

Chapter 4

Section 4 - Capital Works Excavation Permit Administration Procedure

1.0 Introduction

1.1 An excavation permit (XP) is usually limited to cover an area which can be bounded by a 450m diameter circle. To cope with excavation works covering a larger area, Capital Works Excavation Permit (CWXP), in which limitation of 450m is relaxed and may cover an entire site area, is introduced. Such relaxation is subject to the condition that the control exercised by the Director of Highways (DHV) over excavation is not sacrificed. A CWXP shall only be issued if the following conditions are satisfied or as approved by Highways Department under special circumstances:-

- (i) the site area of the Capital Works (CW) project should exceed a 450m diameter circular boundary and the excavation works should be continuous rather than a collection of individual works;

[Note: Normally, if the proposed works of a CW project are scattered in different distinct locations and each location can be circumscribed by a 450m diameter circle, CWXP will not be applicable to this type of project as the proposed works can be completed by sections with conventional XPs. In addition, if there is any precedent for completing similar type of proposed CW by sections with conventional XPs, the Authority may reject the CWXP application.]

- (ii) the CWXP applicant shall substantiate that the project involves many interface issues which are difficult to be coordinated before the commencement of the proposed works; and
- (iii) the permittee shall establish a Site Liaison Group (SLG) to take up all works coordination including utility coordination as well as the associated temporary traffic management issues.

2.0 Registration

2.1 It is a requisite requirement that the applicant must be an Excavation Permit Management System (XPMS) user.

2.2 The applicant should register his CW via XPMS at least 6 months before the commencement of the excavation works. To complete the registration of a new plan, the applicant shall-

- (i) fill in all mandatory textural data such as location, start and end dates, details of contact person and permit period which may cover the overall CW construction period including the maintenance period. However, the establishment period for landscape soft works shall be excluded from the applied permit period.
- (ii) digitize the initial extent of CW site area in XPMS. CW site areas outside highway polygons should be excluded from plan.
- (iii) submit details (e.g. programme of works) via XPMS for permit period assessment.

2.3 The respective Highways Department (HyD) Regional Office vets the submissions and decides if the proposed works will be accepted as CW. The applicant will be informed of the decision through XPMS.

2.4 After acceptance of the registration, the applicant should update the information from time to time, e.g. contact person details of the applicant/contractor. He is also required to update the proposed start and end dates of CW if there are changes before the issue of CWXP.

3.0 Permit Period Assessment

3.1 The permit period of the proposed CW is assessed during the registration stage. The Inspector of Works (IOW) of the respective HyD Regional Office will assess the permit period calculated by the applicant. The contract period of the proposed CW will be for reference only. 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.

3.2 The applicant will be notified the permit period assessment made by the IOW of the respective HyD Regional Office via XPMS. For a good quality submission, the IOW will normally complete the permit period assessment and inform the applicant the result of his assessment in 20 working days. Such notice of result of assessment shall not be regarded as served under section 10M(2) of the LMPO. If the applicant disagrees with the assessment, he can discuss with the Engineer/Chief Technical Officer (E/CTO) of the respective HyD Regional Office and submit a new permit period calculation if necessary. If the case still cannot be settled,

the E/CTO should issue a CWXP based on his assessment and also notify the permittee of 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 Chief Highway Engineer (CHE) of the respective HyD Regional Office under section 10M of the LMPO.

4.0 Permit Application

4.1 The applicant can proceed to apply for a CWXP via XPMS after successful registration and permit period assessment. The maximum advance lead time for CWXP application is 120 days before the proposed commencement date of excavation works.

4.2 The applicant may nominate his contractor as nominated permittee. Details of the procedures are described in Section 7 – Nominated Permittee Approval/Withdrawal/Removal Procedures.

4.3 For issue of a CWXP, HyD will charge the applicant an appropriate prescribed fee (i.e. Registration fee plus Daily fee \times number of days for the whole duration of the CWXP). For details of prescribed fee, see Appendix 2.1.3. The processing procedures for payment of permit fee are same as that described in para. 8.0 of Chapter 4, Section 1 - Excavation Permit Administration Procedure.

5.0 Coordination of Works during CWXP Period

5.1 The permittee shall set up a SLG once the contractor for the CW is engaged. As the SLG is responsible for coordinating all works within the CW site area, all excavation (except emergency openings, small scale works and urgent cases) within the CW site area should be carried out with prior agreement of the SLG and approval of the relevant authorities in the SLG. The terms of reference and membership of SLG are detailed in Appendix 4.4.1. For an emergency case, UU should follow the procedure stated in para. 4.0 of Chapter 4, Section 2 – Emergency Excavation Permit Administration Procedure to start work without delay, i.e. UU to report the emergency case to HyD or Integrated Call Centre to obtain an emergency serial number and commence work immediately. For a small scale works, UU should follow the procedure stated in

Chapter 4, Section 5 – Block Excavation Permit for Small Scale Works Administration Procedure to carry out the works. For an urgent case, the IOW of the respective Regional Office should decide whether endorsement from SLG is required. If SLG endorsement is required, the IOW will inform the applicant by phone or via XPMS. The applicant should then refer to the SLG contact person details to contact the respective SLG to seek endorsement.

- 5.2 When a new plan is registered under XPMS, the system will carry out a spatial check to find out whether the new plan encroaches on any CW site area. The applicant of the new plan will be informed via XPMS by an alert message and he shall liaise directly with the CW contact person if encroachment is identified. The procedure for applying for XP within CW site area covered by CWXP is described in Appendix 4.4.2.
- 5.3 At the request of the SLG, a representative (E/CTO/Inspector of Works) of the respective HyD Regional Office will attend the SLG meeting on a need basis and provide advice from HyD's viewpoint on duration of works for their reference. If there is any disputes concerning coordination or programming issues, the SLG will be the responsible party to resolve the issues.
- 5.4 After the programme and duration of works proposed by the applicant of the new plan have been endorsed by the SLG, the applicant should attach the supporting document, such as SLG meeting minutes and programme into XPMS for the respective HyD Regional Office's reference. If the provided information is in order, the IOW of the respective HyD Regional Office should form a new case for the concerned plan and set the plan status to "Coordinated". The applicant of the new plan may proceed to apply for an XP.
- 5.5 As the actual progress of CW may deviate from the programme, the following cases may happen:-
 - (i) The actual progress of CW is ahead of the programme but the subsequent new plan cannot commence due to the commencement date of the XP has not yet reached. To minimize the occurrence of this case as far as practicable, a concerted effort by the permittee of CWXP and the applicant of new plan is required.

On one hand, the permittee of CWXP should inform the applicant of the subsequent new plan as soon as he can if the scheduled work can start earlier. On the other hand, the applicant of the new plan may:-

- (a) further confirm the anticipated commencement date of his new plan one working day before submitting XP application;
 - (b) submit XP application not too early from the programmed commencement date of works. Normally, for a good quality application, the E/CTO of the respective HyD Regional Office can issue a Demand Note to the applicant within 5 working days. If the applicant has a deposit account with HyD, a digitally signed XP will be issued to the applicant via XPMS within 5 working days; and
 - (c) allow 5 days of buffer (i.e. 5 days earlier than the programmed commencement date) in the permit period calculation to cater for possible early completion by predecessor.
- (ii) The actual progress of CW is behind the programme. Therefore, the subsequent works is postponed and insufficient time for completion of works may be resulted. To minimize the occurrence of this case as far as practicable, the permittee of CWXP should inform the applicants of all affected new plans as soon as he can if the scheduled works would most likely be postponed. The applicant of the immediate new plan may:-
- (a) regularly check the progress of the current work with the CWXP contact person and further confirm the anticipated completion date of the current work one working day before submitting XP application; and
 - (b) submit XP application not too early from the programmed commencement date of works. Normally, for a good quality application, the respective HyD Regional Office can issue a Demand Note to the applicant within 5 working days. If the applicant has a deposit account with HyD or using PPS/FPS/LDWs, a digitally signed XP will be issued to the applicant via XPMS within 5 working days upon payment of the prescribed fee.

If a delay of works really occurs under this situation, HyD as the Authority may, without payment of any prescribed fee extend that

period by the number of days for which the permittee of the conventional XP is so unable to have access to the land for carrying out excavation works in accordance with section 10A(4) of the LMPO.

5.6 To avoid the occurrence of the cases mentioned above, the permittee of CWXP and other relevant parties may also consider the following approach:

- (i) the permittee of CWXP takes up the responsibility of making and maintaining all excavation within the CW site area. No other party is allowed to make and maintain excavation within the CW site area; and
- (ii) the other relevant parties, including utility companies, shall carry out their works as programmed in the SLG, such as utility diversion, without making any excavation. As no excavation will be carried out, they do not need to have XPs for their works. They can carry out the works in parallel where appropriate.

6.0 Temporary Traffic Management Issue during CWXP Period

6.1 All temporary traffic management issues, including any conflicts with other new plans, within the CW site area should be discussed and coordinated by the SLG.

7.0 Advance Notification of Commencement of Works

7.1 Before commencement of works, the permittee should register CWXP sections in XPMS, stating the location, proposed start and end date, textual description of location and digitizing a plan of the sectional works. The area and location of the CWXP section should in general reflect the section of works under the respective Capital Works projects and the subsequent completion and handing over arrangement. As a general guideline, the number of CWXP sections should not be more than 10 under a CWXP. The new CWXP sections created would be vetted by IOW to ensure the sections details are in order and tidy for subsequent processing.

7.2 When excavation works of a section is about to commence, the permittee is required to submit an advance notification (AN) to HyD via 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. If an AN has been submitted and later it turns out that the intended commencement day has to be postponed, the permittee must cancel the AN immediately via XPMS, and then submit a new AN once the commencement date is ascertained. The permittee should also update the section proposed end date from time to time or as soon as any delay is anticipated.

8.0 Excavation Permit Extension

- 8.1 The processing procedure for CWXP extension is basically same as that for XP extension described in para 10 of Section 1 - Excavation Permit Administration Procedure. As early application for CWXP extension is hard to be assessed, no application for CWXP extension shall be submitted before the last three months of the permit period.

9.0 Site Audit Inspection of Excavation Sites

- 9.1 Upon receipt of any AN, the Audit Inspection Team (AIT) will carry out audit inspections of the excavation site. Any non-compliance (NC) identified in an audit inspection shall be recorded in a NC report, which shall serve as a warning notice to the permittee and his nominated permittee for rectification. Details of site audit inspection are described in Chapter 9 – Audit Inspection.

10.0 Notification of Sectional Completion of Works

- 10.1 If the permittee wants to hand over reinstated areas to HyD by sections, the area to be handed over (which can be an aggregate of different sections registered in the XPMS for reporting AN) should exceed a 200m diameter circular boundary. The permittee shall submit a completed sectional completion notice together with a plan (in scale 1:1000), showing the exact extent of the areas to be handed over, to the E/CTO at least 10 days in advance in order to arrange a joint inspection. The permittee can report completion of works for more than one section at each time.
- 10.2 On receipt of the notification, the E/CTO of the respective HyD Regional Office will arrange a joint site inspection with the permittee to confirm sectional completion of works and acceptance of reinstatement. If the sectional completion of works is confirmed, the date of the joint

inspection will be regarded as the sectional completion date of the CWXP and the entire section is taken over by HyD. The E/CTO of the respective HyD Regional Office should inform the drawing office to update the CW site polygon and the road opening restriction polygons accordingly. In addition, the E/CTO of the respective HyD Regional Office 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. The reference number of the file keeping all these records or any supporting documents should be recorded in XPMS. The permittee shall not re-enter that part of land for excavation unless he is required to carry out any remedial works according to the permit conditions.

10.3 If the reinstatement works is not accepted, the permittee should rectify all the defects identified in the joint inspection and arrange next joint inspection.

10.4 For each handed over section, 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 the sectional completion notice. 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 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; and
- (iii) member of the Hong Kong Institute of Surveyors or equivalent professional qualification.

The permittee shall provide the details of such professional (e.g. the name, professional qualification, membership number, etc.) when submitting the sectional completion notice.

10.5 Apart from underground services as-built records, for each handed over section, the permittee shall submit to the E/CTO within 2 months from the

date of submission of the sectional completion notice 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.

10.6 In order to demonstrate compliance with the minimum depth requirements, the permittee is required to submit record photographs showing that the underground services installed under XP is at sufficient depth in association with CN submission with that XP. For details of the photograph submission criteria and measurement arrangement, please refer to **Appendix 4.1.4**.

10.7 Excavation should be reinstated to the conditions before commencement of works. The permittee is required to submit the certified true copy of the material delivery slip or document for the reinstatement of bituminous surfacing on submission of CN.

11.0 Notification of Completion of the Whole CW

11.1 The permittee shall notify the E/CTO of the respective HyD Regional Office the completion of the whole CW. If all sections have been satisfactorily completed and confirmed by the E/CTO of the respective HyD Regional Office, the date of such notification shall be taken as the completion date of the CWXP, for which refund of daily fees or economic cost, if any, will be based on. Otherwise the notification will be rejected and the permittee shall submit another notification when all the remaining works are completed. The E/CTO of the respective HyD Regional Office shall record the completion of the CWXP and update the record in XPMS.

12.0 Reinstatement of Works within Defects Liability Period

12.1 For each section of CW, 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 7 working days has elapsed from the date of submission of the sectional completion notice. 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 the respective sectional 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 all expenses incurred by the Authority pursuant to section 10Q of the LMPO. The responsible IOW of the respective HyD Regional Office should arrange inspection to identify any defects associated with the reinstatement before the end of the liability period for each section of CW. The permittee will be required to make good the defects if any.

- 12.2 If the permittee declines to make good the defects, the E/CTO of the respective HyD Regional Office may issue a Works Order to the HyD term contractor to rectify the defects. In accordance with section 10Q of the LMPO, the respective HyD Regional Office will recover the cost including HyD's supervisory and overhead charges from the permittee.