

## **Chapter 9**

### **Section 1 - Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Regional Offices**

#### **1. Introduction**

- 1.1 Excavation permits (XP) and emergency excavation permits (EXP) are issued by Highways Department (HyD) with permit conditions for controlling the performance and standard of both normal and emergency excavations undertaken by the permittee and/or his nominated permittee in streets maintained by HyD. Although a centralized audit inspection team (AIT) established in Research and Development (R&D) Division of HyD carries out audit inspections to monitor and ensure that XP or EXP conditions in respect of activities performed on sites are complied with, there are still some other conditions which need to be checked and monitored by the Regional Offices to ensure that they are also complied with by the permittees and the nominated permittees.

#### **2. Purpose**

- 2.1 This document is to provide procedures for staff of Regional Offices to carry out their duties to check and ensure that the permittees/nominated permittees
- i) comply with the conditions of permit; and
  - ii) take the best practical steps to stop any contravention of the conditions of permit and to avoid the recurrence of any like contravention under the control and responsibilities of the Regional Offices.

#### **3. Division of Duties/Responsibilities on the Conditions of Permit**

- 3.1 In general, the conditions of permit related to activities performed on site, starting from the commencement date of a permit to the date of submission of a completion notice for the permit, shall be checked compliance by AIT whilst the remaining conditions of permit shall be checked compliance by the Regional Offices. A table defining the division of duties/responsibilities on the standard conditions of permit between the Regional Offices and the AIT of R&D is shown in Appendix 9.1.1.
- 3.2 The staff of Regional Offices shall, in accordance with the duties and responsibilities listed in the table, exercise effective and adequate control of the permittees/nominated permittees to ensure that they comply with the conditions of permit.
- 3.3 For the division of duties/responsibilities on any additional conditions stipulated in a permit, the same principle stated in paragraph 3.1 shall apply to the Regional Offices and the AIT of R&D respectively.

#### **4. Actions Taken Against Non-compliance With Permit Conditions**

- 4.1 When non-compliance with permit conditions is observed, the responsible engineer/CTO should send a warning notice stating which conditions of permit

was contravened in writing, by facsimile or via HyD's Excavation Permit Management System (XPMS) to the permittee concerned for immediate corrective action. Such record of non-compliance should be registered in the XPMS for the purpose of monitoring performance.

- 4.2 For more serious and repetitive contravention of the permit conditions, the responsible engineer/CTO should refer the case to the Enforcement Team for necessary prosecution actions.