant may nominate his contractor as a nominated permittee for the XP in accordance with section 10H of the LMPO. The E/CTO shall approve or disapprove the nomination and notify the applicant accordingly. Details of nomination procedure are described in Section 7 -

Nominated Permittee Approval/ Withdrawal/ Removal Procedure.

8.3 Upon receipt of the application, the IOW of the respective HyD Regional Office should check-

- (i) if the proposed works have any potential conflict with other planned/ existing works; and
- (ii) if there are any special event(s) which may affect the proposed works.

The IOW should recommend the responsible E/CTO to-

- (iii) accept the XP application with suitable permit conditions;
- (iv) suggest the applicant to revise the proposed start date to suit the latest situation; or
- (v) reject the XP application with reasons.

The E/CTO should make decision based on IOW's recommendation. For case (v) above, SE or CHE should be consulted before rejecting the XP application.

8.4 Under section 10A of the LMPO, an XP will only be issued upon payment of appropriate prescribed fee. The applicant can choose to settle the permit fee by individual demand note (DN), or setting up a deposit account with HyD. To set up a deposit account with HyD, the applicant is required to pay an initial deposit through DN issued by Accounts Section HyD Headquarters (HQ). For government departments, DNs should be settled by transfer voucher.

8.5 For the applicant who chooses to settle any prescribed permit fee by DN, Account Section of the respective Regional Office will issue a DN via XPMS to him/her for each approved XP. The respective Regional Office will take not more than 5 working days from the date of receipt of the application to issue a DN to the applicant. The applicant can settle the DN via Payment by Phone Service (PPS), Internet payment or Post Office (print a hardcopy of DN from XPMS first) or by transfer vouchers in case of government departments. Account Section of the respective Regional Office will carry out daily check on the status of the DN issued to the applicants and update in XPMS which DNs have been settled. XPMS would then automatically issue a digitally signed permit to the respective applicant with DN settled. Also, XPMS will check daily for DNs which

have not been settled for 3 working days or more after issued, and generate reminders to the respective applicants For permit/ permit extension application which is not paid and the approved end date is expired, XPMS will reject the application and Account Section will arrange for cancellation of the DN.

- 8.6 For an applicant with a deposit account with HyD, when the E/CTO of the respective HyD Regional Office approves permit applications in XPMS, permit fees are calculated by XPMS based on approved start/ end dates. If there is sufficient balance in the applicant's deposit account to pay the fees, XPMS would issue a digitally signed permit to the applicant after deduction of the corresponding fees from the deposit account. The applicant would be informed by XPMS about the permit issued by HyD with breakdown/ calculation of fees charged. The respective HyD Regional Office will take not more than 5 working days from the date of receipt of the application to issue a permit to the applicant on the condition that the applicant's deposit account with HyD has sufficient money to cover the prescribed permit fee. After deduction of fees from deposit account, XPMS would check the balance. If the balance falls below a prescribed minimum deposit amount (PMDA), XPMS will issue e-mail to inform the applicant as well as Senior Treasury Accountant (STA) of HyD HQ to issue a DN to the applicant to top up.
- 8.7 An XP will be issued as long as the deposit account balance is adequate to settle the fees. Otherwise, an XP will not be issued but a message is sent to the applicant informing that the account balance is inadequate. When the account balance is replenished, XPMS will issue an XP electronically to the applicant.
- 8.8 STA of HyD HQ will be responsible for issuing DNs to applicants to replenish the deposit accounts. Upon agreement with individual applicants, their deposit accounts are to be replenished at a fixed interval, say monthly. When the specified interval is due, XPMS will calculate the amounts needed to resume the deposit account balance back to the initial deposit amount, and send the information to STA via e-mail. On receipt of the e-mail, STA will issue DNs and fax to the respective applicants. Upon settlement of payments, the applicants should inform STA who will check the payment status and update the deposit accounts

accordingly.

8.9 Each applicant is required to provide details of a contact person with e-mail address, fax and telephone number for replenishment of deposit account. The contact person will liaise with STA of HyD HQ directly on the payment issues. On receipt of DN generated from the above step, the applicant can settle the DN via PPS, Internet payment or Post Office or by transfer vouchers in the case of government departments.

8.10 After the works under the XP is completed and confirmed by the E/CTO of the respective HyD Regional Office, and after all appeals are settled by the CHE of HyD Regional Office and/ or Review Board under section 10M of the LMPO, XPMS will calculate the amount of refund due to the applicant. Details of refund procedure are described in Section 10 - Refund of Daily Fee and Economic Cost Procedure.

9.0 Advance Notification of Commencement of Works

9.1 For each XP under which works are about to commence, the applicant shall submit an AN to the HyD through XPMS not more than 14 working days but not less than 2 working days, excluding Sunday and Public Holiday, in advance of the intended commencement date. In case the XPMS is not available at the last moment of the 2 working days lead time, the permittee should submit the AN to HyD and the relevant authorities and concerned parties as stipulated in the Conditions of Permit by fax.

9.2 If an AN was submitted and later it turns out that the intended commencement date must be postponed, the applicant should cancel the AN via XPMS immediately, and then submit a new AN once the commencement date is ascertained. The new AN is allowed to be submitted less than 2 working days prior to the commencement of works.

10.0 Excavation Permit Extension

10.1 When it becomes clear that the excavation works cannot be completed before the approved end date or the approved extended end date of the XP, the applicant should apply for an extension of permit period and submit a permit extension application not fewer than 7 working days before the expiry date of the permit. An application which is lodged shorter than this period shall be regarded as a late application in accordance with

section 10F of the LMPO. Details are described in Section 6 - Late Application for Extension of Excavation Permit Procedure.

- 10.2 The applicant shall create an updated works programme to include the required extension period for assessment. The applicant is also allowed to create a reduced plan alignment representing the works to be done during the extension. If carriageway is affected, XPMS will perform spatial check to determine the category of streets affected. For cases in which more than one category of streets are affected, the most expensive daily economic cost will be charged.
- 10.3 If any change on the LSG/TTM is required owing to the extension, the applicant shall create an updated LSG/TTM for subsequent agreement by HKPF/TD. When all the above information is registered in XPMS, the applicant can submit the extension application to HyD. In case the application is not submitted before 12:00 a.m. of the permit expiry date, the extension application process so far completed will be terminated.
- 10.4 Other UUs in the same coordinated case will be notified when an extension application is made. They can make any comments for this extension application for HyD reference. The IOW of the respective HyD Regional Office shall then consider if extension of permit period shall be given or not with due regard to the circumstances. If an extension is considered acceptable, the IOW shall assess the permit period extension duration based on the updated works programme and updated plan alignment.
- 10.5 The E/CTO can either accept or amend (with reasons) the permit extension period proposed by the permittee within 7 working days. Normally, the E/CTO will approve the application for extension of permit period except in some special circumstances. Some circumstances in which the E/CTO may refuse to issue an extension to the permittee are listed below for reference only-
- (i) the extension will affect the subsequent excavation works by other parties and an agreed revised works programme cannot be reached;
 - (ii) the contractor has not diligently carried out the work resulting in slow progress and failure to complete the works within the permit period, etc.

The permittee will be notified via XPMS when the E/CTO has completed the permit extension assessment. Such notice shall be served under section 10M(2) of the LMPO. The XP extension which has been digitally signed by HyD may be downloaded from XPMS by the permittee.

10.6 If the permittee does not agree with the permit extension assessment made by the E/CTO, he can appeal, within 28 days from the date of service of notice of result of the E/CTO's permit extension assessment, to the CHE of the respective HyD Regional Office under section 10M of the LMPO. The CHE may vary the E/CTO's assessment in accordance with section 10M(5) of the LMPO. If the CHE considers necessary to vary the extended permit period, a new permit extension will be issued to supersede the original permit extension. If the CHE determines that an extension with longer period be given to the permittee, the permittee would be required to pay extra prescribed fee (i.e. corresponding daily fees and economic cost, if any) in accordance with section 10M5(b) of the LMPO.

10.7 The fees collection procedure for permit extension is identical to that for permit fees, except that when economic cost is involved, it would be paid by individual DN even though the applicant has a deposit account with HyD. If the application for extension is refused by the E/CTO, a rejection letter stating the reason of refusal will be sent in hard copy to the permittee. If an extension is not accepted, the E/CTO shall assess time required to reinstate the trench and issue an XP extension if the remaining period of XP is inadequate.

10.8 If the application is submitted more than 7 working days before expiry of the permit, but it has been taken long processing time for assessment than expected, then by the day before permit expiry, collection of permit extension fee will be carried out first. It is to ensure the legal requirements as a late application will be complied with. If the permit extension period the E/CTO subsequently approved is shorter than the applied period, refund will be arranged.

11.0 Site Audit Inspection of Excavation Sites

11.1 Upon receipt of any AN, the Audit Inspection Team (AIT) shall carry out audit inspections of the excavation sites. If it is found that the works have

not commenced as stated in the AN, AIT will just note down that they have visited the site and no works have been observed. It will not be regarded as a non-compliance (NC) of permit conditions. Details of site audit inspection are described in Chapter 9 – Audit Inspection.

12.0 Minimum Depth Requirement

12.1 If the permittee encounters that the utility services to be laid cannot achieve the minimum depth requirement due to site constraints, the Permittee should seek approval of waiving the minimum depth requirement from the respective HyD Regional Office before laying the concerned utility services. The application of waiving the minimum depth requirement can be submitted through XPMS. The Senior Engineer of XP Processing Team or Senior Maintenance Engineer of the respective maintenance district will be responsible for vetting the application. Upon approval, XPMS will notify AIT.

13.0 Completion of Works

13.1 If the whole duration of an XP/XP extension is completely used to finish up the planned works and the reinstatement works, report completion through XPMS is not necessary. The respective HyD Regional Office will arrange a reinstatement inspection between 14 to 21 working days after the permit expiry date. However, if any one the following situations is encountered, the permittee should report completion within 14 working days from the permit expiry date through XPMS:

- (a) the permanent reinstatement (PR) will be carried out by others;
- (b) the PR will be carried out by HyD at the permittee's own cost;
- (c) temporary structure(s)/installation(s) will be removed at a certain period after the expiry of the XP;
- (d) no excavation has been carried out on site;
- (e) the permit involves traffic aids reinstatement works; and
- (f) there has been a completion notice (CN) rejected before.

In addition, if the actual excavated alignment(s) are significantly shorter/smaller than the approved plan alignment(s), the permittee should submit a sketch/sketches showing the actual excavated alignment(s) within 14 working days after the permit expiry date to the respective HyD Regional Office for their reference in order to avoid unnecessary argument on the quality and extent of reinstatement area(s). Furthermore, in case of early completion of works, the permittee is also

required to report completion through XPMS immediately after completion of works. On receipt of the CN, HyD will arrange reinstatement inspection within 7 working days. For details of submission of CN, please refer to paragraph 13.2.

13.2 For those permittees who need to report completion through XPMS, please refer to the following instructions:

In the screen of CN in XPMS, the permittee is required to specify the reinstatement type which should be one of the following:

- (i) Permanent reinstatement (PR) carried out by the permittee.
- (ii) PR carried out by others. If PR is carried out by another permit (e.g. works in conjunction with HyD projects), the permittee has to specify the XP number under which the PR is carried out, and the contact person of the permit. If PR is carried out by another XP of the permittee, the XP number has to be specified. (e.g. Defects of reinstatement is rectified by a new XP).
- (iii) PR carried out by HyD at the permittee's own cost. Only select this reinstatement type if the PR is carried out by HyD's contractor at the permittee's own cost.
- (iv) Apart from temporary structure/ installation pending removal, the excavation(s) has/have been backfilled and temporary reinstated. If the permittee has carried out erection of temporary structure or installation of equipment which will only be removed a certain period after the expiry of the XP, then this reinstatement type should be chosen. The permittee has to indicate the date when such temporary structure/ equipment/ installation will be removed.
- (v) The last reinstatement type is "No excavation works has been carried out on site". This item should only be selected when the permittee has not carried out any excavation works on site. Since cancellation of an issued XP is not permitted, those permittees who want to cancel their XPs should select this item for calling off their XPs.

To facilitate the checking of reinstatement works, the permittee must also choose either one of the following check boxes on the screen of CN for the respective HyD Regional Office's reference:

- (1) *"use the approved plan alignment to check the reinstatement works"*; or

- (2) *“use the attached sketch(es) of reinstatement extent to check the reinstatement works”.*

As a simple guideline, the option (2) mentioned in the above should only be chosen when the actual excavation extent is less than the approved excavation extent. In addition, if the permittee chooses option (2) in the screen of CN, he must submit the sketch(es) of actual excavation extent immediately via XPMS. If the sketch is not received or the attached sketch does not provide sufficient information, the E/CTO of the respective HyD Regional Office may reject the CN. The sketch(es) should have simple indications/measurements to roughly indicate the reinstatement extent and location. The file of the sketch(es) should be in “pdf”, “jpg”, “jpe”, or “jpeg” format and the file size should not exceed 1 mega byte.

In case XPMS is not available, the permittee should notify the E/CTO the completion of works by fax in order to record down the actual date of submission of CN. As this is just a temporary measure, information about reinstatement type is not required to be stated in the fax. Once XPMS is recovered, the permittee should complete the process of submission of CN through XPMS. As a hard copy CN has already been submitted, in the CN reporting screen of XPMS, the EXP permittee should check the box “A CN has already been submitted by fax” and provide the CN submission date for HyD’s reference. After verification, the respective HyD Regional Office should date back the CN submission date to the hard copy CN fax-in date.

13.3 On receipt of the CN, the E/CTO of the respective maintenance district in the HyD Regional Office should arrange site inspection to confirm completion of works and acceptance of reinstatement within 7 working days. After site inspection, the responsible IOW will inform the permittee via XPMS whether he agrees that the works have been satisfactorily completed. If the IOW disagrees that the works have been satisfactorily completed, he will inform the permittee via XPMS about the item(s) which do not comply with the requirements/specifications and request the permittee to rectify. The processing procedures are different in the following three situations:-

- (i) Where the remaining period of the permit is sufficient for the permittee to complete the rectification works, the permittee should continue to carry out the works under the permit. When the IOW

confirms completion of works, the date of re-submission of CN through XPMS would be taken as the completion date of the XP, for which refund of daily fees or economic cost, if any, would be based on.

- (ii) Where the permittee considers that the remaining period of the permit is insufficient for completion of rectification works, he may apply for a rectification permit to complete the rectification works. The permittee may also choose to carry out the rectification works under block permit for small scale works (SSW) provided that the rectification works satisfy the requirements of SSW as stated in Section 5 – Block Permit for Small Scale Works Administration Procedure.
- (iii) Where the permit has expired before receipt of the IOW's notification, the permittee should register a SSW job under a block permit for SSW or apply for a rectification permit for carrying out the rectification works.

For any one of the situations mentioned in the above, re-submission of CN is required. For situations (ii) and (iii), the permittee must indicate on the CN that the defects will be rectified by either a SSW job or a rectification permit in order to have a record for HyD to follow up. The CN of the original permit will then be accepted. However, the permittee should note that despite the CN is accepted, the defect liability period (DLP) of the permit will remain “not started” until all outstanding defects are rectified. The DLP period of the original permit will start when the CN of the SSW job/rectification permit is accepted by the IOW. The start date will be the submission date of the CN of the SSW job/rectification permit.

[Note: To facilitate the permittee to rectify outstanding defects, the rectification permit application would be processed in a fast track manner. The Registration Lead Time requirement and the Road Opening Restriction would be exempted. For the Repeated Opening Restriction, the XP which incurs the rectification permit would be excluded from the spatial check.]

- 13.4 The E/CTO should keep record of photographs taken by the site staff at the time of inspection, checklist completed by the site staff and any report prepared by the site staff. All these records or any supporting documents

should be uploaded in XPMS.

13.5 The permittee shall keep all as-built records in respect of level and alignment of the underground services and installations laid or placed on footpaths and carriageways for 5 years and 7 years respectively from the date of submission of CN / the permit expiry date (whichever is the earlier). These records shall be certified by a recognized professional. The permittee shall provide the certified as-built records upon request by the E/CTO of the respective HyD Regional Office. The professional qualifications recognized by the Authority to certify the as-built records include:-

- (i) member of the Hong Kong Institution of Engineers or equivalent professional qualification;
- (ii) member of the Hong Kong Institute of Architects or equivalent professional qualification;
- (iii) member of the Hong Kong Institute of Landscape Architects or equivalent professional qualification; and
- (iv) member of the Hong Kong Institute of Surveyors or equivalent professional qualification.

The details of such professional (i.e. the name, professional qualification, membership number, etc.) shall be submitted to the E/CTO before the date of submission of CN / the permit expiry date (whichever is the earlier). The permittee may submit the details together with the CN. In the screen of CN in XPMS, the “Remark” box can be used to list out the details of the professional.

In case it is not necessary to prepare certified as-built record for the XP (e.g. no underground services had been laid/placed/altered), the permittee should clearly state the reason in the “Remark” box of CN in order to avoid unnecessary misunderstanding.

13.6 Apart from as-built records, the permittee shall submit to the E/CTO, within 2 months from the date of submission of CN or from the permit expiry date (whichever is the earlier), the original copy or certified true copy of the necessary soil/ others materials test certificate/ report as required under the permit conditions unless exempted in the approved work list by the Authority. In case defective reinstatement is identified in the test results, the Permittee should initiate a SSW job or a rectification

permit to rectify corresponding reinstatement area even the CN might have already been approved. In this circumstance, the permit has already been moved to Defect Liability Period (DLP) stage, the start date of DLP of the Permit will be updated by the approved CN submission date of the rectification permit or SSW job.

14.0 Reinstatement of Works within Defects Liability Period

14.1 In the case of permanent reinstatement by the Authority, the permittee shall remain fully responsible for the maintenance of the backfilling and the temporary reinstatement until a period of 14 working days has elapsed from the date of submission of CN. In the case of subsidence of the permanently reinstated pavement (permanent reinstatement by either the Authority or the permittee) or deterioration in the permanent reinstatement itself (permanent reinstatement by the permittee) within 12 months from the date of submission of CN / the permit expiry date (whichever is the earlier), the permittee shall carry out the necessary remedial works at his own expense, unless the permittee can prove that the defect was caused by a third party. Where necessary, the Authority will carry out the remedial work and the permittee shall pay all expenses incurred by the Authority pursuant to section 10Q of the LMPO.

14.2 The responsible HyD Regional Office should arrange inspection to identify any defects associated with the reinstatement before the end of the liability period. XPMS will notify the XPPT two months before expiry of the DLP for XPPT to arrange for inspection. The permittee will be required to make good the defects, if any, and notify XPPT when the defects are rectified