

## Chapter 5

### Section 4 – Extremely Urgent Excavation Permit Administration Procedure for Infrequent Excavation Permit Applicants

#### 1.0 Introduction

1.1 In the interests of the public, some of the Excavation Permit Management System (XPMS) users (*such as utility undertakings and government departments*) are allowed to apply for emergency excavation permits (EXP) in advance of emergency incidents. However, for infrequent excavation permit applicants (*which can be any company or any individual*), as they seldom lay or place services or underground structures within streets maintained by Highways Department (HyD), it is rare for them to have emergency incidents within HyD’s maintenance boundary. As such, HyD does not intend to issue EXP to infrequent excavation permit (XP) applicants for some uncommon emergency incidents. Nevertheless, it is possible that infrequent XP applicants may have genuine need to obtain an XP for extremely urgent works. In such circumstances, HyD Regional Office will assist such applicant to fast track the XP application and processing.

1.2 This procedure provides guidelines for HyD Regional Offices to handle XP applications from non-frequent XP applicants for extremely urgent works.

#### 2.0 Extremely Urgent Works

2.1 It is not easy to list out all the common types of extremely urgent works of infrequent XP applicants for reference. As a general guide, the following interpretation of “emergency incident” stated in Section 2 of the Land (Miscellaneous Provisions) Ordinance could serve as a reference for determining “extremely urgent work”:

“emergency incident” means an incident the occurrence of which reasonably requires an immediate excavation for the purpose of –

- (a) the prevention of injury of any person;
- (b) the saving of life of any person;
- (c) the prevention of damage to any property; or
- (d) the prevention of serious interruption or disruption to any public transport system or utility services.”

#### 3.0 Registration and Application for Extremely Urgent Works

3.1 If the applicant has already opened an ad-hoc XPMS account in accordance with paragraph 3.0, Chapter 5, Section 1 of this manual, he/she should:

- (i) create a plan via the XPMS;
- (ii) complete all the details;
- (iii) check the “Extremely Urgent” check box; and
- (iv) provide justification if required.

- 3.2 If the applicant does not have an ad-hoc user account in XPMS, he/she should:
- (i) complete the Form HYD 95 and Form HYD 97; and
  - (ii) send the duly completed forms together with the following supporting documents to the permit clerk of the respective HyD Regional Office by hand:
    - (a) 4 copies of layout plan(s) in A4/A3 in 1:1000 scale showing the full extent of the excavation works;
    - (b) permit period assessment with details of the programme of the proposed excavation works;
    - (c) a copy of the applicant's official identity certificate (*if the applicant is a company, a copy of the company's business registration certificate should be provided; if the applicant is a joint venture company, copy of all partners' business registration certificates should be provided; or if the applicant is a person, a copy of his/her identity card should be provided*); and
    - (d) a copy of the proposed contractor's business registration certificate (*if the contractor is a joint venture company, copy of all partners' business registration certificates should be provided*).

[**Note:** Both Form HYD 95 and Form HYD 97 can be downloaded from HyD's web site.]

- 3.3 The Engineer/Chief Technical Officer (E/CTO) of the respective HyD Regional Office should decide if the works should be processed as an "Extremely Urgent Works". If the E/CTO of the respective HyD Regional Office agrees that the application is extremely urgent in nature, the XP application will be processed immediately. Otherwise, the XP application will be processed following the normal XP workflow in accordance with Chapter 5, Section 1 of this manual. HyD Regional Office will inform the applicant the assessment result within one working day from the date of receipt of the application through XPMS for applicants with an ad-hoc user account, or by fax for applicants without an ad-hoc user account.

[**Note:** For applicants without an ad-hoc user account, HyD Regional Office should immediately register the proposed XP application into XPMS for the applicant in order to process the application via XPMS.]

#### **4.0 Traffic Advice**

- 4.1 Immediately after the application is accepted to be an extremely urgent case, the applicant is required to seek traffic advice from Hong Kong Police Force (HKPF)

and/or Transport Department (TD).

- 4.2 For works not affecting carriageway, the applicant only needs to seek HKPF's comments but doesn't need to seek TD's advice.

## **5.0 Other Necessary Approvals**

- 5.1 Apart from seeking HKPF's/TD's advice as mentioned above, if working at restricted hours is necessary, upon receipt of the reply slip from the E/CTO, the applicant should apply for a Construction Noise Permit (CNP) from Environmental Protection Department (EPD) immediately.

- 5.2 Also, the applicant should check if the works will affect-

- (i) Light Rail Transit (LRT) or Mass Transit Railway (MTR) facilities, or other railway facilities;
- (ii) any road side tree and/or Old and Valuable Tree (OVT); obtain consent from the responsible maintenance authorities such as Leisure and Cultural Services Department (LCSD), Agriculture, Fisheries and Conservation Department (AFCD), Landscape Unit of Highways Department (LU/HyD), etc.; and
- (iii) unleased government land other than streets maintained by HyD; obtain XP from Lands Department (LandsD).

The applicant should approach the corresponding party to resolve the issue if any.

## **6.0 Permit Period Assessment**

- 6.1 As the proposed works is recognized as extremely urgent in nature and the working period cannot be assessed accurately, the permit period assessment process is not required.

## **7.0 Coordination of Works**

- 7.1 As the proposed works is recognized as extremely urgent in nature, coordination of works is exempted.

## **8.0 Issue of Permit**

- 8.1 For works affecting carriageway, upon receipt of HKPF's and TD's advice, the E/CTO should immediately inform the applicant to formally submit the XP application form (i.e. Form HYD 14) and prepare the Demand Note (DN). For works not affecting carriageway, the E/CTO should wait for HKPF's approval and comments, if any, before informing the applicant to formally submit the XP application form and the issuance of DN.

- 8.2 The applicant should verify the amount of the DN and settle the DN via PPS, Internet payment or Post Office. The applicant should inform the E/CTO when he has settled the DN.

- 8.3 The E/CTO issues the XP to the applicant upon confirmation of payment.

## **9.0 Advance Notification of Commencement of Works**

9.1 Submission of advance notification (AN) is still required for extremely urgent XPs. However, in view of the urgent nature of the works, the Permittee of an extremely urgent XP is allowed to submit the AN by fax less than 2 working days before the commencement of works. For details of submission of AN, see para. 10.1 and 10.2 of Chapter 5, Section 1 of this manual.

**10.0 Other Related Procedures and Information**

10.1 For details of other related procedures and requirements, such as “Nomination of Nominated Permittee”, “Preparation Works and Precautions Prior to Excavation”, “XP Extension”, “Site Audit Inspection of Excavation Sites”, “Completion of Works” and etc., the Permittee should refer to Chapter 5, Section 1 of this manual.

10.2 For contact information (*such as address and phone no.*) of HyD, TD, HKPF and EPD, see Appendix 5.4.1.