

CONDITIONS OF EMERGENCY EXCAVATION PERMIT

COMPLIANCE WITH CONDITIONS OF PERMIT

1. (A) Subject to sub-clause (B), the Permittee shall comply with all of these Conditions of Permit and any Additional Conditions of Permit attached.
- (B) Where there is a Nominated Permittee in relation to this Permit pursuant to Section 10G of the Land (Miscellaneous Provisions) Ordinance, the Permittee and the Nominated Permittee shall comply with the Conditions of Permit as follows–

| (I) Conditions of Permit No. | To be complied with by |
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| (a) 3, 6, 7, 8(A)(I), 8(B)(I), 9, 10(E), 11, 12, 13, 14, 15, 16, 17, 19(A)&(B)&(H), 20, 25, 37, 42(A)&(B), 43(B)(II)&(C), 44, 45 and 46. | The Permittee |
| (b) 8(A)(II), 8(B)(II), 10(A)to(D), 19(C)to(G), 21, 22, 23, 24, 26, 27, 28, 29, 31, 32, 33, 34, 35(A)to(C), 36, 38 and 41. | The Nominated Permittee |
| (c) Any conditions other than (a) and (b) above | Both the Permittee and the Nominated Permittee |

- (II) The Permittee referred to in these Conditions of Permit shall then mean the Permittee, the Nominated Permittee or both the Permittee and the Nominated Permittee as the case may be in accordance with sub-clause (B)(I) above.

ASSOCIATED LEGISLATION AND DOCUMENTS

2. In addition to the conditions set out in these Conditions of Permit, the Permittee shall comply with all the relevant provisions of the Land (Miscellaneous Provisions) Ordinance and the provisions of any other legislation relating to the Work covered by this Permit.
3. Whenever the Permittee seeks to rely on specifications to cover the Work which are different from the Authority's Specifications under this Permit, such specifications shall only be used with the prior agreement of the Authority.

THE SITE AND THE WORK

4. The site demarcated for occupation by the Permittee under this Permit shall mean the space occupied by the Permittee for the execution of the Work, the space providing pedestrian and vehicular access for the purpose of the Work, and any temporary diversions as stated in Clause 31 and other space required for the completion of the Work.
5. The Work under this Permit includes also all temporary work, temporary reinstatement and other temporary operations to be carried out by the Permittee.

GENERAL OBLIGATIONS

6. (A) This Permit is for emergency excavation to be made or maintained consequential upon the occurrence of "emergency incident" as defined in Section 2 of the Land (Miscellaneous Provisions) Ordinance.
- (B) For each emergency incident, the Permittee shall immediately obtain an emergency serial number from Highways Department (HyD) by one of the following means–
 - (I) via HyD's Excavation Permit Management System (XPMS); or
 - (II) reporting to the Integrated Call Centre (telephone no. 2926 4111).
- (C) The Permittee shall, on the working day following the emergency incident, register the emergency excavation in HyD's XPMS before 4:00 p.m.
- (D) The Permittee shall notify the Director of Environmental Protection in the monthly report on the form "Record of Emergency Works" for emergency excavations carried out in restricted hours.

7. (A) The Permittee shall take all reasonably practical steps to set up a management system under his control to supervise, monitor and prevent the Nominated Permittee, if any, and his contractors from committing an act or making an omission in contravention of these Conditions of Permit.
- (B) The Permittee shall co-operate with the Authority and take order/instruction of the Authority to—
- (I) stop or instruct the Nominated Permittee to stop the contravention with any Conditions of Permit;
 - (II) avoid or instruct the Nominated Permittee to stop the recurrence of any like contravention; and
 - (III) report to the Authority within two working days after the contravention has been stopped.
8. (A) For those specifications agreed between the Authority and the Permittee before the issue of the Permit,
- (I) the Permittee shall make his own arrangement such that the Work shall be carried out in accordance with such specifications.
 - (II) the Permittee shall comply with and strictly adhere to such specifications in the execution of his Work.
- (B) For instructions related to the Permit as may be added from time to time by the Authority, which may include the following—
- deferring the commencement and completion date of this Permit
 - temporary imposition or modification of restricted hours for the Work
 - temporary suspension of the Work
 - temporary covering up or reinstatement of the excavation,
- (I) the Permittee shall make his own arrangement such that the Work shall be carried out in accordance with such instructions.
 - (II) the Permittee shall comply with and adhere to such instructions in the execution of his Work as far as reasonably practicable.
- The Authority shall not be liable for any claim from the Permittee for any cost or loss thus incurred.
9. (A) Where there is no Nominated Permittee under this Permit, the Permittee shall inform the Authority the name of the appointed contractor within 3 working days after such appointed contractor named in the Permit has changed to a different one.
- (B) The Permittee shall provide, receipt to be acknowledged in writing and produced to the Authority upon request, a copy of this Permit and Conditions of Permit to the Nominated Permittee or his appointed contractor, as the case may be, before one commences work.
10. (A) The Permittee shall
- (I) display a photocopy of this Permit (in pink), any extension of this Permit and any other permits on the sign face of small publicity boards and/or the back of publicity boards for motorists; and
 - (II) make readily available, if any, temporary traffic arrangement plans as agreed by the Commissioner for Transport and/or the Hong Kong Police Force on site or upon request by the Authority
- for inspection by the Authority.
- (B) In case of the Work affecting area other than carriageway including footway, cycle track, verge, side lane and back lane, the Permittee shall display the small publicity boards in accordance with the current version of Highways Department (HyD) Standard Drawing no. H6144 or H6145, or the Permittee's drawings approved by the Authority.
- (C) In case of the Work affecting carriageway, the Permittee shall display the publicity boards for motorists or small publicity boards in accordance with the guidelines as given in the current version of HyD Guidance Notes* RD/GN/019 and HyD Standard Drawing no. H6144 or H6145 or H6148 or H6149, or the Permittee's drawings approved by the Authority.
- (D) The Permittee shall ensure that the information on these publicity boards mentioned in sub-clauses (B) & (C) above is updated.
- (E) The Permittee shall ensure that the enquiry telephone number displayed on these publicity boards mentioned in sub-clauses (B) & (C) above is reachable at all times.
11. All pipes, cables, ducts, covers, valve boxes, chambers, and any other installations laid or installed by the Permittee under this Permit are to be laid or installed at the risk of the Permittee and they shall be adjusted, realigned or removed at no expense to Government, whenever deemed necessary by Government.
12. (A) The Permittee shall indemnify and keep indemnified Government against all losses and claims for

* HyD Standard Drawings & Guidance Notes, and Guide to Trench Excavations may be downloaded from the web site of Highways Department www.hyd.gov.hk

injury or damage to any person or property, nuisance, disruption or interference whatsoever which may arise out of or in consequence of the Work of the Permittee, and against all claims, demands, proceedings, damages, costs, charges or expenses whatsoever in respect thereof or in relation thereto.

- (B) The Permittee shall make good or pay for any works as a result of or in consequence of the Work of the Permittee.
13. The Permittee shall notify the Senior Superintendent of Police/Traffic, Hong Kong Police Force by telephone immediately before commencement of his emergency excavation, the location and nature of such excavation and whether any road closure is involved.
14. The Permittee shall notify each of the parties concerned shown in Table 1 of Appendix A (and others as may be added from time to time by the Authority) in writing, by facsimile or via HyD's XPMS affected by his emergency excavation as soon as possible.
15. The Permittee shall notify as soon as possible each of the parties concerned shown in Table 2 of Appendix A (and others as may be added from time to time by the Authority) in writing, by facsimile or via HyD's XPMS for those parties having access to the XPMS, affected by his emergency excavation and produce written proof of such notification upon request by the Authority.
16. Subject to these Conditions of Permit, permission to make excavation for each emergency incident expires 7 days from the date of the report of the incident to HyD.

SELF-REGULATORY CONTROL

17. (A) The Permittee shall submit to the Authority on or before the date of submission of a Completion Notice referred to in Clause 44 the details (i.e. the name, his relation with the Permittee etc.) of a responsible person, with recognised professional qualification such as member of recognised professional institutions, who has been designated by the Permittee to certify as-built records in respect of level and alignment of the underground services and installations laid or placed.
- (B) The Permittee shall provide such certified as-built records upon request by the Authority.

MINIMUM DEPTH OF SERVICES AND ASSOCIATED INSTALLATIONS

18. (A) Unless prior approval to deviate from this condition has been granted by the Authority, the Permittee shall ensure that underground services and installations be laid or placed in accordance with the minimum depth requirement. The minimum depth measured vertically to the top of the underground services and installations including pipes, cables, ducts, joints, etc. shall be:
- (I) Services other than high tension power cables of 33kV or above laid under:
- (a) Part of the street which is not carriageway (non-carriageway) – 450 millimetres from the finished surface of the non-carriageway including footway, cycle track, verge, side lane and back lane provided that
- (i) Where the proposed underground services or installations occupy more than half the combined width of the non-carriageway, the minimum depth shall be increased to 900 millimetres (for the purpose of measuring the combined width, adjoining non-carriageway parts including footway, cycle track, verge, side lane and back lane will be counted), and
- (ii) For non-energised underground services, which include telecommunication cables laid in ducts but exclude power cables, watermains and gas mains, involving a maximum of two cable ducts of nominal diameter 115 millimetres or less, the minimum depth to the top of the external surface of the ducts can be reduced to 300 millimetres provided that conspicuous identification devices in the form of plastic caution tape of not less than 100 mm wide with the utility company's name or abbreviation clearly imprinted on it are provided continuously above the ducts. When entrusted works are involved where the Permittee undertakes to lay or place telecommunication cables in ducts on behalf of other(s), the number of cable ducts to be laid for each telecommunication utility undertaking shall not exceed two and these cable ducts shall also be laid in compliance with the requirements stipulated above;
- (b) Carriageway – 900 millimetres from the finished surface of the carriageway;
- (II) High tension power cables of 33kV or above laid under:
- (a) Part of the street which is not carriageway (non-carriageway) – 1000 millimetres from the finished surface of the non-carriageway including footway, cycle track, verge, side lane and back lane;
- (b) Carriageway – 1000 millimetres from the finished surface of the carriageway.

- (B) Unless prior approval to deviate from this condition has been granted by the Authority, the Permittee shall ensure that underground services and installations running along the “Kerb Zone”, which is made up of the part of the street which is not carriageway including footway, cycle track, verge, side lane and back lane within 300 millimetres from the kerb line and the part of the carriageway within 2000 millimetres from the kerb line, be placed at a minimum depth of 1500 millimetres measured vertically from the finished surface of the carriageway to allow construction of road gullies.
- (C) Where deemed necessary by the Authority,
 - (I) the minimum depth needs to be increased to make way for or to avoid any physical constraints; or
 - (II) in the event of any damage or fault in the underground services or installations may cause damage to the roads or adjoining properties,
 the Permittee shall comply with the requirement of laying or placing the underground services and installations at such depth or with such special precautions considered appropriate by the Authority.
- (D) Where the Permittee has adequate reasons to justify that underground services and installations should be laid or placed at depth less than the minimum depth quoted in sub-clauses (A) and (B) above, the Permittee shall submit the justifications and obtain the prior written approval of the Authority.

EXISTING WORKS AND INSTALLATIONS

- 19. (A) Where any alterations to adjacent structures, pipes, utility services and installations are to be carried out by other parties to make way for the Permittee’s Work or any part thereof, the Permittee shall be responsible for any necessary liaison and arrangements with the relevant parties for the required alteration work.
- (B) (I) Before commencing any excavation for the Work, the Permittee undertaking the Work shall ensure that a layout plan with the relevant details are forwarded to the parties concerned shown in Tables 1 and 2 of Appendix A (and others as may be added from time to time by the Authority) to request for indication of their existing installations in the vicinity. The Permittee shall make all reasonable effort to obtain relevant utility record plans from utility undertakings prior to commencement of excavation.
- (II) For the list of “Urgent Works” agreed by the Authority, the Permittee shall obtain the record plans of underground services and installations before commencement of excavation as far as reasonably practicable.
- (III) The Permittee shall produce proof of requesting and/or obtaining such record plans of underground services and installations upon request by the Authority.
- (C) (I) Before any excavation including excavation for trial pits, the Permittee shall use suitable non-destructive underground services detectors, in conjunction with any available plans, to determine as accurately as possible the position of underground services in or near the proposed excavation area.
- (II) The Permittee shall also carry out any suitable investigation e.g. hand-dug trial pits to ascertain the exact positions and levels of underground services prior to using mechanical plant for road breaking and excavation.
- (III) The Permittee shall make copies of such site record photos and investigation results available for inspection upon request by the Authority.
- (D) The Permittee shall ensure that site supervising personnel are provided to oversee the operation of mechanical plant, and excavation close to or around underground services and installations is carried out by hand digging method or in accordance with guidelines and codes of practice issued by the relevant authorities.
- (E) Where underground installations or services are exposed, the Permittee shall ensure that safe working practices are adopted to prevent damaging the installations and services in accordance with guidelines and codes of practice issued by the relevant authorities.
- (F) The Permittee shall take all reasonably practical precautions when passing heavy excavator or compaction roller over underground installations and services with less than 1 metre overburden cover, especially when the road surface is removed, to prevent damaging the installations and services.
- (G) The Permittee shall take all reasonable precautions to protect roads, buildings, slopes and any other structures, or services under or above ground adjacent to or within the site from the effects of vibration, undermining, or other earth movements caused by the execution of or as a consequence of his Work. Should any such damage be identified to have been arisen out of the execution or as a consequence of his Work, the Permittee shall immediately contact the relevant parties responsible for the purpose of carrying out the necessary repair.

- (H) Where any Work are to be carried out in the vicinity of vehicular underpass or tunnel, the Permittee undertaking the Work shall be responsible for the necessary liaison and arrangements with the Maintenance Authority of the vehicular underpass or tunnel.
20. Where necessary, the Permittee shall take all reasonably practicable steps to find out whether any existing underground installations owned by private parties (e.g. building owners) and laid under wayleave granted by Lands Department will be affected by his Work.
21. (A) Should there be any of his utility pit covers located within a site enclosed with hoardings erected by another permittee, the Permittee shall request the permittee concerned to remove as soon as possible or let him remove the portion of the hoardings including its foundation to facilitate the emergency repairs.
- (B) The Permittee shall be responsible for the costs incurred by the permittee concerned in removing and subsequently reinstating the affected portion of the hoardings including its foundation or carry out at his own expense the reinstatement of the affected portion of the hoardings including its foundation, as the case may be.
22. The Permittee shall keep clear and maintain—
- (A) at all times unobstructed access to fire hydrants and valves and
- (B) when required reasonable access to watermains, stormwater drains and sewers, manholes, channels, gullies and other street hardware.
23. The Permittee shall not remove, cover or relocate—
- (A) street name plates, street furniture, drainage facilities and mail boxes without the prior consent of the Authority; and
- (B) traffic aids without the prior consent of the Commissioner for Transport.

TEMPORARY TRAFFIC ARRANGEMENT AND CONTROL

24. (A) The Permittee shall ensure that lighting, signing and guarding are provided and maintained at all times for any of his Work on carriageway and footway in accordance with the Code of Practice for the Lighting, Signing and Guarding of Road Works[#] and other relevant HyD Standard Drawings as advised by the Authority from time to time
- (B) The Permittee shall replace immediately the lighting, signing and guarding equipment if they fall short of being safe, efficient, and effective or the quality standard in accordance with the Code of Practice for the Lighting, Signing and Guarding of Road Works and other relevant HyD Standard Drawings as advised by the Authority from time to time.
- (C) Unless otherwise stipulated in the relevant standard drawing(s) published by the Transport Department or Highways Department, the Permittee shall ensure that all corners of a sign plate shall be rounded to a radius of not less than 18 mm. The Permittee shall ensure that all edges of a sign plate shall be ground to ensure that they are free from sharp edges, burrs, raggedness and tears.
- (D) The Permittee shall not occupy any parking place/space on road for the Work without the prior approval of the Commissioner for Transport.
25. If the Permittee fails to provide lighting, signing and guarding equipment or replace any unsatisfactory equipment to the quality standard in accordance with the Code of Practice for the Lighting, Signing and Guarding of Road Works and other relevant HyD Standard Drawings as advised by the Authority from time to time, the Authority shall have the right to carry out such lighting, signing and guarding as required, and the Permittee shall pay for all expenses incurred by the Authority in doing so.
26. Where temporary traffic light signal is used, the Permittee shall display at the back of the temporary traffic light signal the name and the telephone number of the responsible technician for handling complaint/enquiry. The Permittee shall ensure that the responsible technician shall be able to be contacted by the telephone number at all times.
27. Where the Permittee has to carry out excavation on footpath resulting in diversion of pedestrians onto the carriageway, the Permittee shall follow the arrangement stipulated in the current version of HyD standard drawing no. H1133 as far as reasonably practicable and other relevant HyD Standard Drawings as advised by the Authority from time to time.
28. Where the Authority imposes restricted hours during which the Work under this Permit cannot be carried out, the Permittee shall cease any work, temporarily plate over the excavation referred to in Clause 34 and remove any obstruction such that the full number of the traffic lanes of the carriageway/sufficient footway is available for the safe and free passage of vehicular traffic/pedestrians during the restricted hours.

[#] The Code of Practice for the Lighting, Signing and Guarding of Road Works may be downloaded from the web site of Highways Department www.hyd.gov.hk

29. (A) Where the Permittee has to carry out temporary traffic diversion to facilitate his Work, the Permittee shall use and properly maintain proprietary self-adhesive temporary road marking tapes or thermoplastic road markings to delineate the carriageway edge or to divide the carriageway into traffic lanes. The Permittee shall provide the temporary road markings in accordance with the Road Traffic (Traffic Control) Regulations.
- (B) The Permittee shall ensure that existing road markings to be replaced by temporary or new road markings are properly covered or removed in accordance with the Code of Practice for the Lighting, Signing and Guarding of Road Works and other relevant HyD Standard Drawings as advised by the Authority from time to time.
30. (A) Where the Permittee has obtained the approval from the Commissioner for Transport to temporarily remove, modify or relocate any existing traffic aids to facilitate commencement of his Work, he shall notify the Commissioner for Transport and HyD—
- (I) within 3 working days before commencement of his Work affecting traffic aids where applicable; and
- (II) within 3 working days upon re-opening to traffic after the affected traffic aids are permanently reinstated.
- (B) Such notifications shall be made in accordance with the format required by the Commissioner for Transport.

VEHICULAR AND PEDESTRIAN FACILITIES

31. (A) No operations in connection with the execution of the Work of the Permittee shall interfere unnecessarily or improperly with the convenience of the public or the access to, use and occupation of public or private roads or footpath or right-of-ways to or of properties whether in the possession of Government or of any other person.
- (B) The Permittee shall establish and maintain pedestrian and vehicular access, or any temporary diversions in accordance with temporary traffic arrangement plans as agreed by the Commissioner for Transport and/or the Hong Kong Police Force.
- (C) The Permittee shall keep clear and maintain unobstructed access to all emergency exits and accesses for emergency vehicles at all times.
32. (A) The Permittee shall properly contain all excavation materials to be used for backfilling by vertical boards or suitable containers within the fenced off site area and prevent them from being washed away by rain if these excavation materials are not removed off site.
- (B) Where necessary for the maintaining of pedestrian or vehicular access, the Permittee shall make arrangements to remove such excavated materials from site as deemed necessary for this purpose within the next day of the notification by the Authority unless it is impracticable to do so and an application with reason for other time limit is lodged by the Permittee with the Authority within the next day of the notification.
- (C) The Permittee shall remove materials unsuitable for the purpose of backfilling from the site daily.
33. In the case of excavation along building frontages, the Permittee shall provide temporary pedestrian crossing in accordance with the current version of HyD Standard Drawing no. H1132 or other suitable means approved by the Authority so as to maintain access to adjoining premises.
34. As a facility for the convenience of the public, where excavation(s)/section(s) of excavation on carriageways are plated over during the restricted hours mentioned in Clause 28 or Clause 35(B), steel plates in accordance with the current version of—
- (A) HyD Standard Drawing no. H6136 (or H6162 if stipulated by the Commissioner for Transport or the Hong Kong Police Force) for concrete carriageway; or
- (B) HyD Standard Drawing no. H6135 for bituminous carriageway; or
- (C) other means with prior consent of the Authority
- shall be provided to allow the area to be reopened for the reasonably nuisance-free passage of vehicular traffic.

UNATTENDED SITES AND IDLE SITES

35. (A) The Permittee shall carry out the Work with such despatch as is reasonably practicable. The Permittee shall ensure that the excavation is not left open without being actively worked on during any working day. For the purpose of this condition, a working day shall mean the period between 8:00 a.m. and 6:00 p.m. on any day which is not a Sunday nor a General Holiday, or other specified time period(s) on any day permitted under this Permit. Where a site is anticipated to be not being actively worked on for

one whole working day or longer with reason, the Permittee shall erect prominent small display board(s) referred to in condition 35(C)(II) and/or display board(s) for motorists referred to in condition 35(C)(III) explaining the reason for the road works not being actively worked on at site. An excavation site which is not being actively worked on and without display boards erected referred to above is defined as unattended site. A site shall not be left unattended.

- (B) An excavation site which is not being actively worked on but with display board(s) erected referred to in condition 35(A) is defined as an idle site. A site shall not be left idle unless it is due to reasons included in the current version of HyD Standard Drawing no. H6134 (which contains a hyperlink connected to the List of Standard Reasons for Idle Site on Highways Department's website) or prior approval has been granted by the Authority. For a site anticipated to be idle exceeding 14 consecutive working days under the standard reason(s) in accordance with the current version of HyD Standard Drawing no. H6134, the Permittee shall, unless prior approval has been granted by the Authority, cover the excavation by steel plates referred to in Clause 34 or other suitable means in such a manner so as to allow the area to be reopened for the safe and reasonably nuisance-free passage of vehicular or pedestrian traffic. This requirement also applies where an excavation is to be temporarily decked over without guarding at any time.
- (C)
 - (I) Unless prior approval to deviate from this condition has been granted by the Authority, the Permittee shall ensure that standard reason(s) in accordance with the current version of HyD Standard Drawing no. H6134 (which contains a hyperlink connected to the List of Standard Reasons for Idle Site on Highways Department's website) is shown on the display boards referred to in condition 35(A). The reason(s) for idle site displayed shall reflect the genuine situation of the idle site and the works resumption date displayed on site shall be legitimate. The Permittee shall be required to justify the idle site reason(s) and works resumption date displayed on site upon request by the Authority.
 - (II) In case of the Work affecting area other than carriageway including footway, cycle track, verge, side lane and back lane, the Permittee shall provide small display boards in accordance with the current version of HyD Standard Drawing no. H6133, or the Permittee's drawings approved by the Authority.
 - (III) In case of the Work affecting carriageway, the Permittee shall provide display boards for motorists or small display boards in accordance with the current version of HyD Guidance Notes RD/GN/024 and HyD Standard Drawing no. H6133 or H6138, or the Permittee's drawings approved by the Authority.
 - (IV) Where a site is actively worked on, the erection of display board(s) referred to in condition 35(A) is prohibited to avoid misleading the public.
- (D) The Authority reserves the right to take over the site after giving due notice to the Permittee if the excavation remains open without being worked on and without any reason being given to and accepted by the Authority. The Authority shall not be liable for any claim from the Permittee for any cost or loss thus incurred.

SITE CLEANLINESS

- 36. (A) The Permittee shall ensure that litter and waste generated from the Work or otherwise be removed from the site and properly disposed of daily.
- (B) The Permittee shall ensure that overspill or wash-away of excavation and construction materials onto adjacent land be prevented as far as reasonably practicable. The Permittee shall remove and clean up immediately the overspill or wash-away materials in the event of such occurrence arisen out of the execution or as a consequence of his Work.
- (C) The Permittee shall take adequate anti-mosquito measures to prevent mosquito breeding places. Construction equipment and materials likely to be filled up with water shall be stored, covered or treated in such a manner that water will not be retained.
- (D) The Permittee shall take adequate measures such as use of screens, dust sheets, tarpaulins, water spraying or other dust suppression methods agreed by the Authority to prevent dust generated from the execution or as a consequence of his Work. Materials, including earthwork materials, from which dust will be generated when being transported to or from the site shall be sprayed with water or covered.

BACKFILLING AND REINSTATEMENT

- 37. The Permittee shall carry out at his own expense–
 - (A) backfilling to his excavation made under this Permit;
 - (B) permanent reinstatement to his excavation made under this Permit, unless otherwise advised by the Authority; and

- (C) permanent reinstatement for the full footway width or for the full lane width of carriageway in the newly constructed streets specified under Section 18C of the Land (Miscellaneous Provisions) Ordinance, and/or to reinstate the excavation to the standards of the Authority specified in the current version of HyD Guidance Notes No. RD/GN014, which the Authority has the right to require the Permittee to carry out, depending on the extent of excavation and the practice of the Authority.
- (D) remedial works for any defect and/or unsatisfactory workmanship found by the Authority in the backfilling to excavation and permanent reinstatement and the Permittee shall register and apply in writing or via HyD's XPMS, if required, within 2 months from the date of rejection from the Authority for a new permit to carry out such remedial works.
38. The Permittee shall carry out reinstatement of affected street furniture, traffic aids, road markings and any other installations to the conditions existing before commencement of his Work unless otherwise agreed by the Authority. In the event that the road is opened to traffic before permanent thermoplastic road markings are laid, the Permittee shall use proprietary self-adhesive road marking tapes for the temporary reinstatement of road markings, and shall maintain all such temporary road markings until the permanent thermoplastic road markings are completed. The Permittee shall provide the temporary road markings in accordance with the Road Traffic (Traffic Control) Regulations.
39. (A) The Permittee shall ensure that the excavation is backfilled with fine fill material as defined in the current version of the General Specification for Civil Engineering Works[®] (GS) published by the Government of the Hong Kong Special Administrative Region in compacted layers not exceeding 150 mm thick. The Permittee shall compact each layer of backfill material with a power rammer, vibratory plate or vibratory roller. Except in road-side slopes, the relative compaction of the compacted backfill, either in terms of the in-situ dry density and maximum dry density or in terms of in-situ bulk density and maximum converted bulk density, determined in accordance with the GS clauses 6.61 to 6.70 (which make reference to the Geospec 3[®]), shall not be less than 98% for the levels within 200 mm of formation level nor 95% for other levels of backfill. For the backfill in road-side slopes, the relative compaction shall not be less than 95% throughout.
- (B) The Permittee shall ensure that the backfill materials do not contain broken concrete, bricks, clay, bituminous material, and materials susceptible to spontaneous combustion, perishable materials or debris. Backfill material shall not exceed 75 mm maximum particle size.
- (C) The Permittee shall ensure that suitable backfill materials are carefully placed and compacted by hand-rammers to obtain a relative compaction of at least 85% throughout, or in accordance with the approved Permittee's specifications, and up to the level of—
- 150 mm above the crown of the utility ducts, cables or pipes;
 - 150 mm above the roof of the chambers, junction boxes or other installations; or
 - 300 mm above the crown of water pipes.
- (D) The Permittee shall ensure that backfill materials adjacent to gas plant and watermains are suitably compacted to give comparable support and protection to that provided before excavation. No power compaction shall take place until 300mm cover of selected fine fill has been suitably compacted by hand-rammers.
40. Unless otherwise advised by the Authority, the Permittee shall ensure that reinstatement (including temporary and permanent reinstatement) of the streets is in compliance with the standards given in the current version of—
- (A) HyD Guidance Notes No. RD/GN014 – Permanent Trench Reinstatement; and
- (B) HyD Standard Drawings referred to in the HyD Guidance Notes No. RD/GN014.
41. Unless otherwise advised by the Authority, the Permittee shall reinstate—
- (A) concrete staircase to the original details, dimensions, lines, levels etc. The edges of reinstatement shall be in a saw-cut straight line.
- (B) masonry steps staircase and granite kerbs to the original state. Masonry steps and granite kerbs shall be taken up in whole piece with extreme care and properly stored for re-use.
42. (A) On submission of a Completion Notice referred to in Clause 44, the Permittee shall submit to the Authority the certified true copy of the material delivery slip or document to show the material used for permanent reinstatement of bituminous carriageway. Unless exempted in the approved work list by the Authority or prior approval has been granted by the Authority, the Permittee shall submit to the Authority within 2 months from the date of submission of a Completion Notice referred to in Clause 44 the original copy or certified true copy of the test certificate/report on—
- (I) for backfill to carriageway and footpath,

[®] General Specification for Civil Engineering Works and its corrigenda, as well as Geospec 3 may be downloaded from the web site of Civil Engineering and Development Department www.cedd.gov.hk

- (a) the test results of satisfactory compaction of the backfill as well as compliance tests for granular sub-base, lean concrete, concrete or bituminous materials; and
 - (b) the moisture content and relative compaction test results of at least three samples of the top layer compacted backfill.
- (II) for reinstatement of bituminous carriageway and cycle track,
- (a) the tests of determining the particle size distribution, bitumen content and Rice's specific gravity of each batch of the bituminous materials in accordance with the GS; and
 - (b) the tests of determining the air void content of the cores taken from each batch of compacted bituminous materials in accordance with the GS.
- (III) for reinstatement of concrete carriageway and footpath,
- (a) the test of determining the 28-day compressive cube strength of the concrete in accordance with the GS
- (B) The tests referred to in sub-clauses (A) (I), (II) and (III) above shall be performed by a laboratory accredited to carry out such particular tests under the Hong Kong Laboratory Accreditation Scheme.
- (C) For any non-compliance found in the test results, the Permittee shall carry out the necessary remedial works at his own expense and apply, within 2 months from the date of rejection letter from the Authority, for a new permit to carry out such remedial works.
43. (A) Unless otherwise agreed by the Authority, the Permittee shall ensure that temporary reinstatement of pavement type is in accordance with the current version of HyD Standard Drawing H1123.
- (B) For excavation in pavement of paving slab/block construction where permanent reinstatement is to be carried out by the Authority, the Permittee shall ensure that—
- (I) the trench is backfilled and compacted up to the formation level; and
 - (II) where practicable an advance notice of 3 working days before completion of backfilling is given to the Authority for permanent reinstatement.
- (C) Permanent reinstatement, with its extent determined depending on the extent of excavation and the practice of the Authority, carried out by the Authority shall be at the expense of the Permittee.

COMPLETION OF THE EXCAVATION

44. (A) Without prejudice to Clauses 45 and 46, where—
- (I) temporary or permanent reinstatement as required under this Permit is completed; and
 - (II) all equipment and surplus materials are cleared away and removed from the site,
- the Permittee shall notify the relevant CHE of HyD the completion of the excavation by facsimile or via HyD's XPMS by submitting a Completion Notice stating that the site is ready for taking over by the Authority for permanent reinstatement or is reopened to vehicular or pedestrian traffic, as the case may be.
- (B) This Permit shall then expire on the date of notification of the completion of the excavation (i.e. the date of submission of a Completion Notice) to the Authority.
- (C) The permittee shall submit the Completion Notice to the relevant CHE of HyD by facsimile or via HyD's XPMS within 14 working days from the expiry date of this Permit or its extension, if any, whichever the later.

MAINTENANCE AND DEFECTS LIABILITY

45. 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 a Completion Notice.
46. 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 a Completion Notice, 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 for all expenses incurred by the Authority pursuant to Section 10Q of the Land (Miscellaneous Provisions) Ordinance.

AMENDMENTS TO CONDITIONS AND SPECIFICATIONS

47. During the currency of the Permit, the Authority reserves the right to amend and add to the Conditions and the specifications in writing as necessary to suit the site conditions so that the interest of the public can be protected in a more effective way.

A NOTE TO THE PERMITTEE AND THE NOMINATED PERMITTEE

1. In accordance with Section 4 of the Prevention of Bribery Ordinance Cap. 201, any person who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, offers any advantage to a public servant as an inducement to or reward for or otherwise on account of that public servant's

- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;
- (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by that public servant or by any other public servant in his or that other public servant's capacity as a public servant; or
- (c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body.

shall be guilty of an offence.

2. In accordance with Section 2 of the Prevention of Bribery Ordinance Cap. 201, "Advantage" means-

- (a) any gift, loan, fee, reward or commission consisting of money or of any valuable security or of other property or interest in property of any description;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) any other service, or favour (other than entertainment), including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted;
- (e) the exercise or forbearance from the exercise of any right or any power or duty; and
- (f) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of any of the preceding paragraphs (a), (b), (c), (d) and (e).

3. Notwithstanding the definition of "Advantage" in Section 2 of the Prevention of Bribery Ordinance Cap. 201, in order to prevent HyD staff from putting themselves into what may prove to be a compromising situation, no entertainment proffered by any person who have official dealings with the department other than that normally associated with official contacts may be accepted by HyD staff without prior approval.

Table 1

| <i>Hong Kong Island :</i> | <i>Kowloon and New Territories :</i> |
|---|---|
| The Hongkong Electric Co., Ltd. | CLP Power Hong Kong Ltd. |
| Chief Engineer/Lighting, Highways Department | Chief Engineer/Lighting, Highways Department |
| PCCW-HKT Telephone Limited | PCCW-HKT Telephone Limited |
| The Hong Kong & China Gas Co. Ltd. | The Hong Kong & China Gas Co. Ltd. |
| Hutchison Global Communications Ltd. | Hutchison Global Communications Ltd. |
| New World Telecommunications Ltd. | New World Telecommunications Ltd. |
| Wharf T & T Ltd. | Wharf T & T Ltd. |
| Hong Kong Cable Television Ltd. | Hong Kong Cable Television Ltd. |
| Water Supplies Department | Water Supplies Department |
| Drainage Services Department | Drainage Services Department |
| Transport Department | Transport Department |
| Hong Kong Broadband Network Limited | Hong Kong Broadband Network Limited |
| Towngas Telecommunication Fixed Network Limited | Towngas Telecommunication Fixed Network Limited |
| SmarTone Communications Limited | SmarTone Communications Limited |
| TraxComm Limited | TraxComm Limited |
| HKC Network Limited | HKC Network Limited |
| Hongkong Tramways Ltd. | |

Table 2

| |
|---|
| (i) Fire Services Department |
| (ii) The relevant Chief Leisure Manager of Leisure and Cultural Services Department (for excavation affecting roadside trees falling within 2.5m of the tree trunk) |
| (iii) Antiquities and Monuments Office of Leisure and Cultural Services Department (for excavation within 50m of declared monuments/graded facilities maintained wholly or partly by the Highways Department) |
| (iv) SPSM/TS2, Property Services Branch, Architectural Services Department, APB Centre, 9 Sung Ping Street, Hunghom, Kowloon (for excavation on footpath adjacent to government properties or within 3m adjacent to government properties if not on footpath) |
| (v) MTR Corporation Limited (for excavation within railway protection zones) |
| (vi) MTR Corporation Limited (for excavation in the vicinity of the Light Rail Transit System) |
| (vii) Electrical and Mechanical Services Department (for excavation located within 30m of a signalised junction) or near the District Cooling System at Kai Tak Development) |
| (viii) Country and Marine Parks Authority (for excavation located within country park areas) |
| (ix) Lands Department and Government Property Agency (for Kai Tak area only) |
| (x) The Hongkong Electric Co., Ltd. (for excavation on Lamma Island) |

ADDITIONAL CONDITIONS OF PERMIT (EMERGENCY EXCAVATION) (Sample)

COMPLIANCE WITH ADDITIONAL CONDITIONS OF PERMIT

1. (A) Subject to sub-clause (B), the Permittee shall comply with all of these Additional Conditions of Permit.
- (B) Where there is a Nominated Permittee in relation to this Permit pursuant to Section 10G of the Land (Miscellaneous Provisions) Ordinance, the Permittee and the Nominated Permittee shall comply with the Additional Conditions of Permit as follows–

| (I) <i>Additional Conditions of Permit No.</i> | <i>To be complied with by</i> |
|---|--|
| (a) | The Permittee |
| (b) | The Nominated Permittee |
| (c) Any conditions other than (a) and (b) above | Both the Permittee and the Nominated Permittee |

- (II) The Permittee referred to in these Additional Conditions of Permit shall then mean the Permittee, the Nominated Permittee or both the Permittee and the Nominated Permittee as the case may be in accordance with sub-clause (B)(I) above.