

Chapter 4

Section 6 -Late Application for Extension of Excavation Permit Procedure

1.0 Introduction

1.1 Under section 10F of the Land (Miscellaneous Provisions) Ordinance (LMPO), the permittee may apply for an extension of the validity period of an excavation permit (XP) beyond the time limit specified for such excavation under section 18C of the LMPO but before the expiry date of the permit.

1.2 As gazetted under section 18C of the LMPO, the time limit is 7 working days for permittees who are Excavation Permit Management System (XPMS) users.

2.0 Application Submission and Processing

2.1 The permittee should submit the XP extension application via XPMS together with an updated works programme, which should include the required extension period, to the Engineer/Chief Technical Officer (E/CTO) of the respective Highways Department (HyD) Regional Office before midnight (i.e. 12:00 a.m.) of the last working day of the permit period. If necessary (*e.g. when the permittee wants to indicate that during the XP extension period, the outstanding works will not affect traffic*), an updated plan alignment should be submitted for reference as well.

[Note: (i) If the Permittee cannot submit the XP extension application via XPMS, he is still allowed to submit the application manually before 4:00 p.m. of the last working day of the permit period. In this regard, the permittee is required to submit the above-mentioned information by hand together with (i) a duly completed Form HYD 16 and (ii) a cheque for the appropriate prescribed fees (which should be made payable to “The Government of Hong Kong Special Administrative Region”) to the respective HyD Regional Office. In order to avoid the situation of submitting a cheque with insufficient prescribed fees (e.g. the permittee is not aware of the need to pay for economic costs), the permittee is strongly recommended to consult the E/CTO of the respective HyD Regional Office for the right amount of prescribed fees to be stated in the cheque before the submission of application.]

- 2.2 If the permittee has a deposit account with HyD and economic cost is not involved, XPMS will calculate the appropriate prescribed fee based on the duration of the period applied for inputted by the permittee and automatically deduct the fee from the deposit account. A certificate of payment will also be sent to the permittee by e-mail.
- 2.3 If the permittee does not have a deposit account with HyD and/or economic cost is involved, the permittee should download the demand note (DN) from XPMS and settle the DN at Post Office or by transfer voucher for government departments before the expiry of the permit. The DN will be available in XPMS after the submission of the application. Each DN should have details including the name of permittee, permit number, period of extension applied for and location.
- 2.4 Once the permittee has paid the appropriate prescribed fee, the permit is deemed to be extended up to the expiry of the period applied for by him.
- 2.5 The permittee should then inform the Account Section of the respective HyD Regional Office that the DN has been settled.

3.0 Issue of Permit Extension

- 3.1 After receipt of appropriate prescribed fee for permit extension, the E/CTO of the respective HyD Regional Office should check whether the category of affected street declared by the permittee is correct if the excavation works will affect street. If it is found that the category of street affected declared by the permittee is less expensive than that really affected on site, the E/CTO should check how many days of extension the prescribed fee paid by the permittee can sustain based on the category of street really affected on site. The E/CTO should e-mail a DN to the permittee and request the permittee to pay for the difference within 2 working days from the date of the E/CTO's notification but no later than the expiry date of the extension calculated based on the category of street really affected on site and the prescribed fee paid by the permittee. The permittee should settle the DN at Post Office or by transfer voucher for government departments. If it is found that the category of street affected declared by the permittee is more expensive than that really affected on site, the E/CTO should arrange refund of any extra prescribed fee to the permittee without interest.

3.2 At the same time, the E/CTO should determine the period for which an XP deemed to be extended shall be valid and may revise the expiry date of the permit to a date which is earlier than the expiry date deemed to be extended.

3.3 Before issue of the permit extension by the E/CTO, the permittee shall keep a copy of his application and the certificate of payment/ the receipted DN displayed on site as a proof of fulfilling the requirement of section 10F(1) of the LMPO. Upon issue of the permit extension, the permittee shall within the next working day replace both the copy of his application form and the certificate of payment/ the receipted DN by a copy of the permit extension.

4.0 Appeal to Extension Period Assessment

4.1 If the permittee does not agree with the permit extension assessment made by the E/CTO of the respective HyD Regional Office, he can appeal, within 28 days from the date of service of notice of result of the E/CTO's permit extension assessment, to the Chief Highway Engineer (CHE) of the respective HyD Regional Office under section 10M of the LMPO.