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Highways Department

5 th Floor

Tel. : 2762 3304

Homantin Government Offices

88 Chung Hau Street

Homantin

Kowloon

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Use of Non-Standard Pavings on Public Footways

Introduction

Private developers have from time to time proposed the use of non-standard pavings on public footways. HyD may have to accept such pavings under certain special conditions on a case-by-case basis. There are also cases where HyD has taken up the maintenance responsibility for these non-standard pavings. At present, there are no guidelines on this very important issue. Apart from maintenance problems, there is also the question of favouritism which may put HyD into unanswerable queries and complaints. HyD may be accused of favouring certain developers and mistreating others. The purpose of this circular is to establish some standard approach to ensure fairness and consistency.

Undertakings/Agreement

2. Any undertakings or agreement on the use of non-standard pavings should preferably be included as part of the lease condition and cover the followings:
 - (a) The type of non-standard pavings to be adopted (including any guarantee for their future maintenance) shall be to HyD's satisfaction.

- (b) The lot owner agrees to maintain the non-standard pavings at his own cost and to comply with HyD's performance pledges in terms of time for completion of urgent repairs.
- (c) The lot owner agrees to indemnify the Government against all liabilities, actions, claims, costs, damages or demands of whatever nature arising out of or in connection with the use of the non-standard pavings or the failure to maintain such pavings properly and timely.
- (d) The lot owner agrees that HyD has the right to carry out any urgent repairs in the event of any failure to perform.
- (e) The lot owner agrees that if in the opinion of HyD, the lot owner fails to maintain the non-standard pavings properly and timely, HyD may have the right to replace the pavings with the standard HyD paving.
- (f) The lot owner agrees to liaise with any third parties to whom excavation permits are issued in respect of reinstatement of the excavated area within the non-standard paving area. The lot owner also agrees to bear the additional cost of reinstatement on top of the usual cost of reinstatement in standard paving.

Conditions

3. It must be emphasized that HyD policy is to adopt standard highway paving wherever possible. However, in the event of non-standard paving being proposed, a D2 officer in consultation with HyD HQs can approve the use of such pavings on public footway when the following conditions are satisfied:

- (a) There are good reasons for the use of non-standard pavings

in a particular case.

- (b) The lot owner undertakes to maintain the non-standard pavings at his own cost.
- (c) The lot owner has produced strong evidence showing that he is capable and can be relied upon to maintain the pavings in good conditions.
- (d) The non-standard paving material is not inferior to the HyD standard paving in respect of skid resistance, durability and strength.
- (e) The proposed non-standard paving is aesthetically compatible with the paving material of any adjoining footways and the streetscape of the adjoining area.

The approving officer should base on the attached guidelines in the Appendix to decide if non-standard pavings can be used.

Maintenance of Non-Standard Pavings by HyD

4. Any recommendation for HyD to take over maintenance responsibility of non-standard pavings shall come from Head of the Office who shall explain clearly in his submission to DHy for approval why it is in the public interests to do so.

(K. S. LEUNG)
Director of Highways