

Ref no : HyD GR/1-50/1

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9 November 2009

Highways Department Technical Circular No. 12/2009

Expressway Legislation

1. Purpose

- 1.1 This circular lays down the procedures and criteria for the control of expressway works and for the issue of expressway works permits (EWPs), taking into account the amendments to the Land (Miscellaneous Provisions) Ordinance Cap 28, which came into effect on 1st April 2004. It updates and supersedes HyDTC No.3/2005 which is hereby cancelled.

2. The Expressway Legislation

- 2.1 The Expressway Legislation is effected by relevant provisions of the Road Traffic Ordinance (the Ordinance) Cap 374 and the additional part - Road Traffic (Expressway) Regulations (the Regulations) Cap 374Q which has come into effect on 1 October 1991.
- 2.2 Roads which are designated as expressways need to be gazetted under s. 123(1) of the Ordinance and the relevant gazettal notices can be found in web sites of Transport Department and Government Logistics Department. The latest gazettal notice (G.N. 2686 on 25 April 2008 No. 17 Vol 12) is enclosed in Appendix A for easy reference.
- 2.3 Under s.123 of the Ordinance, the boundaries of the expressways are delineated on plans prepared by the Director of Lands, which have been deposited in the Land Registry.
- 2.4 The start and end points of an expressway are indicated by the traffic signs. However, the expressway boundary may include road side slopes or landscape areas as well as the road itself. Officers should refer to copies of the deposited plans for the exact boundaries.

2.5 The Expressway Legislation introduces new driving rules on expressways and also prohibits the carrying out of expressway works without consent. The expressways within the Tsing Ma Control Area (TMCA) and the Tsing Sha Control Area (TSCA) are governed by the Tsing Ma Control Area (General) Regulation Cap 498B and Tsing Sha Control Area (General) Regulation Cap 594A respectively.

### 3. Expressway Works

3.1 The definition of "expressway works" is given in s.122 of the Ordinance. Basically it means any type of works and includes inspection, investigation and survey on expressways. According to s.125(1) of the Ordinance, no person (which include civil servants or contractors working for the Hong Kong SAR Government) shall carry out any expressway works unless they first obtain an EWP from the Director of Highways (DHY), except otherwise stated in s.125(2) of the Ordinance as stated in paragraph 3.4. Some examples of expressway works requiring EWP are as follows:-

- a. Highways Department (HyD) high speed road contractors carrying out road maintenance works which include all cleansing works;
- b. Leisure and Cultural Services Department (LCSD) carrying out soft landscaping works;
- c. Electrical and Mechanical Services Department (EMSD) repairing or testing traffic surveillance and control facilities;
- d. HyD Public Lighting MOM contractors carrying out lighting maintenance works; and
- e. Utility undertakers repairing utility services.

3.2 Contractors carrying out works on expressways (including those working for HyD) need to have an EWP for the works. An EWP is also required for the site supervisory staff of the responsible government department/private company/consultant (including consultants working for HyD) but an EWP is not required for the site supervisory staff of HyD.

3.3 In the case for road works including expressway works within the TMCA or TSCA, a road works permit (RWP) instead of EWP shall be obtained from DHY in accordance with s.16 of the Tsing Ma Control Area (General) Regulation Cap 498B or s.14 of Tsing Sha Control Area (General) Regulation Cap 594A respectively.

- 3.4 Pursuant to s. 125(2) of the Ordinance, the requirement for an EWP does not apply to the following:-
- a. any person carrying out any expressway works which may be necessary in the event of an accident or emergency; and
  - b. any relevant person (a public officer or any other person authorized by the Commissioner for Transport, the Commissioner of Police (C of P) or DHy) carrying out any expressway works which comprise only inspections, investigations or surveys.
- 3.5 As regards 3.4a, the person responsible for those expressway works shall give immediate notice to and obtain the consent of DHy and C of P before carrying out the works, and shall within one working day of the accident or emergency, apply to DHy for the issue of a covering EWP.
- 3.6 As regards 3.4b, Schedule 4 of the Regulations imposes conditions in respect of persons and vehicles carrying out inspections, investigations or surveys without an EWP. In general all persons on foot on an expressway shall wear reflective jackets and the bodywork of all vehicles used shall be coloured yellow (No.008 E51 in BS 5252F) and shall be installed with flashing lanterns and warning signs. Staff therefore shall not use their private cars in the inspection and supervision of any expressway works except in the case of emergency.
- 3.7 The majority of expressways are classified as Red Route according to HyDTC No. 5/2001. In the event of any incident occurring on any expressways which require emergency action to be carried out by HyD, the Emergency Procedures laid down in HyDTC No. 5/2001 should be followed where appropriate.
4. Application and Processing of Expressway Works Permits
- 4.1 Applications for EWPs shall be made in Form HYD 90, which is available in HyD homepage for download. For Excavation Permit Management System (XPMS) users, they shall submit their applications via XPMS. If excavation works are involved, a separate application for an Excavation Permit (XP) is required in accordance with the Land (Miscellaneous Provisions) Ordinance Cap 28.
- 4.2 Cyclic lane closure programmes are implemented by HyD Regions for the regular maintenance of the expressways. Other government departments and private parties are encouraged to carry out any necessary expressway works in conjunction with the cyclic lane closure programmes. Cyclic lane closure programmes shall be circulated in advance to the utility undertakers and departments

concerned for their planning purpose. If an applicant of an EWP proposes a working period longer than that of the original lane closure programme, the Chief Highway Engineers (CHEs) concerned may, if considered justified, direct as a permit condition that lighting, signing and guarding be provided by HyD at the cost of the permittee in accordance with regulation 19 of the Regulations to avoid a second lane closure.

- 4.3 When the permittee cannot complete the expressway works as scheduled, he is required to apply for a new EWP. Extension of EWP is not allowed.
- 4.4 Applications for EWPs shall be considered and processed by the respective Highway Regions.
- 4.5 Applications for RWP for carrying out road works within the TMCA or TSCA shall be made in Form F-WI-TS003-01 or F-WI-TS003-06 respectively for non-XPMS users. For XPMS registered users, they can access to XPMS and submit the electronic applications through the internet. The processing of RWP shall be in accordance with Chapter 19 of HyD Maintenance Administration Handbook.

5. Criteria for imposing Conditions for Expressway Works Permits, Road Works Permits and Excavation Permits on an Expressway

- 5.1 DHy may impose conditions in the EWP, RWP and XP to ensure:-
  - a. the safety of persons using the expressway or carrying out expressway works;
  - b. the quality and satisfactory condition of these expressway works; and
  - c. the minimum disruption to vehicular traffic using the expressway.
- 5.2 As regards 5.1a, Schedule 3 of the Regulations imposes conditions in respect of persons and vehicles carrying out expressway works. In general all persons on foot on an expressway shall wear reflective jackets and all vehicles used shall be coloured yellow (No.008 E51 in BS 5252F) and shall be installed with flashing lanterns and warning signs. The requirements for the lighting, signing and guarding of expressway works are stipulated in Chapter 8 of the Code of Practice for the Lighting, Signing and Guarding of Road Works, a copy of which can be downloaded from HyD's website.
- 5.3 As regards 5.1b, conditions should be imposed in a XP to ensure the quality of the backfilling and permanent reinstatement works if excavation works in the form of open trenching is involved.

The permittee should be required to carry out compaction tests and trenches may be required to be backfilled with granular materials, foamed concrete (if the foamed concrete will not encase any tension cables), or other suitable materials. Except in the case of emergency utility works, reinstatement of road pavement layers should preferably be carried out by the permittee to avoid a second lane closure. An Additional Condition should be included in a XP to require the reinstatement works to be carried out by an approved contractor in the List of Approved Contractors for Public Works in the Roads and Drainage Category. For emergency works, any road repairs, temporary traffic diversion where necessary and reinstatement must be put into effect immediately by the Regions in accordance with HyDTC No. 5/2001.

- 5.4 As regards 5.1c, excavation works in the form of open trenching should be avoided as far as possible. According to Volume 2 Chapter 6 of the Transport Planning and Design Manual (TPDM), expressways should not be used for the location of utility services which are not related to the operation of the expressway (non-operational utility services), except of course for services which are essential to the operation of the expressway such as power cables for road lightings and water mains for fire hydrants as well as power and communication cables for traffic surveillance and control facilities. An application to install new non-operational utility services across an expressway beneath the carriageway shall be referred to the CHE of the concerned Region or the CHE of the Bridges and Structures Division as appropriate for approval. Approval should not be given unless:-
- a. it is in the interest of the general public for the proposed services to be installed;
  - b. the installation works would not involve any open cut excavation works within the carriageway or the hard shoulder nor would require any access from the expressway; and
  - c. the underground services are installed in a way such that for future inspection, maintenance or replacement it will not be necessary to excavate any part of the carriageway and hard shoulder.
- 5.5 Permission for the installation of new non-operational utility services along an expressway should only be given if there are strong justifiable reasons for the proposed services to be laid along that route. Such proposed services should normally be wholly located along an adjacent verge away from the carriageway and the hard shoulder. An application to install new non-operational utility services along an expressway shall be referred to the Deputy Director of Highways for endorsement.

5.6 As regards 5.4b, the applicant should be asked to provide evidence, e.g. from past works history, that the proposed installation method would not cause permanent damage nor unacceptable settlement of the road pavement structure. Trenchless technology may be acceptable but those methods involving flush boring techniques should not be allowed.

## 6. Control of Expressway Works

6.1 Audit inspections will be carried out according to the Excavation Permit Processing Manual for those expressway works involving excavation works similar to the control over normal road excavation works. However, emphasis should be placed on:-

- a. lighting, signing and guarding provisions;
- b. effect on the stability and structural integrity of the adjacent road pavement structure; and
- c. backfilling and reinstatement.

6.2 Under regulation 19 of the Regulations, DHy may direct certain traffic signs, road markings or lanterns to be provided and maintained by HyD for the purpose of lighting, signing and guarding expressway works and recover the cost from the person responsible. This power should be exercised when there is a doubt as to the ability of the permittee in providing satisfactory signs, markings and lanterns to ensure the safety of the persons using the expressway.

6.3 Section 125(5) of the Ordinance allows DHy to complete the remaining expressway works or to rectify any deficiency in default of the person responsible or the permittee failing in complying with the conditions of an EWP. The person responsible or the permittee shall pay to DHy the cost incurred for such works or rectification.

6.4 Section 126 of the Ordinance gives the power to any public officer authorized by DHy and any police officer in uniform to remove any expressway plant and equipment which is likely to cause danger to persons using the expressway or to interfere with the use of the expressway. Towing of vehicles is normally arranged by the police. If required, assistance should be provided to the police for the removal of any expressway plant and equipment. However, before ordering the removal, officers concerned should make sure that the following conditions laid down in s.126(2) of the Ordinance are met:

- a. the expressway plant and equipment are unattended and the owner or other person in charge or possession of that plant or equipment cannot be located; or
- b. the owner or other person in charge or possession of the expressway plant and equipment is unable to remove it; or
- c. the owner or other person in charge or possession of the expressway plant and equipment refuses to remove it on being requested to do so by the relevant officer.

7. Authorization for Administrative Convenience

7.1 I hereby authorize for administrative convenience the persons holding the offices listed in the 2nd column of the Schedule of Authorization as shown on Appendix B to exercise the powers or perform those duties specified in the 3rd column arising from the provisions of the relevant Ordinance and Regulations stated in the 1st column.



( C S WAI )  
Director of Highways

G.N. 2686

TRANSPORT DEPARTMENT

## ROAD TRAFFIC ORDINANCE (Chapter 374)

## DESIGNATION OF EXPRESSWAYS UNDER SECTION 123

In exercise of the powers vested in me under section 123(1) of the Road Traffic Ordinance, (Chapter 374), I hereby revoke, with effect from 25 April 2008, the designation as an expressway of each of the roads and the unleased Government land immediately adjacent thereto notified in G.N. 4159 published on 29 June 2007 and hereby designate, with effect from 25 April 2008, each of the roads listed in the left hand column below and the unleased Government land immediately adjacent thereto as an expressway.

The boundaries of these expressways determined by me under section 123(2) are delineated in the plans prepared and signed by the Director of Lands and deposited in the Land Registry. The date and number of each of the plans are shown in the right hand column below in relation to the relevant expressway.

<i>Item</i>	<i>Road</i>	<i>Number and Date of Deposited Plan</i>
(a)	Tuen Mun Road from its junction with Tsuen Wan Road and Castle Peak Road—Tsuen Wan to its junction with Wong Chu Road;	EXNT1, 19 June 1998 EXNT2, 25 April 2008
(b)	Tsuen Wan Road from its junction with Kwai Chung Road to its junction with Tuen Mun Road;	EXNT2, 25 April 2008
(c)	New Territories Circular Trunk Road from Wo Hop Shek Interchange to its junction with Castle Peak Road—Tam Mi, including the sections through Fanling, Kwu Tung, San Tin and Mai Po;	EXNT3, 15 January 1993 EXNT4, 26 September 1991 EXNT12, 22 May 1998
(d)	Tai Po Road (Tai Wo) from its junction with Tolo Highway to Wo Hop Shek Interchange;	EXNT5, 26 September 1991
(e)	Tolo Highway from its junction with Tai Po Road (Sha Tin) to its junction with Tai Po Road (Tai Wo);	EXNT5, 26 September 1991 EXNT6, 27 April 2007 EXNT7, 27 April 2007
(f)	Tai Po Road (Sha Tin) from its junction with Fo Tan Road to its junction with Tolo Highway;	EXNT7, 27 April 2007
(g)	Sha Tin Road from its junction with Lion Rock Tunnel Road to its junction with Tai Po Road (Sha Tin);	EXNT7, 27 April 2007
(h)	Road T5 from its junction with Sha Tin Road to its junction with Tate's Cairn Highway;	EXNT8, 4 December 1992
(i)	Tate's Cairn Highway from its junction with Road T5 to its junction with Tolo Highway;	EXNT8, 4 December 1992
(j)	Kwun Tong Bypass from its junction with Lei Yue Mun Road to its junction with Prince Edward Road (East);	EXK9, 26 September 1991
(k)	Island Eastern Corridor from its junction with Victoria Park Road to its junction with Wing Tai Road;	EXHK10, 5 September 2003
(l)	The portion of Ma On Shan Road at its junction with Tate's Cairn Highway;	EXNT11, 4 December 1992
(m)	Yuen Long Highway from Lam Tei Interchange to Tong Yan San Tsuen Interchange;	EXNT13, 27 April 2007
(n)	Yuen Long Highway from Tong Yan San Tsuen Interchange to Shap Pat Heung Interchange;	EXNT14, 27 April 2007
(o)	Route 3 from its junction with Western Harbour Crossing to its junction with Tsuen Wan Road and Kwai Chung Road;	EXK15, 16 May 1997



<i>Item</i>	<i>Road</i>	<i>Number and Date of Deposited Plan</i>
(p)	Route 3 from its junction with Tsuen Wan Road and Kwai Chung Road to North West Tsing Yi Interchange;	EXNT16, 26 March 1999
(q)	Lantau Link and Ma Wan Road;	EXNT17, 25 July 2003
(r)	North Lantau Highway from Lantau Toll Plaza to Tung Chung Eastern Interchange;	EXNT18, 12 August 2005 EXNT19, 19 June 1998
(s)	Route 3 Country Park Section, Tuen Mun Road and Ting Kau Bridge;	EXNT20, 22 May 1998
(t)	Route 3 Country Park Section, Yuen Long Approach Road and Tai Lam Tunnel;	EXNT21, 22 May 1998
(u)	Route 3 Country Park Section, Yuen Long Approach Road;	EXNT22, 25 July 2003
(v)	Penny's Bay Highway; and	EXNT23, 12 August 2005
(w)	Kong Sham Western Highway, and the section of road between Kong Sham Western Highway and Shenzhen Bay Port.	EXNT24, 29 June 2007 EXNT25, 29 June 2007

Alan WONG *Commissioner for Transport*

Schedule of Authorization

Title of Legislation Relevant Section	To whom authorized	Nature of Powers or Duties
Chapter 374  Road Traffic Ordinance Section 125(2) (a)	DDHy, PMs, PGE, ADs, DPMs, GEs, RHEs, CHEs, CEs, SEs, Es, AEs, CTOs, SIOWs, IOWs, AIOWs, WSS and WSAs.	To give verbal consent for the carrying out of expressway works necessary in the event of an accident or emergency.
Road Traffic Ordinance Section 125(5)	DDHy, PMs, PGE, ADs, DPMs, GEs, RHEs, CHEs, CEs, SEs, Es, AEs, CTOs, SLAs and LAs.	To complete the remaining expressway works or to rectify any deficiency in default by the person responsible or by the permittee.
Road Traffic Ordinance Section 125(7) (b)	DDHy, PMs, PGE, ADs, DPMs, GEs, RHEs, CHEs, CEs, SEs, Es, AEs, EIs, AEIs, CLS, SLs, LSs, ALSs, SLAs, LAs, ALAs, LSOs, Sr Fd Os, Fd Os, WSOs, PSO(Eng) s, SSO(Eng) s, SO(Eng) s, Sr Artisans, Chainmen, WMIIIs, SQS, QSs, AQSs, PSO(Q) s, SSO(Q) s, SO(Q) s, SOT(Q) s, Tracers, Sr Tr Assts, Tr	Act as relevant person to carry out inspections, investigations or surveys in respect of an expressway.

Title of Legislation Relevant Section	To whom authorized	Nature of Powers or Duties
	Assts, PTO(C)s, STO(C)s, STO(T)s, TO(C)s, TO(T)s, TOT(C)s, CTOs, SIOWs, IOWs, AIOWs, WSs and WSAs.	
Road Traffic Ordinance Section 125(7) (b)	DDHy	To authorize a public officer as relevant person.
Road Traffic Ordinance Section 126(1)	DDHy, PMs, PGE, ADs, DPMs, GEs, RHEs, CHEs, CEs, SEs, Es, CTOs, SLAs and LAs.	To remove or cause to be removed any expressway plant and equipment interfering with the use of an expressway.
Chapter 374 Road Traffic Ordinance  Road Traffic (Expressway) Regulations  Regulation 18  Regulation 19	DDHy, PMs, PGE, ADs, DPMs, GEs, RHEs, CHEs, CEs, SEs, Es, AEs and CTOs.  DDHy, PMs, PGE, ADs, DPMs, GEs, RHEs, CHEs, CEs, SEs, Es, AEs, CTOs, SLAs and LAs.	To issue an expressway works permit.  To direct that certain signs, markings or lanterns be provided and maintained by HyD for expressway works and to

Title of Legislation Relevant Section	To whom authorized	Nature of Powers or Duties
Regulation 20	CHE/R&D	<p>recover the cost from the person responsible.</p> <p>To approve the type of reflective jacket as described in sub-clauses 1(a) of Schedules 3 and 4; To approve such flashing lanterns and warning signs to be mounted on the maintenance vehicles as described in sub-clauses 2(b) of Schedules 3 and 4; To approve the sign, bearing the name, device, symbol or description as described in sub-clause 2(c) of Schedule 4.</p>
Regulation 20(3)	DDHy, PMs, PGE, ADs, DPMS, GEs, RHEs, CHEs and CEs.	To exempt in individual cases where there are strong supporting reasons any vehicle from the conditions specified in Schedule 3 and Schedule 4 of the Regulations.
<p>Chapter 498B Tsing Ma Control Area (General) Regulation</p> <p>Section 11(1), (3), (4) &amp; (6)</p>	DDHy, AD/D and CHE/B&S	Powers and duties related to closure and re-opening of roads arising from

Title of Legislation Relevant Section	To whom authorized	Nature of Powers or Duties
Section 16(1)	DDHy, AD/D, CHE/B&S, CHE/NTW, and SEs, Es & AEs of B&S Division	these subsections.  Issue of road works permit.
Section 16(2), (3) & (4)	DDHy, AD/D and CHE/B&S	Matters relating to lighting, marking and guarding of road works, and imposition and collection of lighting and guarding fees arising from these subsections.
Section 17(2) & (3)	DDHy, AD/D and CHE/B&S	Authority to carry out road works without a road works permit, and exemption from conditions specified in Schedule 3 to the Regulations.
Section 18(2)	DDHy, AD/D, CHE/B&S, CHE/NTW, and SEs, Es, AEs, IOWs & AIOWs of the B&S Division	Inspection of road works permit.
Chapter 594A Tsing Sha Control Area (General) Regulation  Section 9(1), (2), (4), (5) & (8)	DDHy, AD/D and CHE/B&S	Powers and duties related to closure and re-opening

Title of Legislation Relevant Section	To whom authorized	Nature of Powers or Duties
Section 14(1)	DDHy, AD/D, CHE/B&S, CHE/NTE, CHE/NTW, CHE/K, and SEs, Es & AEs of B&S Division	of roads arising from these subsections.  Issue of road works permit.
Section 14(2) & (4)	DDHy, AD/D and CHE/B&S	Matters relating to lighting, marking and guarding of road works, and imposition and collection of lighting and guarding fees arising from these subsections.
Section 14(6) and Section 15(3) & (4)	DDHy, AD/D and CHE/B&S	Authority to carry out road works without a road works permit, and exemption from conditions specified in Schedule 3 to the Regulations.

ABBREVIATIONS

DDHy	Deputy Director of Highways
PMs	Project Managers
PGE	Principal Government Engineer
ADs	Assistant Directors
AD/D	Assistant Director/Development
DPMs	Deputy Project Managers
GEs	Government Engineers
RHEs	Regional Highway Engineers
CHEs	Chief Highway Engineers
CHE/R&D	Chief Highway Engineer/Research and Development
CHE/B&S	Chief Highway Engineer/Bridges and Structures
CHE/K	Chief Highway Engineer/Kowloon
CHE/NTE	Chief Highway Engineer/New Territories East
CHE/NTW	Chief Highway Engineer/New Territories West
CEs	Chief Engineers
SEs	Senior Engineers
Es	Engineers
AEs	Assistant Engineers
EIs	Electrical Inspectors
AEIs	Assistant Electrical Inspectors
CLS	Chief Land Surveyor
SLs	Senior Land Surveyors
LSs	Land Surveyors
ALs	Assistant Land Surveyors
SLAs	Senior Landscape Architects
LAs	Landscape Architects
ALAs	Assistant Landscape Architects
LSOs	Landscape Supervisory Officers
Sr Fd Os	Senior Field Officers
Fd Os	Field Officers
WSOs	Works Supervisory Officers
PSO(Eng) s	Principal Survey Officers (Engineering)
SSO(Eng) s	Senior Survey Officers (Engineering)
SO(Eng) s	Survey Officers (Engineering)
Sr Artisans	Senior Artisans
WMIIs	Workmen II
SQS	Senior Quantity Surveyor
QSs	Quantity Surveyors

AQSS	Assistant Quantity Surveyors
PSO(Q) s	Principal Survey Officers (Quantity)
SSO(Q) s	Senior Survey Officers (Quantity)
SO(Q) s	Survey Officers (Quantity)
SOT(Q) s	Survey Officer Trainees (Quantity)
Sr Tr Assts	Senior Traffic Assistants
Tr Assts	Traffic Assistants
PTO(C) s	Principal Technical Officers (Civil)
STO(C) s	Senior Technical Officers (Civil)
STO(T) s	Senior Technical Officers (Traffic)
TO(C) s	Technical Officers (Civil)
TO(T) s	Technical Officers (Traffic)
TOT(C) s	Technical Officer Trainees (Civil)
CTOs	Chief Technical Officers
SIOWs	Senior Inspectors of Works
IOWs	Inspectors of Works
AIOWs	Assistant Inspectors of Works
WSs	Works Supervisors
WSAs	Works Supervisory Assistants
B&S Division	Bridges and Structures Division