

FOREWORD

Under the Land (Miscellaneous Provisions) Ordinance, Director of Highways (DHy) is responsible for the control of excavation on streets maintained by Highways Department (HyD). Director of Lands is responsible for the control of excavation on unleased land under the control of Lands Department.

HyD exercises control over excavation on streets through a permit system whereby a street excavation promoter, not the contractor, Authorized Person or consultant employed by the promoter, is required to obtain from HyD an excavation permit (XP) prior to commencement of excavation work. HyD regulates excavation works through audit inspection of excavation sites and referral to Department of Justice for prosecution if case warrants such course of action.

This Manual mainly presents the procedures with respect to application and administration of XPs. It also presents the site audit inspection procedures and standards.

Users are encouraged to comment at any time to the Research and Development Division of HyD on the contents of this document so that improvements can be made to future editions.

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CHAPTER 1

INTRODUCTION

CHAPTER 1

INTRODUCTION

1.1 The main purpose of Excavation Permit Processing Manual (the Manual) is to provide guidance on the procedures for the application and administration of excavation permits. Application of excavation permit (XP) may involve various government departments and corporations. To facilitate the application of XPs, Highways Department (HyD) together with other government departments have set up a streamlined XP application process procedure. The Manual also presents the site audit inspection procedures and standards.

1.2 For excavation works in streets maintained by HyD, an applicant must be the promoter of the excavation works, not the contractor, Authorized Person or consultant employed by the promoter.

1.3 An up-to-date version of the Manual is available on HyD's web site <http://www.hyd.gov.hk> .

1.4 The Manual comprises the following chapters:

- Chapter 1 Introduction
- Chapter 2 Highways Department Streamlined Excavation Permit Application Procedures
- Chapter 3 Excavation Permit Management System (XPMS)
- Chapter 4 Highways Department Land (Miscellaneous Provisions) Ordinance Operating Procedures for XPMS Users
- Chapter 5 Highways Department Land (Miscellaneous Provisions) Ordinance Operating Procedures for Infrequent Excavation Permit Applicants
- Chapter 6 Notification Procedure
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- Chapter 8 Assessment Review
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- Chapter 10 Enforcement
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CHAPTER 2

HIGHWAYS DEPARTMENT STREAMLINED EXCAVATION PERMIT APPLICATION

CHAPTER 2

STREAMLINED EXCAVATION PERMIT APPLICATION PROCESS

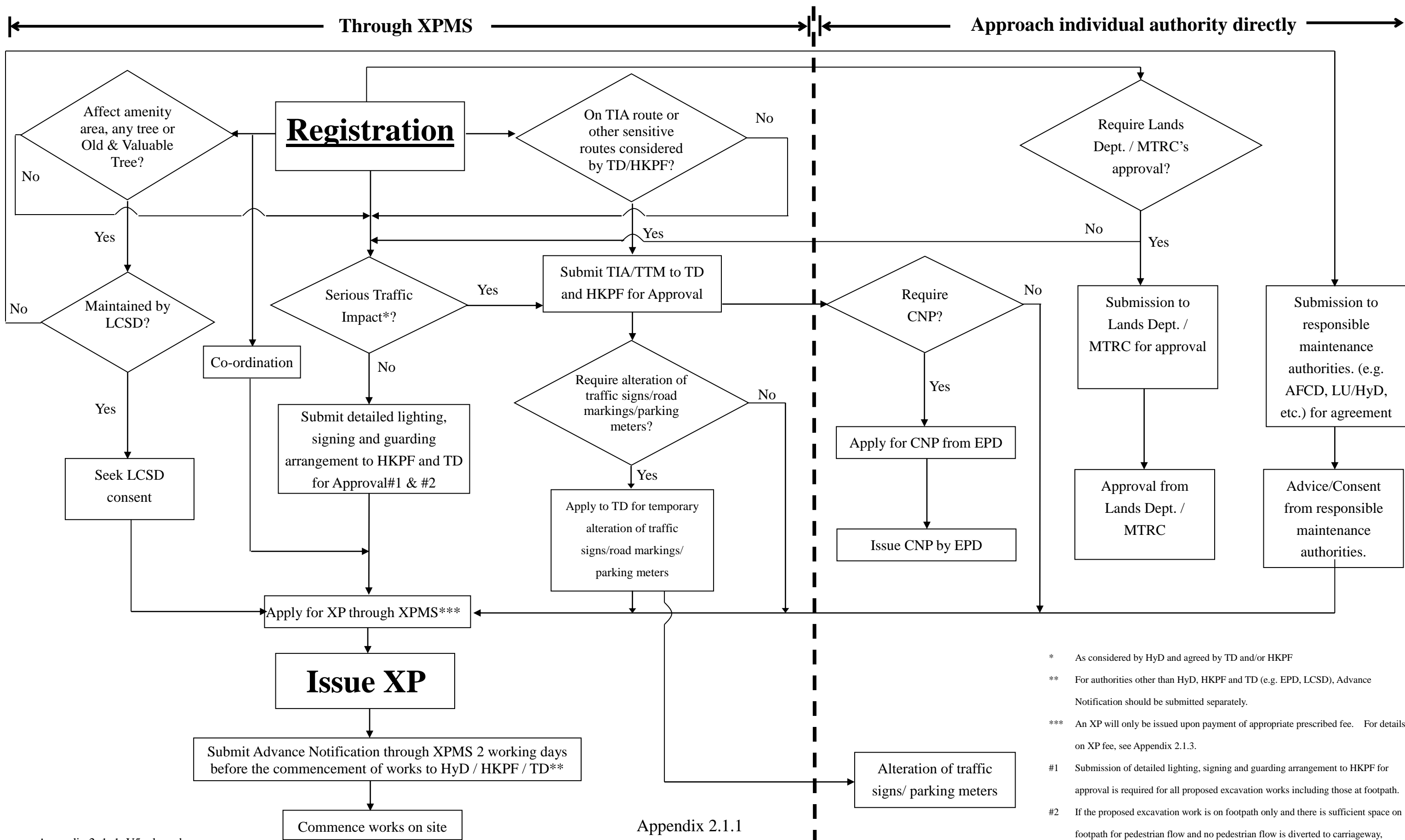
2.1 When a street excavation promoter carries out road opening works, he needs to liaise with different government departments, namely, Transport Department (TD), Highways Department (HyD) and Hong Kong Police Force (HKPF) to seek traffic advice, to obtain an excavation permit (XP) before he can actually commence the road opening works on site. He also has to approach the Environmental Protection Department (EPD) for issue of a construction noise permit if so required.

2.2 In the past, prior to the implementation of the streamlined XP application process, there might be cases which conflicting requirements were imposed by different government departments on a proposed excavation works. The road excavation promoter had to make extra effort to resolve those conflicting requirements. There might be cases that additional requirements were imposed on the proposed excavation work after the issuance of the XP. This had lead to delay in commencement of the excavation works.

2.3 HyD, in collaboration with relevant government departments, has implemented the streamlined XP application process since May 2002. The process aims at the elimination of the above-mentioned deficiencies. Once an XP is issued, the road excavation works can commence subject to the compliance of the provisions of any other legislation relating to the work covered by the XP.

2.4 The process flow chart and notes of the streamlined XP application process are at Appendix 2.1.1 and 2.1.2 respectively.

Flowchart for Streamlined XP Application Process through XPMS



* As considered by HyD and agreed by TD and/or HKPF
 ** For authorities other than HyD, HKPF and TD (e.g. EPD, LCSD), Advance Notification should be submitted separately.
 *** An XP will only be issued upon payment of appropriate prescribed fee. For details on XP fee, see Appendix 2.1.3.
 #1 Submission of detailed lighting, signing and guarding arrangement to HKPF for approval is required for all proposed excavation works including those at footpath.
 #2 If the proposed excavation work is on footpath only and there is sufficient space on footpath for pedestrian flow and no pedestrian flow is diverted to carriageway, submission to TD is not required.

Notes to the Streamlined XP Application Process

Note	Process	Action	Action by	Pledged Time	Remark
1.	Registration	Register the proposed excavation works in XPMS: <u>Category Min. Lead time</u> C1 6 months C2 2 months C3 1 month	Applicant		The minimum lead-time is introduced for effective coordination of road opening works. Applicants are encouraged to make registration soonest possible. Applicant may apply in writing to waive the lead-time requirement with justifications in accordance with UTLC paper 1/98.
2.	Case Co-ordination	(i) HyD identify conflicting works (ii) Applicants carry out coordination (iii) HyD assess the works coordination programme.	HyD Applicant HyD	1 week 1 week	(a) Each opening work is assessed on the need of coordination by HyD after registration (b) Applicants can commence coordination at any time after downloading the weekly generated conflicting works report. The leading applicant should submit the agreed works programme to HyD for approval.
3a.	Submission of TIA/TTA or other traffic related proposals/plans to TD and HKPF for approval	Submit TIA/TTA and traffic related proposals/plans and the relevant information to TD and HKPF for agreement.	Applicant	Should be submitted as soon as possible	Submit when (a) at pre-agreed criteria such as TIA routes, Day-time ban routes, total closure of a bound of road, change of traffic flow direction. (b) required by HyD
		Study and provide advice/comments/approval.	TD	1 month	
			HKPF	1 month	

Note	Process	Action	Action by	Pledged Time	Remark
3b.	Application for closure of parking meter, change in restriction zone, relocation of public transport facilities and services and/or alteration of road markings or traffic sign	Submission of application to TD	Applicant	Before the XP application stage	
		Processing the application	TD	2 to 4 weeks from the date of submission of application	4 weeks are required only for the followings: 1. Change of no stopping restriction zone. 2. Change of vehicle prohibition zone by type, length or weight of vehicles or time period. 3. Relocation of bus stop, tram stop, minibus stand, taxi stand or taxi pick-up/drop off point. 4. Change of bus route. 5. Change of speed limit. 6. Closure of all traffic lanes in one direction. 7. Change of traffic direction or banning of left or right turn. 8. Closure of traffic lane(s) in red or pink routes.
3c	Submission of detailed signing and guarding arrangement to HKPF and TD for approval	Submit detailed signing and guarding arrangement to HKPF and TD for agreement	Applicant	14 working days – 1month	(a) All excavation works (including works at footpath) need to make submission to HKPF when they are not under any conditions as laid down in the remark of note 3a above. Submission should be submitted to the corresponding HKPF RMO only. (b) If the proposed excavation work is on footpath only and there is sufficient space on footpath for pedestrian flow and no pedestrian flow is diverted to carriageway, submission to TD is not required.
		Study and provide advice / comment	HKPF	14 working days	
			TD	1 month	

Note	Process	Action	Action by	Pledged Time	Remark
4.	Application for Construction Noise Permit (CNP)	Submit CNP application. TD and HKPF's traffic advice to support the application	Applicant	Can be submitted while waiting for TD and HKPF's traffic advice.	Either TD and HKPF's written traffic advice or their traffic advice shown in XPMS are acceptable by EPD as support for the consideration of a CNP application. Carriageway works on daytime ban routes do not require TD/HKPF traffic advice.
		Process the CNP application	EPD	28 days from the date of submission of application.	The statutory period for processing CNP application is 28 days. Compliance % for the pledged time of 23 days is not less than 90%. EPD aims to complete processing the applications within 14 days. If supporting documents are not received, EPD may have to reject the application. EPD will liaise with TD/HKPF, if necessary for clarification of justifications. When EPD and TD/HKPF cannot reach a consensus on the arrangement, HyD regional office, upon applicant's request, will assist in co-coordinating meeting among EPD, TD, HKPF and applicant to look at the issue.
5a.	LCSD giving advice if the proposed works may affect any tree, Old & Valuable Tree (OVT) maintained by LCSD and/or LCSD's maintenance area	LCSD giving advice	LCSD	14 working days	
		Respond to LCSD (e.g. acceptance of undertakings imposed by LCSD)	Applicant	As soon as possible	
5b.	Responsible maintenance authorities (e.g. AFCD, LU/HyD, etc.) giving advice if	Seek written consent from responsible maintenance authorities for the excavation works which may affect any tree and/or OVT maintained by them	Applicant	As soon as possible	

Note	Process	Action	Action by	Pledged Time	Remark
	the proposed works may affect any tree and/or OVT maintained by them.	Responsible maintenance authorities giving advice and consent	Main-tenance authorities		

Note	Process	Action	Action by	Pledged Time	Remark
6 ¹ .	Seeking approval from:				
	(a) Light Rail (is required when works is at/near the location of Light Rail)	Submit “Application to Work in/near LR”	Applicant	Min. 2 weeks from the required XP issue date. Advised to submit as soon as possible	Submit to the Director, Light Rail. The submission should include full details of the location and nature of the proposed works together with the required dates and times for the works.
		Process the application and provide response	LRT	2 weeks	From the date of receipt of the application form and relevant information.
	(b) MTRC (is required when works within MTR Railway Protection Boundary)	Submit plans of works and relevant information as required by MTRC	Applicant	Min. 3 weeks from the required XP issue date. Advised to submit as soon as possible	The submission should be made to the Railway Protection Manager, MTRC.
		Process the submission and provide response	MTRC	3 weeks	From the date of receipt of the submission and relevant information.
	(c) Lands Department (is required for works also involve lands under the jurisdiction of Lands Department)	Submit application	Applicant	As soon as possible	As Lands Department advised that due to various steps involved, it is not possible to have a definite time-frame for processing the application. It is advisable to submit the application as soon as it is identified that lands under the jurisdiction of Lands Department are involved.
Process application		Lands D			

¹ When it is required by MTRC or LRT for the APPLICANT to carry out works outside normal working hours due to safety reasons, EPD will usually accept the justification and grant CNP for the relevant part of works.

Note	Process	Action	Action by	Pledged Time	Remark
7.	XP application	Submit application to HyD	applicant	After the "Coordinated" status is given and the TTA and/or LSG plan(s) have been accepted by TD/HKPF, the applicant may proceed to apply for an XP	The advance time for XP application should not exceed 120 calendar days.
		Processing and issue of XP	HyD	5 working days from the date of receipt of the application	
8.	Advance notification (AN)	Submit AN through XPMS	applicant	2 working days from the anticipated commencement date	Those applicants who do not have an XPMS account should notify TD, HKPF, EPD and LCSD 2 days before the intended commencement date in form HYD 91 by facsimile.
		Receipt of AN in the XPMS	TD, HKPF, HyD, EPD, LCSD	The date when applicant submit the AN	Departments can print report of AN from XPMS.
		Change of notified commencement date	applicant	As soon as possible but should not be later than the commencement date stated in the AN	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 resubmit a new AN once the commencement date is ascertained. If the applicants does not have an XPMS account, he should submit the form HYD 91 by facsimile to cancel the AN and resubmit a new AN once the commencement date is ascertained.

Prescribed Fees for Excavation Permit

Item	Fee Description	Prescribed Fee (HK\$)
Fees		
1.	Issue or deemed issue of an excavation permit (per permit) for streets maintained by HyD [Registration fee]	2,830
2.	Issue or deemed issue of an excavation permit – daily fee for the whole duration (per day) for streets maintained by HyD [Daily fee]	46
3.	Extension of an excavation permit (per extension) for streets maintained by HyD [Extension registration fee]	825
4.	Extension of an excavation permit – daily fee for the whole duration of the extended period (per day) for streets maintained by HyD [Extension daily fee]	46
5.	Emergency excavation during the initial period (per emergency excavation) for streets maintained by HyD [EXP registration fee]	2,830
6.	Emergency excavation during the initial period – daily fee for whole duration (per day) for streets maintained by HyD [EXP daily fee]	46
Economic Costs		
7.	Extension of an excavation permit – economic cost for a strategic street* – for the whole duration of the extended period (per day) for streets maintained by HyD	29,200
8.	Extension of an excavation permit – economic cost for a sensitive street* – for the whole duration of the extended period (per day) for streets maintained by HyD	11,330
9.	Extension of an excavation permit – economic cost for a remaining street* – for the whole duration of the extended period (per day) for streets maintained by HyD	2,310

Note: For details, see

https://www.hyd.gov.hk/en/technical_references/technical_document/xppm/related_documents/doc/gn6692.pdf

CHAPTER 3

EXCAVATION PERMIT MANAGEMENT SYSTEM

CHAPTER 3

EXCAVATION PERMIT MANAGEMENT SYSTEM

Background

3.1 Before the launch of the Excavation Permit Management System (XPMS), an obsolete system known as Utility Management System (UMS) was used by Highways Department (HyD) for the processing of excavation permit (XP) applications under the Land (Miscellaneous Provisions) Ordinance. The UMS was conceived over 10 years ago and was rolled out in October 1997. At that time, it had a client-server architecture serving HyD. Advice on Lighting, Signing and Guarding proposals from Hong Kong Police Force (HKPF) and Temporary Traffic Management proposals from Transport Department (TD) for road works were delivered to HyD in hard copy. Textual data from the applicants were submitted in text files for uploading to the system, and geographic data were submitted in paper form for HyD staff to digitize into the system. In September 2002, a web-based system known as Internet Interface to Utility Management System (IIUMS) was rolled out to enable the HKPF, TD and applicants to process the application via the Internet. The data in the two separate systems were synchronized twice a day. In April 2004, an enhancement on both systems was rolled out to cope with the business changes brought about by the legislative amendments to the Land (Miscellaneous Provisions) Ordinance.

3.2 To take advantage of the latest development in information technology and to further improve the efficiency of excavation permit processing, HyD commissioned the Office of the Government Chief Information Officer (OGCIO) to study the redevelopment of UMS. The study was completed in 2006. The result of the study recommended that a new single Web-based computer system should be developed to replace the UMS in order to improve the efficiency and effectiveness of road opening management. The advantages of the new computer system would include eliminating the need of data replication and maintenance of two existing separate systems; enhancing the capacity of electronic information management and submission/dissemination; and promoting electronic submissions. In this connection, HyD in late 2006 started the development of XPMS.

Introduction to XPMS

3.3 XPMS is a brand new web based system with the following development objectives borne in mind:

- Inclusion of all types of Permit under HyD’s jurisdiction, such as Expressway Works Permit, Road Works Permit and Excavation Permit, in a single e-platform for processing. The permit processes should be aligned as far as possible though they are under various legislation framework.
- Inclusion of other government authorities such as TD, HKPF and Leisure and Cultural Services Department for processing of permit through a single e-platform.
- Streamlining and optimization of the XP Processes

3.4 The permit processing in XPMS follows the streamlined workflow of the permit business. No matter the user is the applicant, XP Processing Team, TD or HKPF, he/she can login the system to a user workbench, which essentially consists of an in-box for the user. Permit processing tasks would be routed to the user for processing by the system automatically in accordance with the permit workflow.

3.5 The XPMS brings in many major improvements in terms of user friendliness, transparency and efficiency. For example, the requirement for an application submitted through signed paper form or by e-cert signed submission is no more required. Data are updated real time and efficiency of permit processing is improved. There is no more daily downtime of the system for replication.

3.6 The XPMS applies many new information technologies and provides many new functions. For example, the Geographical Information System (GIS) features are enriched. Users can also keep track of the permit process easily through the process trail records. Supporting features such as user account administration, search and report generation are reorganized and enhanced. The system hardware and storage capacity are also significantly upgraded.

3.7 The entire process of XP application in XPMS can be divided into four major phases, which are “Registration”, “Assessment”, “Permit Processing” and “Works Management”. A flow chart illustrating these four major phases and its related activities is shown in Figure 3.1. Further details of the XP processing are described in the subsequent chapters of this Manual.

Major Phases and Activities of Excavation Permit Processing in XPMS

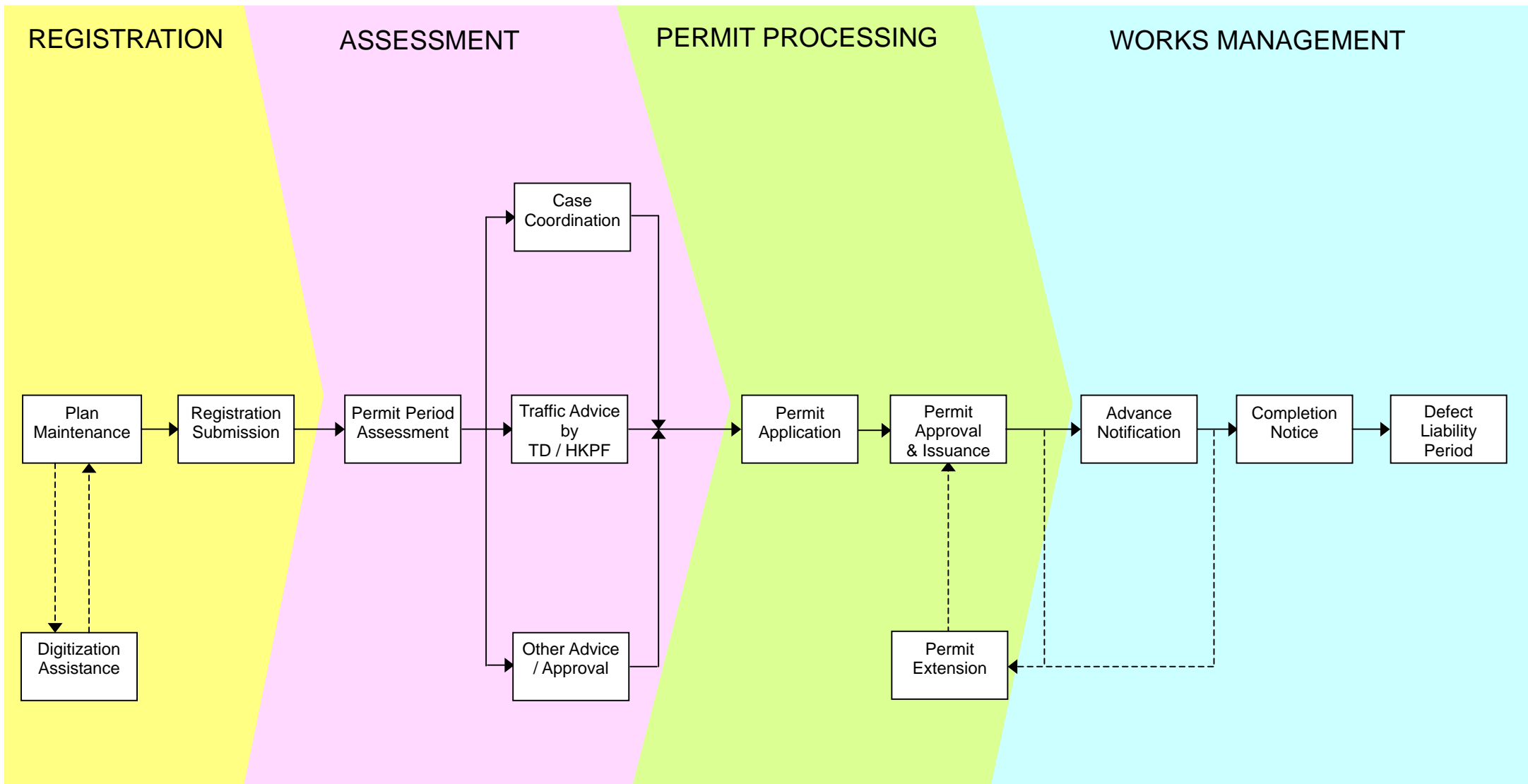


Figure 3.1

Chapter 3

Section 1 – Procedure of Registration as Users of Excavation Permit Management System

1.0 Introduction

1.1 One of the objectives of the development of Excavation Permit Management System (XPMS) is to promote electronic permit applications. In this connection, Highways Department encourages any corporations, which include government departments and utility undertakings, to register as XPMS User if they need to apply for excavation permits (XPs) regularly. In addition, as some construction companies may also frequently take part in roadworks-related matters (e.g. apply for Expressway Works Permit (EWP) and Road Works Permit (RWP), or consent nomination as the nominated permittee of an XP), such construction companies are also welcome to register as XPMS User.

1.2 For those who would just occasionally apply for XPs, they should follow Chapter 5, Section 1 of this manual to apply for an ad-hoc user account instead.

2.0 XPMS User Registration

2.1 To register as an XPMS User, private companies and government departments have to follow slightly different procedures. Private companies (such as utility undertakings and construction companies) should write to the Chief Highway Engineer/Research and Development (CHE/R&D) of Highways Department (HyD) to register as an XPMS User together with the following document and information:

- (i) a copy of the company's valid Business Registration Certificate (BRC);
- (ii) nomination of at maximum two staff of the company (not more than two) to be the user account administrator(s); and
- (iii) name, post title, telephone number and e-mail address of the nominated staff.

If the applicant is a government department, the department should write to CHE/R&D of HyD to register as an XPMS User and just provide the required information mentioned in (ii) and (iii) above.

2.2 The registration with nomination of system administrators should only be

done once for each company/department. Nevertheless, system administrators of private sectors should update their BRC copies regularly through XPMS upon expiry.

2.3 CHE/R&D can then verify the information given and approve the XPMS user registration in XPMS. When the application is accepted, Administrator accounts will be created and the login IDs will be sent to the administrators directly by e-mail. The “Password” of the administrators’ accounts will be sent to the applicant’s official address by post separately by CHE/R&D. If the registration is denied, CHE/R&D will notify the applicant the result and reason(s) in writing.

2.4 Upon successful registration as an XPMS User, the administrator(s) should change their password as soon as possible. Each administrator ID shall uniquely identify only one administrator. Moreover, user account password length should not be less than 8 characters and should not be the same as the default password nor the User ID. The password should be a combination of upper and lower case characters and numbers.

2.5 The administrator(s) can create their user groups and user IDs under the organization. Each user ID shall uniquely identify only one user. Users of government departments or utility undertakings can apply for any permit types and process them via XPMS in accordance with the procedure stated in Chapter 4 of this manual. Users of contractors can only apply for EWP or RWP for Tsing Ma or Tsing Sha Control Areas, and to consent nominations as nominated permittees in accordance with Section 7, Chapter 4 of this manual.

3.0 XPMS User Account Maintenance

3.1 The administrator(s) shall document the privileges of the user accounts under their organizations and review periodically. All inactive or obsolete user accounts shall be locked (XPMS user IDs cannot be deleted after creation). For this purpose, XPMS team will email reminders to administrators annually. Also, XPMS may lock the accounts, including administrator(s) accounts, of long inactive organizations. In such case, should the organizations wish to resume their account status, their administrator(s) should approach CHE/R&D.

3.1.2

3.2 User shall change their account password every six months. In general, user account password length should not be less than 8 characters and should not be the same as the default password nor the User ID. The password should be a combination of upper and lower case characters and numbers. Also, passwords shall not be shared or divulged. All passwords shall be promptly changed if they are suspected of / are being compromised, or disclosed to vendors for maintenance and support.

CHAPTER 4

HIGHWAYS DEPARTMENT

LAND (MISCELLANEOUS PROVISIONS)

ORDINANCE OPERATING PROCEDURES

FOR XPMS USERS

CHAPTER 4
HIGHWAYS DEPARTMENT LAND (MISCELLANEOUS PROVISIONS)
ORDINANCE OPERATING PROCEDURES FOR XPMS USERS

4.1 The procedures in this Chapter are to provide guidance on the application and administration of excavation permits for XPMS users.

4.2 This Chapter comprises the following sections

- Section 1 Excavation Permit Administration Procedure
- Section 2 Emergency Excavation Permit Administration Procedure
- Section 3 Emergency Excavation Permit (longer than 7 days) Administration Procedure
- Section 4 Capital Works Administration Procedure
- Section 5 Block Excavation Permit for Small Scale Works Administration Procedure
- Section 6 Late Application for Extension of Excavation of Excavation Permit Procedure
- Section 7 Nominated Permittee Approval/ Withdrawal/ Removal Procedure
- Section 8 Termination of Excavation Permit or Emergency Excavation Permit Procedure
- Section 9 Refusal of Issue of Excavation Permit Procedure
- Section 10 Refund of Daily Fee and Economic Costs Procedure
- Section 11 Urgent Excavation Permit Administration Procedure
- Section 12 Excavation Permit Management System Contingency Plan

Chapter 4

Section 1 - Excavation Permit Administration Procedure

1.0 Introduction

1.1 Under section 10A of the Land (Miscellaneous Provisions) Ordinance (LMPO), the Director of Highways (DHy) or his delegated officers may issue an excavation permit (XP) authorizing the making and maintaining of excavations in streets in unleased land and maintained by Highways Department (HyD).

1.2 This procedure covers any excavation with an area which can be completely bounded by a circle with 450m diameter. Where an excavated area cannot be completely bounded by a circle with 450m diameter, the applicant can choose either (i) to divide his works into portions, each of which can be completely bounded by a circle with 450m diameter, or (ii) to apply for a capital works excavation permit which can cover an excavated area exceeding the limit of 450m diameter circle. Details of capital works excavation permit are described in Section 4 – Capital Works Excavation Permit Administration Procedure.

2.0 Registration

2.1 The applicant, including utility undertaking (UU) and government department, is required to firstly register his proposed excavation works in the Excavation Permit Management System (XPMS) by creating a plan. An applicant can apply for an XP for each plan. A plan is allowed to have more than one excavation item. Each item represents an excavation on carriageway, footway, back/ side lane, verge, cycle track or roadside slope maintained by HyD.

2.2 The minimum registration lead time requirement varies according to the location and duration of the proposed excavation works. For details, please refer to the following table.

Category		Minimum Lead Time
(i)	(a) Works on carriageway of trunk roads/primary distributors; or (b) Works on any carriageway exceeding 3 months	6 months
(ii)	(a) Works on carriageway (other than trunk roads/primary distributors) not exceeding 3 months; or (b) Works not on carriageway but exceeding 3 months	2 months
(iii)	Works not on carriageway and not exceeding 3 months	1 months

Any plan that does not meet the registration lead time requirement and XP needs not be issued urgently should be handled in accordance with the UTLC Paper No. 1/98 - “Excavation Permit Applications that Do Not Satisfy the Lead Time Requirement for Registration” which is attached at the “Related Documents” of the Manual for reference.

2.3 To complete the registration of a new plan, the applicant has to:

- (i) fill in all the mandatory textual information, such as location and proposed start date.
- (ii) digitize the alignment of the proposed trench/ excavation, and mark the area with point/line/polygon. XPMS will base on the input of intended excavation locations to work out the extent of excavation which the XP will cover. For details of the approved extent to be generated by point/line/polygon in XPMS, please refer to **Appendix 4.1.1**.
- (iii) provide the works programme by creating the Gantt chart in XPMS as described in Paragraph 3.0 below.

[Note: Regarding digitizing alignment for the proposed excavation, XP applicants should be aware that the XPMS has standard rules to determine approved extent of excavation by making reference to the shape of the alignment (i.e. point/line/polygon) and the proposed location (e.g. footpath, carriageway or slope, etc.). The approved extent of excavation will be shown on the plan alignment of the XP for record and reference.

Permittees shall never carry out any excavation outside the approved extent.]

- 2.4 When the plan is registered, XPMS will perform spatial check immediately. If anyone of the following restrictions is violated, the plan registration will be rejected by XPMS. The applicant should consider revising the proposed start date, the plan alignment with reference to the rejection reason, in order to avoid violation of the restriction again during resubmission of the plan.
- (i) Road Opening Restriction
 - (ii) Repeated Opening Restriction
 - (iii) Registration Lead Time
 - (iv) Non Highway Reserve
- 2.5 In case of having difficulties in digitizing the plan alignment, the applicant may request for assistance of HyD Regional office through XPMS. In this regard, the applicant should check the “Request Digitization Assistance” checkbox in XPMS, and mark a point on XPMS’s map view indicating the approximate location of the proposed excavation. The applicant should also attach a softcopy of 1:1000 sketch showing the alignment of the proposed trench/ excavation and area where the XP is to cover. The Drawing Office of the respective HyD Regional office would digitize the alignment of the proposed trench/ excavation and the affected area for the applicant within 10 working days upon receipt of the request. After then, the plan will be returned to the applicant for completion of registration.
- 2.6 When the plan fails to pass the spatial check and the applicant considers that violation cannot be avoided, he may apply for the waiver(s) corresponding to the restriction(s) being violated through XPMS. The waiver application(s) will be submitted to the Inspector of Works (IOW) for vetting and then the respective HyD officer for approval when the plan is registered. The respective HyD officer rank for waiver approval is listed below:
- (i) Road Opening Restriction – Chief Highway Engineer (CHE) of the respective Regional Office
 - (ii) Repeated Opening Restriction – Senior Engineer (SE) of the respective Regional Office
 - (iii) Registration Lead Time – Engineer/Chief Technical Officer (E/CTO) of the respective Regional Office

- 2.7 Immediately after registration via XPMS, the applicant should check if the works will affect-
- (i) Light Rail Transit (LRT), Mass Transit Railway (MTR), or other railway facilities;
 - (ii) any road side tree and/or Old and Valuable Tree (OVT); obtain consent from the responsible 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, before proceeding to permit application stage.

3.0 Permit Period Assessment (PPA)

3.1 When the applicant creates a new plan (other than emergency work), the applicant has to decide under which one of the following categories the plan falls within:

- (i) Short duration works: the duration shall not exceed 14 working days.
- (ii) Standard works: the duration will be computed using a standard template for each commonly undertaken activity for each trade.
- (iii) Non-standard works: the duration will be substantiated by the applicant.

3.2 For non-standard works, the applicant is required to create a simple Gantt chart by completing the blank templates as provided in XPMS. Alternatively, the applicant can make use of the readily available standard works templates by modifying suitable fields. XPMS is also capable to import MS Project compatible file for the non-standard works programme from the applicant.

3.3 Other than short duration works, the applicant can upload files with total size not exceeding 13MB containing necessary supporting documents, which can be retrieved by the E/CTO of the respective HyD Regional office. The applicant is recommended to zip the file for more effective transmission and storage.

- 3.4 Once the applicant registers the plan with alignment successfully in XPMS, such plan would be transferred to the E/CTO of the respective HyD Regional office for processing.
- 3.5 The IOW of the respective HyD Regional office retrieves the new plan details together with the permit period calculation and assesses the permit period calculated by the applicant. 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. For a good quality submission, the IOW will normally complete the permit period assessment and inform the applicant the result of his assessment via XPMS in 10 working days for standard works and 20 working days for non-standard works.
- 3.6 The applicant can at any time revert the plan to registration stage in order to update the proposed start date, works programme or plan alignment. For instance, works programme needs to be changed when Transport Department (TD)/ Hong Kong Police Force (HKPF) impose restrictions on the working hours, or on the staging of works which leads to a longer working period.
- 3.7 In general, XPMS would submit the plans to TD, LCSD or the Slopes Section, Structures Maintenance Section or High Speed Road (HSR) Maintenance Section of HyD for their agreement automatically based on the following criteria:
- (i) TD – if Traffic Impact Assessment (TIA) route or Day-time Ban (DTB) route is involved;
 - (ii) LCSD – if any tree, OVT maintained by LCSD and/or LCSD maintenance area is involved;
 - (iii) Slopes Section – if any slope maintained by HyD is involved;
 - (iv) Structures Maintenance Section – if any structure maintained by HyD is involved;
 - (v) HSR Maintenance Section – if any high speed road is involved; or
 - (vi) Relevant Department – if any tree and/or OVT maintained by the department is involved.

The above-mentioned parties will respond within the following pledge

time:

Pledge time	
TD	1 month
LCSD	14 working days
Slope Section	10 working days
Structures Maintenance Section	12 working days
HSR Maintenance Section	12 working days

If a plan would likely induce serious traffic impact, even though TIA/DTB route is not involved, the IOW of the respective Regional Office should exercise his discretion in forwarding the plan to TD for agreement.

- 3.8 The applicant will be informed of the permit period assessment made by the IOW of the respective HyD Regional office through XPMS. Such notice of result of assessment shall not be regarded as served under section 10M(2) of the LMPO. If the applicant does not agree with the assessment, he can discuss with the E/CTO and submit a new permit period assessment if necessary. If the case still cannot be settled, the E/CTO should issue an XP based on his assessment and also notify the permittee 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 CHE of the respective HyD Regional office under section 10M(3) of the LMPO. The CHE may vary the E/CTO’s assessment in accordance with section 10M(5) of the LMPO. If the CHE considers necessary to vary the permit period, a new permit will be issued to supersede the original permit. For special cases where the permittee has applied for and successfully obtained a permit extension before receipt of the notice of the result of the CHE’s review on the assessment of the E/CTO, the CHE may refund appropriate prescribed fee (i.e. extension registration fee and corresponding economic cost, if any. For details, see Appendix 2.1.3.) in accordance with section 10M(5)(c) of the LMPO to the permittee if the CHE determines to vary the expiry date of permit to the end of the extended permit period. If the CHE revises the expiry date of permit to a date later than the original expiry date before the permittee applied for an extension, the permittee would be required to pay extra prescribed fee (i.e. daily fees) in accordance with section 10M(5)(b) of the LMPO.

4.0 Coordination of Works

4.1 As mentioned in paragraph 2.4 above, in order to avoid occurrence of repeated opening at the location of the proposed work, XPMS would carry out spatial check to identify the following scenarios:-

- (i) any other UU has carried out excavation at that location not more than 3 months before the intended commencement date of the proposed work;
- (ii) any other UU will carry out excavation at that location within 3 months after the intended completion date of the proposed work;
- (iii) the applicant has ever carried out excavation at that location not more than 6 months before the intended commencement date of his proposed work;
- (iv) the applicant will carry out excavation at that location again within 6 months after the intended completion date of his proposed work;
- (v) any other UU has carried out excavation at that location more than 3 months but not more than 6 months before the intended commencement date of the proposed work; and
- (vi) any other UU will carry out excavation at that location within 3-6 months after the intended completion date of the proposed work.

If repeated opening is identified (i.e. scenarios (i) to (iv) above), the applicant should adjust the proposed start date of his plan or apply for waiver through XPMS. As XPMS cannot distinguish any exempted repeated opening items (*such as trial hole/trench and joint bay*), under such case, the applicant is still required to submit waiver application via XPMS to the respective HyD Regional office for approval. If the repeated opening is confirmed as an exempted item, the waiver will be granted shortly.

Moreover, a simplified waiver application is available for selection in the XPMS for the following two circumstances:-

“Adopting Common Trench Approach” under which the applicant shall agree with other Permittee to adopt common trench approach for the conflicting excavation items identified under the spatial check , avoiding repeated excavations at the same location; and

“Repeated Opening Plan Item with Different Date of Proposed Works” under which the applicant shall make adjustment such that there will be no excavation works within 3 months between the conflicting excavation items of the applicant and other Permittee or 6 months for the case that the conflicting items are under the applicant.

Scenarios (v) and (vi) above are not classified as repeated opening. However, in order to reduce the overall duration of excavation, the applicants should program their works to overlap with the works by the other works promoters by adopting a common trench approach as far as practicable. Justifications to the satisfaction of respective Regional office should be provided if common trench cannot be adopted.

[Note: For exempted repeated opening items and the simplified waiver applications, the applicant can just simply mark the checkbox in the waiver application screen for the declaration of the above conditions and submit the application for approval. When the waiver application is submitted to IOW for vetting and the respective IOW considers the declaration is justified, the waiver will be granted and no further approval by E/CTO and SE will be required.]

- 4.2 If the IOW confirms no repeated opening, he should determine whether the proposed work is in conflict with any other work which is within 30m from the proposed work. If the IOW determines that the proposed work is in conflict with other works, he should group the conflicting plans into an “uncoordinated” case for the concerned applicants’ actions. If no conflict is found, a new case should be formed to contain the plan and the IOW should set the case status to “coordinated”. For guidelines of case formulation, see **Appendix 4.1.2**.
- 4.3 For a new uncoordinated case consisting of newly registered plans, the applicant of the plan with the earliest proposed start date should take the lead in coordinating with other parties. If a new plan is inserted into an existing conflicting case which has been coordinated, the new comer only needs to liaise with other parties in the case who have plans within 30m of his proposed alignment. If the existing conflicting case is not yet coordinated, the applicant of the plan with the earliest start date should

take the lead in coordination among the others.

[Hints: If the new plan is solely for rectification of road defects caused by the applicant, the new comer only needs to liaise with other parties in the case who have plans within 5m of his proposed alignment.]

- 4.4 Whenever a new case is formed, a programme showing all the plans within the case will be generated by XPMS automatically for coordination purpose. The start and end dates are abstracted real time from each individual plan and presented in the form of a Gantt Chart. The applicant who takes the lead in coordination shall then work out a coordinated programme with other UUs within the case. When the coordinated programme agreed by other UUs is arrived, all concerned UUs must immediately amend their plans respectively to reflect the coordinated programme, if any change is needed. Once the updating of all the affected plans is done, the applicant who takes the lead in coordination can put forward the case to HyD for acceptance through XPMS. If the IOW is satisfied with the coordination, he should update the case status to “coordinated”. Otherwise, the leading applicant should be informed of any deficiency requiring rectification.

[Note: If one of the UUs failed to update the programme or refused to revise the programme, the lead coordinator can still submit the programme for acceptance. However, he must state the reason(s) in the comment box for assessment. For guidelines of case coordination, see Appendix 4.1.2.]

5.0 Updating of Proposed Start Date or End Date

- 5.1 After plans have been “coordinated”, users in general will not be allowed to change the start/end dates of his “coordinated” plan, except that the plan duration is shortened by bringing forward its end date. Under such circumstance, the status of the subject plan remains “coordinated” and the system will alert other users within the same case to the change. Those coordinated successive plans may consider bringing forward their programmes to eliminate the time gaps thereby induced. If there is any new “uncoordinated” successive plan, the plan owner must bring forward its programme to eliminate time gaps, if any. All other changes of start/end dates of a “coordinated” plan will result in changing the current

“coordinated” plan status to “PPA” stage, “plan registration” stage or “uncoordinated” status of “Case Coordination” stage in accordance with the following situations:

- (i) when the plan duration needs to be prolonged, the subject plan will be reverted to “PPA” stage;
- (ii) when the plan alignment needs to be changed, the subject plan will be reverted to “plan registration” stage;
- (iii) when the plan duration is shortened and the start date is shifted or when the plan duration remains unchanged but its start date is shifted, the plan will be reverted to “uncoordinated” status for updating of start/end dates. XPMS will then check for any violation of repeated opening and lead time requirement automatically. If there is no violation and the overall duration of the case is not extended, the subject plan will be changed back to “coordinated” status automatically.

[Note: The above-mentioned situations will only affect the subject plan which has changed its start/end dates. Other plans in the case will remain “coordinated” plan status.]

Regarding the situation (iii) mentioned in the above, if the subject plan is found violating repeated opening or lead time requirement, the plan status and the case status will not be changed back to “coordinated” automatically. The IOW will review the new coordinated programme again. The plan which needs change will become the leading plan of the case which has previously been coordinated. The leading plan owner needs to work out with other plan owners within the case and submit the revised coordinated programme to the IOW. Other plan owners within the case shall update their plans’ start/end dates according to the agreed programme, if necessary. If there are any “coordinated” plans within the case which become conflicting with the leading plan, the leading plan owner should work out a coordinated programme with the conflicting plans, and they should update their start/end dates individually. The status of these plans may need to be reverted to “uncoordinated” for such updating in accordance with the situations mentioned in the above. If no violation of repeated opening or lead time requirement is found, the plans’ status will be changed back to “coordinated” again automatically.

5.2 When all individual updating as necessary are done, the leading plan owner should submit the revised coordinated programme as generated by the system to IOW for consideration. If the revised programme is acceptable, the IOW will set the case as “coordinated”.

6.0 Seek Traffic Advice

6.1 The applicant should submit the temporary traffic arrangement (TTA) plans to TD and HKPF for agreement if –

- (i) the proposed works involve opening on carriageway of Traffic Impact Assessment (TIA)/ Day-Time Ban (DTB) routes;
- (ii) the proposed works would necessitate closure of any lane of a carriageway;
- (iii) the proposed works involve change of traffic flow directions of a carriageway; or
- (iv) the proposed works involve diverting pedestrian traffic onto carriageway.

The details of the TTA, including necessary supporting material such as staging of works, traffic impact assessment, drawings, plans and calculations, shall be signed by a professional engineer who has been a corporate member of the Hong Kong Institution of Engineers in the Civil Discipline for at least 2 years; or Electrical / Mechanical Discipline with at least 3 years’ relevant experience in TTA submission preparation; or Logistics and Transportation Discipline; or has possessed equivalent qualifications.

TD and HKPF will provide comments within 1 month.

[Hints: (i) The applicant is required to submit a hardcopy of TTA Plans or lighting, signing and guarding (LSG) plans to TD and HKPF for their processing. The “Plan ID” must be clearly stated in the covering letter of the submission. The applicant is also required to fill in the hardcopy submission date in XPMS.

(ii) The TTA/LSG plans should comply with the Code of Practice for the Lighting, Signing and Guarding of Road Works, which can be viewed/downloaded from HyD’s web site:

http://www.hyd.gov.hk/en/publications_and_publicity/publications/technical_document/index.html

(iii) For works affecting Traffic Impact Assessment (TIA)/ Day-Time Ban

(DTB) routes, the applicant should follow the procedures as stipulated in HyD's Guidance Notes No. RD/GN/021 - Guidelines on Traffic Impact Assessment & Day-Time Ban Requirements for Road Works on Traffic Sensitive Routes for preparation of the submission. RD/GN/021 can be viewed/downloaded from HyD's web site:

http://www.hyd.gov.hk/en/publications_and_publicity/publications/technical_document/guidance_notes/index.html

- 6.2 For plans which do not need TTA plans, the applicant should submit LSG plans to HKPF for agreement after registration via XPMS. HKPF would reply to the applicant within 2 weeks for LSG plans.
- 6.3 If the roadwork will affect traffic aids, upon TD's request, the applicant is required to submit the record photos before and after the roadwork through reporting Advance Notification (AN) and Completion Notice (CN) respectively for TD's acceptance.

[Hints: Traffic aids include: traffic signs, directional signs, road markings, traffic light signal posts, illuminated traffic bollards, railings, crash barriers, etc..]

- 6.4 TD/HKPF can provide comments on the TTA/LSG plans to the applicant via XPMS. The applicant shall revise his TTA/LSG plans according to the comments given by TD/HKPF and resubmit it to TD/HKPF through XPMS. When the revised TTA/LSG plans is agreed by TD/HKPF, the plan will be passed to the permit processing stage. If TD/HKPF consider that the TTA/LSG plans will cause significant impact to the vehicular/pedestrian traffic, TD/HKPF may turn down the plans. If the applicant encounters such situation, his XP application will be reverted back to the "Registration" stage.

[Hints: Under normal circumstances, TD/HKPF would not hastily terminate a TTA/LSG plans if it can be revised to suit the situation. When TD/HKPF decide to terminate a TTA/LSG plans as mentioned in this paragraph, it would be a situation that such act is the last resort.]

- 6.5 XPMS will withhold the accepting function at XPMS until the lead time between TD's/HKPF's acceptance date and the intended works start date

is less than 120 days, although comments to the TTA/LSG plans can still be made.

7.0 Advice on Affected Trees/OVT & Construction Noise Permit Application

7.1 LCSD can provide advice on the excavation works to the applicant via XPMS. The applicant should address/respond to LCSD's advice accordingly. In case if LCSD disagree with the proposed excavation because of adverse impact on the planting/trees/landscaping, the applicant is required to adjust the excavation extent as far as possible. The plan should be reverted to the "Registration" stage for plan alignment updating. If the excavation works is finally acceptable to LCSD, the applicant is required to accept the undertakings as imposed by LCSD, which is outside the discretion of excavation permit conditions. If the affected trees/OVT are maintained by authorities other than LCSD (e.g. AFCD, LU/HyD, etc.), action required by the applicant is similar except the communication is made outside the XPMS, i.e. the applicant should approach the responsible authorities directly to obtain their written advice/consent. To enhance the efficiency in handling XP applications affecting trees/OVT, applicants should upload site photos to show the works area and the nearby trees (with trees' diameter at breast height (DBH) and distance between trees and the works area). The date of photo-taking should be within 3 months preceding to the 1st day of XP submission. Sample photos are shown in Appendix 4.1.5.

7.2 If the applicant finds that Construction Noise Permit (CNP) is required for the excavation works, the applicant should submit the CNP application to Environmental Protection Department (EPD) by post or by hand. TD's/HKPF's traffic advice printed from the XPMS can be used as supporting document for EPD's consideration. Although the statutory period for processing CNP application is 28 days, EPD aims to complete the CNP application process within 14 days. For special or urgent cases, the applicant can liaise with the respective officer to explore way to expedite the application on a case by case basis.

8.0 Permit Processing

8.1 After the "Coordinated" status is given and the TTA/LSG plans have been

accepted by TD/HKPF, the applicant may proceed to apply for an XP. The maximum restriction time for XP application prior to the proposed commencement date of the works is 120 days. The applicant shall make declaration on whether they have the land/block licence granted by LandsD for the proposed work including any installations under the application. XPPT reserves the right to request the applicant to make clarification, provide additional information or substantiation related, during the course of its application in any stage. Failure to provide sufficient details and address the comments given by the authority may affect the process of application.

8.2 The applicant may nominate his contractor as a nominated permittee for the XP in accordance with section 10H of the LMPO. The E/CTO shall approve or disapprove the nomination and notify the applicant accordingly. Details of nomination procedure are described in Section 7 - Nominated Permittee Approval/ Withdrawal/ Removal Procedure.

8.3 Upon receipt of the application, the IOW of the respective HyD Regional office should check-

- (i) if the proposed works have any potential conflict with other planned/ existing works; and
- (ii) if there are any special event(s) which may affect the proposed works.

The IOW should recommend the responsible E/CTO to-

- (iii) accept the XP application with suitable permit conditions;
- (iv) suggest the applicant to revise the proposed start date to suit the latest situation; or
- (v) reject the XP application with reasons.

The E/CTO should make decision based on IOW's recommendation. For case (v) above, SE or CHE should be consulted before rejecting the XP application.

8.4 Under section 10A of the LMPO, an XP will only be issued upon payment of appropriate prescribed fee. The applicant can choose to settle the permit fee by individual demand note (DN), or setting up a deposit account with HyD. To set up a deposit account with HyD, the applicant is required to pay an initial deposit through DN issued by Accounts Section HyD

Headquarters (HQ). For government departments, DNs should be settled by transfer voucher.

- 8.5 For the applicant who chooses to settle any prescribed permit fee by DN, Account Section of the respective Regional Office will issue a DN via XPMS to him/her for each approved XP. The respective Regional Office will take not more than 5 working days from the date of receipt of the application to issue a DN to the applicant. The applicant can settle the DN via Payment by Phone Service (PPS), Internet payment or Post Office (print a hardcopy of DN from XPMS first) or by transfer vouchers in case of government departments. Account Section of the respective Regional Office will carry out daily check on the status of the DN issued to the applicants and update in XPMS which DNs have been settled. XPMS would then automatically issue a digitally signed permit to the respective applicant with DN settled. For permit application which is not paid and the approved end date is expired, XPMS will reject the application and Account Section will arrange for cancellation of the DN. For permit extension application which is not paid and the approved extension start date is expired, XPMS will reject the application and Account Section will arrange for cancellation of the DN.

[Hints: For permit application with DNs not yet settled, XPMS will generate daily reminders to the respective applicants after the approved start date has passed. For permit extension application, XPMS will check daily for DNs which have not been settled and generate reminders to respective applicants.]

- 8.6 For an applicant with a deposit account with HyD, when the E/CTO of the respective HyD Regional office approves permit applications in XPMS, permit fees are calculated by XPMS based on approved start/ end dates. If there is sufficient balance in the applicant's deposit account to pay the fees, XPMS would issue a digitally signed permit to the applicant after deduction of the corresponding fees from the deposit account. The applicant would be informed by XPMS about the permit issued by HyD with breakdown/ calculation of fees charged. The respective HyD Regional office will take not more than 5 working days from the date of receipt of the application to issue a permit to the applicant on the condition that the applicant's deposit account with HyD has sufficient

money to cover the prescribed permit fee. After deduction of fees from deposit account, XPMS would check the balance. If the balance falls below a prescribed minimum deposit amount (PMDA), XPMS will issue e-mail to inform the applicant as well as Senior Treasury Accountant (STA) of HyD HQ to issue a DN to the applicant to top up.

- 8.7 An XP will be issued as long as the deposit account balance is adequate to settle the fees. Otherwise, an XP will not be issued but a message is sent to the applicant informing that the account balance is inadequate. When the account balance is replenished, XPMS will issue an XP electronically to the applicant.
- 8.8 STA of HyD HQ will be responsible for issuing DNs to applicants to replenish the deposit accounts. Upon agreement with individual applicants, their deposit accounts are to be replenished at a fixed interval, say monthly. When the specified interval is due, XPMS will calculate the amounts needed to resume the deposit account balance back to the initial deposit amount, and send the information to STA via e-mail. On receipt of the e-mail, STA will issue DNs and fax to the respective applicants. Upon settlement of payments, the applicants should inform STA who will check the payment status and update the deposit accounts accordingly.
- 8.9 Each applicant is required to provide details of a contact person with e-mail address, fax and telephone number for replenishment of deposit account. The contact person will liaise with STA of HyD HQ directly on the payment issues. On receipt of DN generated from the above step, the applicant can settle the DN via PPS, Internet payment or Post Office or by transfer vouchers in the case of government departments.
- 8.10 After the works under the XP is completed and confirmed by the E/CTO of the respective HyD Regional office, and after all appeals are settled by the CHE of HyD Regional office and/ or Review Board under section 10M of the LMPO, XPMS will calculate the amount of refund due to the applicant. Details of refund procedure are described in Section 10 - Refund of Daily Fee and Economic Cost Procedure.

9.0 Advance Notification of Commencement of Works

9.1 For each XP under which works are about to commence, the applicant shall submit an AN to the HyD through 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. In case the XPMS is not available at the last moment of the 2 working days lead time, the permittee should submit the AN to HyD and the relevant authorities and concerned parties as stipulated in the Conditions of Permit by fax.

9.2 If an AN was submitted and later it turns out that the intended commencement date must be postponed, the applicant should cancel the AN via XPMS immediately, and then submit a new AN once the commencement date is ascertained. The new AN is allowed to be submitted less than 2 working days prior to the commencement of works.

10.0 Excavation Permit Extension

10.1 When it becomes clear that the excavation works cannot be completed before the approved end date or the approved extended end date of the XP, the applicant should apply for an extension of permit period and submit a permit extension application not fewer than 7 working days before the expiry date of the permit. An application which is lodged shorter than this period shall be regarded as a late application in accordance with section 10F of the LMPO. Details are described in Section 6 - Late Application for Extension of Excavation Permit Procedure.

10.2 The applicant shall create an updated works programme to include the required extension period for assessment. The applicant is also allowed to create a reduced plan alignment representing the works to be done during the extension. If carriageway is affected, XPMS will perform spatial check to determine the category of streets affected. For cases in which more than one category of streets are affected, the most expensive daily economic cost will be charged.

10.3 If any change on the TTA/LSG plans is required owing to the extension, the applicant shall create an updated TTA/LSG plans for subsequent agreement by HKPF/TD. When all the above information is registered in XPMS, the applicant can submit the extension application to HyD. In case the application is not submitted before 12:00 a.m. of the permit expiry date, the extension application process so far completed will be

terminated.

10.4 Other UUs in the same coordinated case will be notified when an extension application is made. They can make any comments for this extension application for HyD reference. The IOW of the respective HyD Regional office shall then consider if extension of permit period shall be given or not with due regard to the circumstances. If an extension is considered acceptable, the IOW shall assess the permit period extension duration based on the updated works programme and updated plan alignment.

10.5 The E/CTO can either accept or amend (with reasons) the permit extension period proposed by the permittee within 7 working days. Normally, the E/CTO will approve the application for extension of permit period except in some special circumstances. Some circumstances in which the E/CTO may refuse to issue an extension to the permittee are listed below for reference only-

- (i) the extension will affect the subsequent excavation works by other parties and an agreed revised works programme cannot be reached;
- (ii) the contractor has not diligently carried out the work resulting in slow progress and failure to complete the works within the permit period, etc.

The permittee will be notified via XPMS when the E/CTO has completed the permit extension assessment. Such notice shall be served under section 10M(2) of the LMPO. The XP extension which has been digitally signed by HyD may be downloaded from XPMS by the permittee.

10.6 If the permittee does not agree with the permit extension assessment made by the E/CTO, 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 CHE of the respective HyD Regional office under section 10M of the LMPO. The CHE may vary the E/CTO's assessment in accordance with section 10M(5) of the LMPO. If the CHE considers necessary to vary the extended permit period, a new permit extension will be issued to supersede the original permit extension. If the CHE determines that an extension with longer period be given to the permittee, the permittee would be required to pay extra prescribed fee (i.e. corresponding daily fees and economic cost, if any) in accordance with section 10M5(b) of the

LMPO. For details, see Appendix 2.1.3.

10.7 The fees collection procedure for permit extension is identical to that for permit fees, except that when economic cost is involved, it would be paid by individual DN even though the applicant has a deposit account with HyD. If the application for extension is refused by the E/CTO, a rejection letter stating the reason of refusal will be sent in hard copy to the permittee. If an extension is not accepted, the E/CTO shall assess time required to reinstate the trench and issue an XP extension if the remaining period of XP is inadequate.

10.8 If the application is submitted more than 7 working days before expiry of the permit, but it has been taken long processing time for assessment than expected, then by the day before permit expiry, collection of permit extension fee will be carried out first. It is to ensure the legal requirements as a late application will be complied with. If the permit extension period the E/CTO subsequently approved is shorter than the applied period, refund will be arranged.

11.0 Site Audit Inspection of Excavation Sites

11.1 Upon receipt of any AN, the Audit Inspection Team (AIT) shall carry out audit inspections of the excavation sites. If it is found that the works have not commenced as stated in the AN, AIT will just note down that they have visited the site and no works have been observed. It will not be regarded as a non-compliance (NC) of permit conditions. Details of site audit inspection are described in Chapter 9 – Audit Inspection.

12.0 Minimum Depth Requirement

12.1 Underground utility services should be laid in accordance with the minimum depth requirement stipulated in the conditions of excavation permit. If the permittee encounters that the utility services to be laid cannot achieve the minimum depth requirement due to site constraints, the permittee should seek approval of waiving the minimum depth requirement from the respective HyD Regional office before laying the concerned utility services. The application of waiving the minimum depth requirement can be submitted through XPMS. The Senior Engineer of XP Processing Team or Senior Maintenance Engineer of the respective maintenance district will be responsible for vetting the application. Upon

approval, XPMS will notify AIT.

13.0 Completion of Works

13.1 If the whole duration of an XP/XP extension is completely used to finish up the planned works and the reinstatement works, report completion through XPMS is not necessary and XPMS will report the completion automatically on permittees' behalf when the permit expires. The respective HyD Regional office will arrange a reinstatement inspection within 7 working days after the permit expires. However, if any one the following situations is encountered, the permittee should report completion before the permit expires through XPMS:

- (a) the permanent reinstatement (PR) will be carried out by others;
- (b) the PR will be carried out by HyD at the permittee's own cost;
- (c) temporary structure(s)/installation(s) will be removed at a certain period after the expiry of the XP;
- (d) no excavation has been carried out on site;
- (e) the permit involves traffic aids reinstatement works; and
- (f) there has been a completion notice (CN) rejected before.

In addition, if the actual excavated alignment(s) are significantly shorter/smaller than the approved plan alignment(s), the permittee should submit a sketch/sketches showing the actual excavated alignment(s) before the permit expires to the respective HyD Regional office for their reference in order to avoid unnecessary argument on the quality and extent of reinstatement area(s). Furthermore, in case of early completion of works, the permittee is also required to report completion through XPMS immediately after completion of works. By submitting the CN, the permittee has to confirm withdrawing any outstanding permit extension applications that are pending HyD's approval. On receipt of the CN, HyD will arrange reinstatement inspection within 7 working days. For details of submission of CN, please refer to paragraph 13.2.

13.2 For those permittees who need to report completion through XPMS, please refer to the following instructions:

In the screen of CN in XPMS, the permittee is required to specify the reinstatement type which should be one of the following:

- (i) Permanent reinstatement (PR) carried out by the permittee.
- (ii) PR carried out by others. If PR is carried out by another permit (e.g. works in conjunction with HyD projects), the permittee has to

specify the XP number under which the PR is carried out, and the contact person of the permit. If PR is carried out by another XP of the permittee, the XP number has to be specified. (e.g. Defects of reinstatement is rectified by a new XP).

- (iii) PR carried out by HyD at the permittee's own cost. Only select this reinstatement type if the PR is carried out by HyD's contractor at the permittee's own cost.
- (iv) Apart from temporary structure/ installation pending removal, the excavation(s) has/have been backfilled and temporarily reinstated to the satisfaction of respective Regional HyD office. If the permittee has carried out erection of temporary structure or installation of equipment which will only be removed a certain period after the expiry of the XP, then this reinstatement type should be chosen for the approval by respective Regional HyD office. Justification to adopt this type of reinstatement should be provided for Regional HyD offices' consideration. The permittee has to indicate the date when such temporary structure/ equipment/ installation will be removed. After the approval of the reinstatement date by respective Regional HyD office, the permittee should make necessary arrangement to remove the temporary structure/equipment/installation with reinstatement satisfying to Regional HyD Office by such date. If the permittee fails to do so, the plan would be regarded as delayed rectification of rejected permanent reinstatement and respective Demerit Point Level (DPL) would apply after the expiry of the reinstatement date.
- (v) The last reinstatement type is "No excavation works has been carried out on site". This item should only be selected when the permittee has not carried out any excavation works on site. Since cancellation of an issued XP is not permitted, those permittees who want to cancel their XPs should select this item for calling off their XPs.

To facilitate the checking of reinstatement works, the permittee may draw a new as-built plan alignment in XPMS for submitting CN. The as-built alignment must be less than the approved excavation extent. In addition, the permittee should choose the appropriate alignment version in the screen of CN. In case XPMS is not available, the permittee should notify the E/CTO the completion of works by fax in order to record down the

actual date of submission of CN. As this is just a temporary measure, information about reinstatement type is not required to be stated in the fax. Once XPMS is recovered, the permittee should complete the process of submission of CN through XPMS. As a hard copy CN has already been submitted, in the CN reporting screen of XPMS, the XP permittee should check the box “A CN has already been submitted by fax” and provide the CN submission date for HyD’s reference. After verification, the respective HyD Regional office should date back the CN submission date to the hard copy CN fax-in date.

13.3 On receipt of the CN, the E/CTO of the respective maintenance district in the HyD Regional office will arrange site inspection to confirm completion of works and acceptance of reinstatement within 7 working days. After site inspection, the responsible IOW will inform the permittee via XPMS whether he agrees that the works have been satisfactorily completed. If the IOW disagrees that the works have been satisfactorily completed, he will inform the permittee via XPMS about the item(s) which do not comply with the requirements/specifications and request the permittee to rectify. The processing procedures are different in the following three situations:-

- (i) Where the remaining period of the permit is sufficient for the permittee to complete the rectification works, the permittee should continue to carry out the works under the permit. When the IOW confirms completion of works, the date of re-submission of CN through XPMS would be taken as the completion date of the XP, for which refund of daily fees or economic cost, if any, would be based on.
- (ii) Where IOW considers that the remaining period of the permit is insufficient for completion of rectification works, he may require the permittee to apply for a rectification permit to complete the rectification works. If IOW considers it appropriate, the permittee may be allowed to choose to carry out the rectification works under block permit for small scale works (SSW) provided that the rectification works satisfy the requirements of SSW as stated in Section 5 – Block Permit for Small Scale Works Administration Procedure.
- (iii) Where the permit has expired before receipt of the IOW’s notification, the permittee should register a SSW job under a block

permit for SSW or apply for a rectification permit for carrying out the rectification works.

For any one of the situations mentioned in the above, re-submission of CN is required. For situations (ii) and (iii), the permittee must indicate on the CN that the defects will be rectified by either a SSW job or a rectification permit in order to have a record for HyD to follow up. The CN of the original permit will then be accepted. However, the permittee should note that despite the CN is accepted, the defect liability period (DLP) of the permit will remain “not started” until all outstanding defects are rectified. The DLP period of the original permit will start when the CN of the SSW job/rectification permit is accepted by the IOW. The start date will be the submission date of the CN of the SSW job/rectification permit.

[Notes: (1) To facilitate the permittee to rectify outstanding defects, the rectification permit application would be processed in a fast track manner. The Registration Lead Time requirement, Repeated Opening Restriction and the Road Opening Restriction would be exempted.

(2) In addition, if the permittee can provide evidence at the registration of the rectification permit through the “Attachment” function of XPMS (e.g. approved TTA/LSG plans or relevant correspondence) to prove that the validity period of the approved TTA/LSG plans of the mother XP has not been lapsed before the commencement date of the rectification permit, the IOW would mark the check box to allow the Plan to skip the process of seeking TD’s/HKPF’s advice. For LSG plans of the mother XP that was agreed by HKPF without specified validity dates, the IOW would mark the check box to allow the Plan to skip the process of seeking HKPF’s advice. However, for TTA plan of the mother XP that was agreed by TD without specified validity dates, the TTA would be considered valid for 6 months since TD’s agreement date in XPMS.]

- 13.4 The E/CTO 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. All these records or any supporting documents should be uploaded in XPMS.
- 13.5 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 CN / the permit expiry date (whichever is the earlier). 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 the 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;
- (iii) member of the Hong Kong Institute of Landscape Architects or equivalent professional qualification; and
- (iv) member of the Hong Kong Institute of Surveyors or equivalent professional qualification.

The details of such professional (i.e. the name, professional qualification, membership number, etc.) shall be submitted to the E/CTO before the date of submission of CN / the permit expiry date (whichever is the earlier). The permittee may submit the details together with the CN. In the screen of CN in XPMS, the “Remark” box can be used to list out the details of the professional.

In case it is not necessary to prepare certified as-built record for the XP (e.g. no underground services had been laid/placed/altered), the permittee should clearly state the reason in the “Remark” box of CN in order to avoid unnecessary misunderstanding.

- 13.6 Apart from as-built records, the permittee shall submit to the E/CTO, within 2 months from the date of submission of CN or from the permit expiry date (whichever is the earlier), 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. In case defective reinstatement is identified in the test results, the Permittee should initiate a SSW job or a rectification permit to rectify corresponding reinstatement area even the CN might have already been approved. In this circumstance, the permit has already been moved to Defect Liability Period (DLP) stage, the start date of DLP of the Permit will be updated by the approved CN submission date of the

rectification permit or SSW job.

13.7 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**.

13.8 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.

14.0 Reinstatement of Works within Defects Liability Period

14.1 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 CN. 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 CN / the permit expiry date (whichever is the earlier), 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.

14.2 The responsible HyD Regional office should arrange inspection to identify any defects associated with the reinstatement before the end of the liability period. XPMS will notify the XPPT two months before expiry of the DLP for XPPT to arrange for inspection. The permittee will be required to make good the defects, if any, and notify XPPT when the defects are rectified

Simple Guidelines on Digitizing Proposed Excavation in XPMS
and
Definition of Approved Extent Under an Excavation Permit

1. For an excavation with area less than 4 sq.m in rectangular shape, **point model** should be used to locate the centre of the required excavation area. The approved extent of the proposed excavation would be exactly defined as the required excavation area in rectangular shape plus 1m margin on each side.
2. For a narrow trench excavation (*trench width less than 2 m*), **line model** should be used to indicate the proposed excavation. The approved extent of linear alignment on different areas would be defined in the XP as follows:
 - i. If the line lies on verge, road shoulder, footpath or cycle track, the full width of the verge, road shoulder, footpath or cycle track would be defined as the required excavation area (*including both bounds of cycle track unless there is a physical barrier between different bounds*).
 - ii. If the line lies on carriageway along the direction of traffic, the full width of the traffic lane would be defined as the required excavation area.
 - iii. If the line crosses the entire road (e.g. cross road ducts), 5 metres within any point of the line including footway would be defined as the required excavation area. However, the actual width of excavation made and maintain at any time should not exceed the trench width shown on the XP.
 - iv. If the line crosses from one traffic lane into another traffic lane or footway, 5 metres within any point in the portion of the line transit between different traffic lanes or between carriageway and footway would be defined as the required excavation area.
 - v. If the line does not lie on the above list (e.g. slope), 3 metres within any point of the line would be defined as the required excavation area.

Illustration for the afore-mentioned scenarios is shown in **Annex 1** for easy reference.

3. For non-narrow trench excavation (*trench width equal to or more than 2 m*), polygon model should be used. The approved extent of excavation would be exactly the polygon drawn by the applicant.

Note: (1) *In addition to the approved excavation extent, the excavation made and maintained at any time must also comply with the dimensions shown on the XP, relevant permit conditions and requirements given by Traffic Police and Transport Department, e.g. the minimum width of footway or carriageway to be maintained.*

(2) *A scaled map with the polygons and lines drawn by the applicant would be embedded in the electronic XP downloaded from XPMS. The map forms part of the XP and should be displayed onsite.*

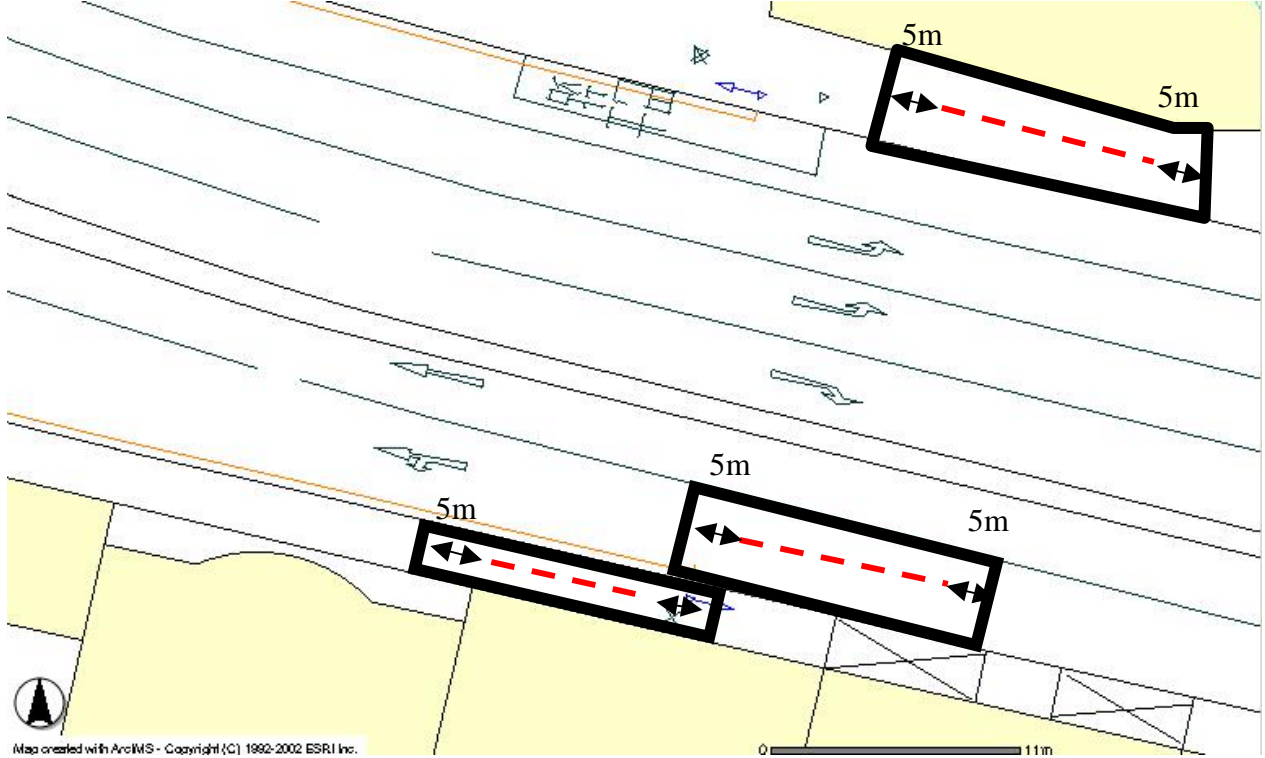
Legend:

----- Plan line

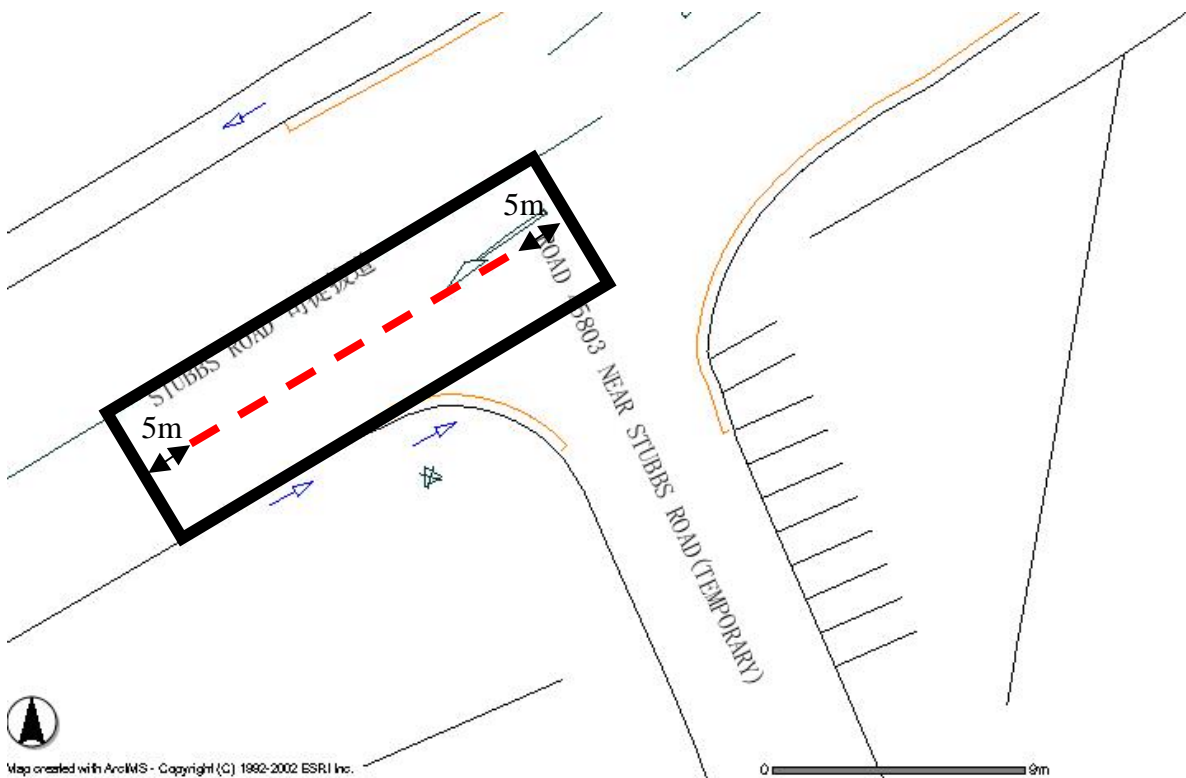


Approved excavation extent

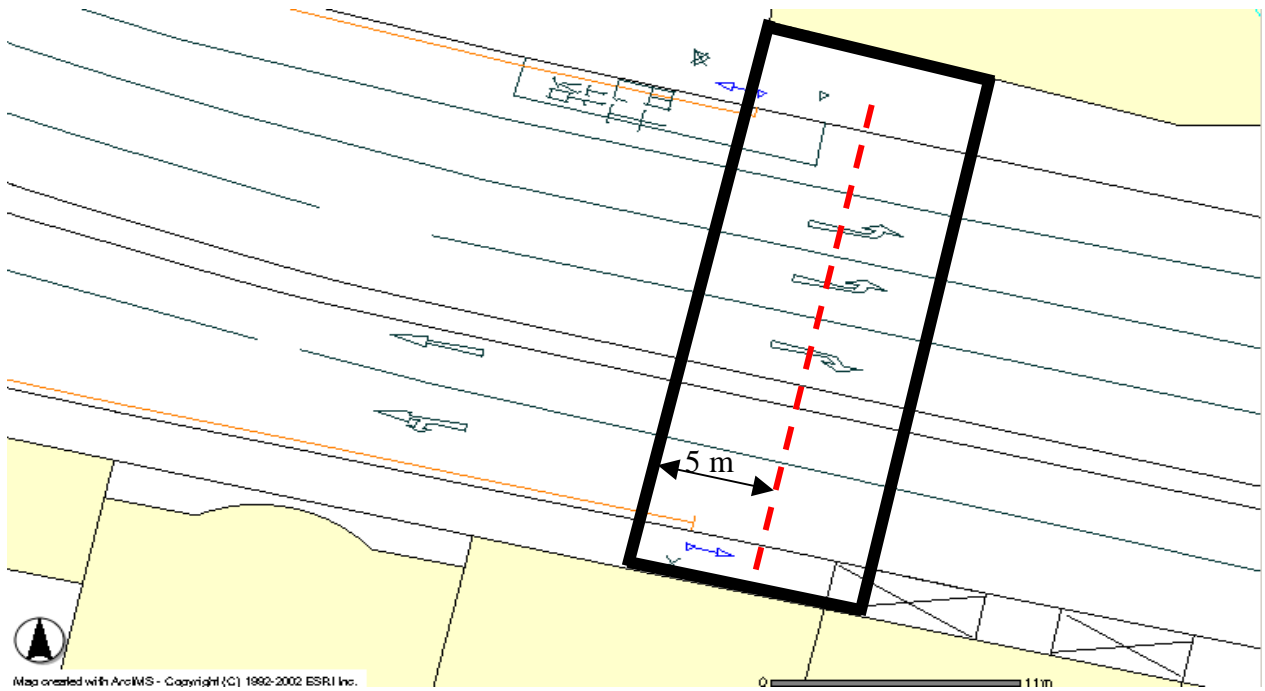
Example of plan lines lies on carriageway or footpath. (Para. 2ii refers)



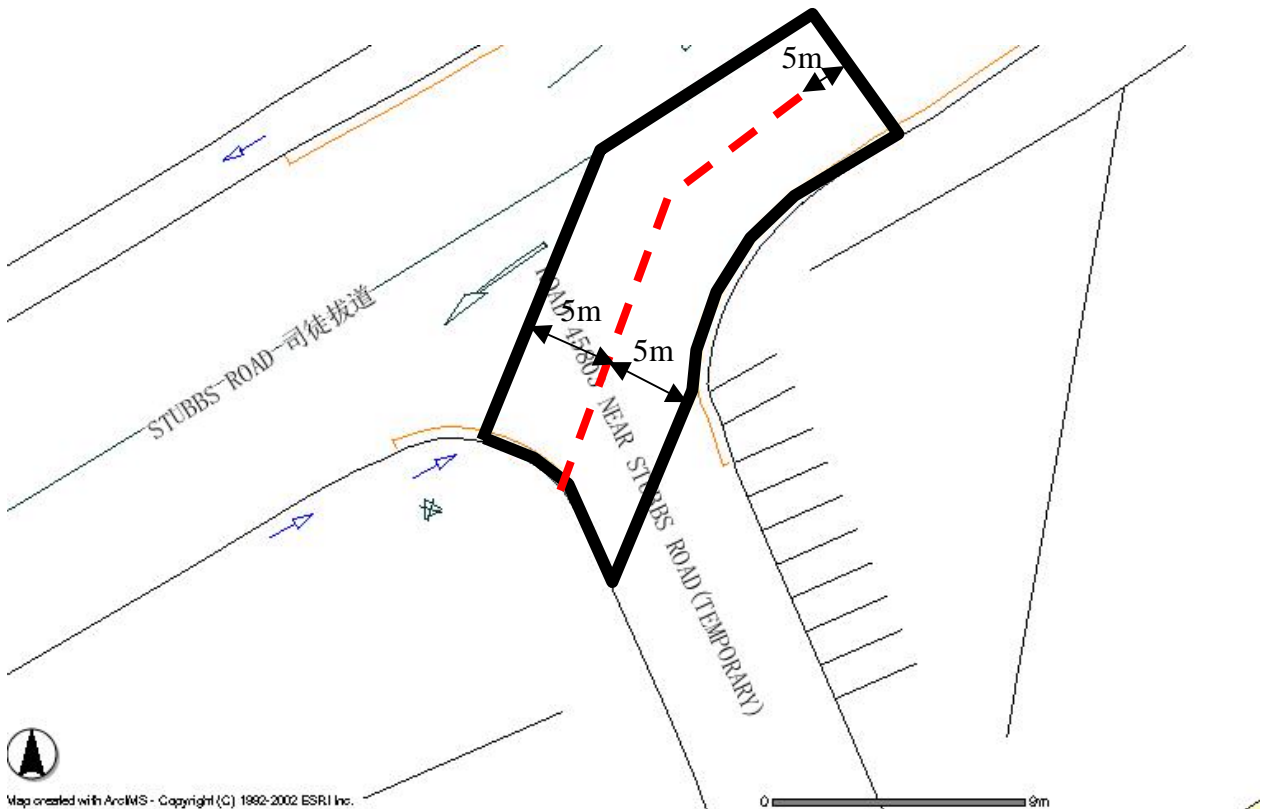
Example of plan line lies on carriageway near a road junction. (Para. 2ii refers)



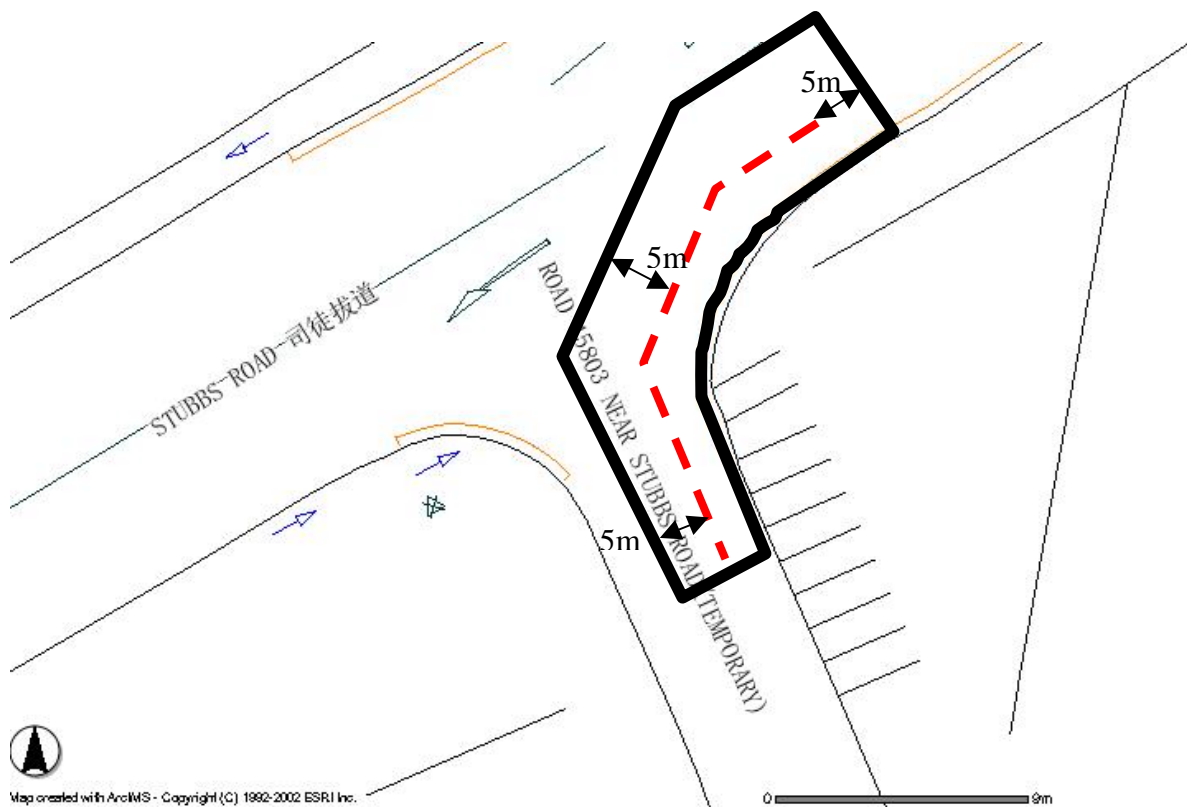
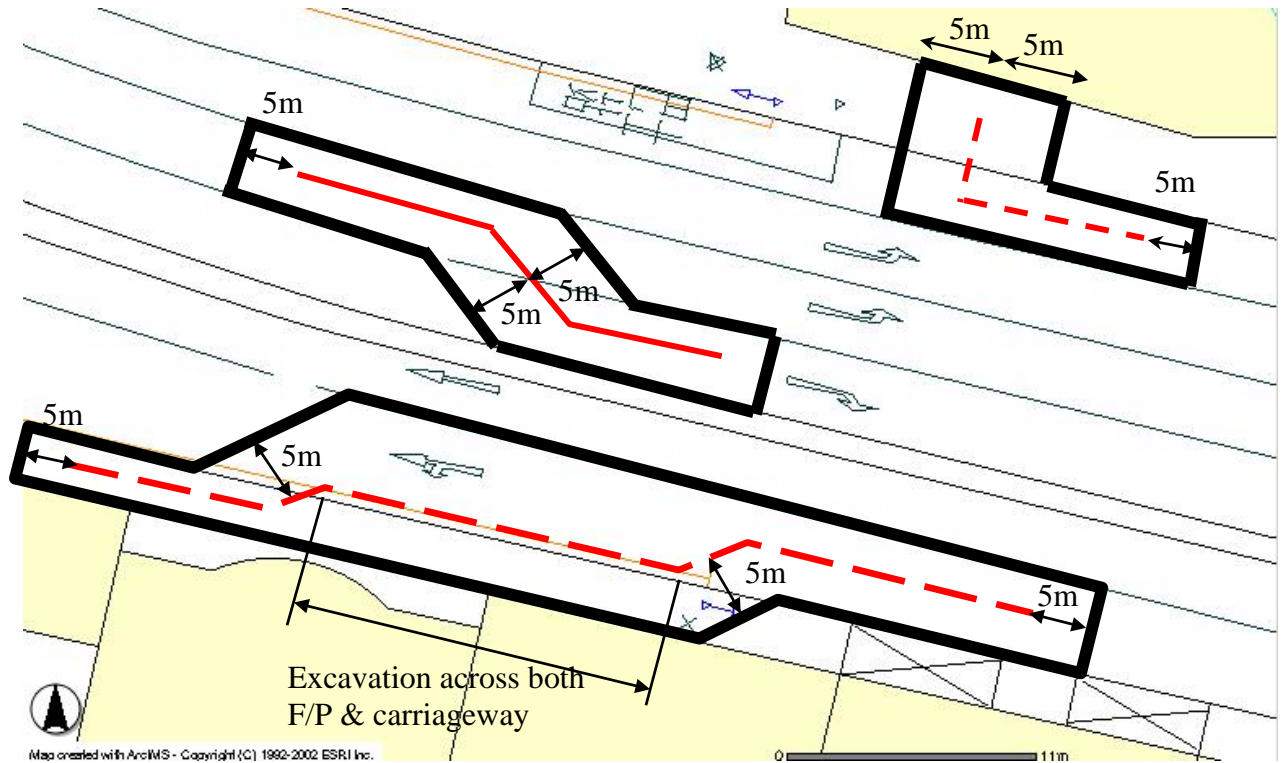
Example of a plan line crosses the entire road (Para. 2iii refers)



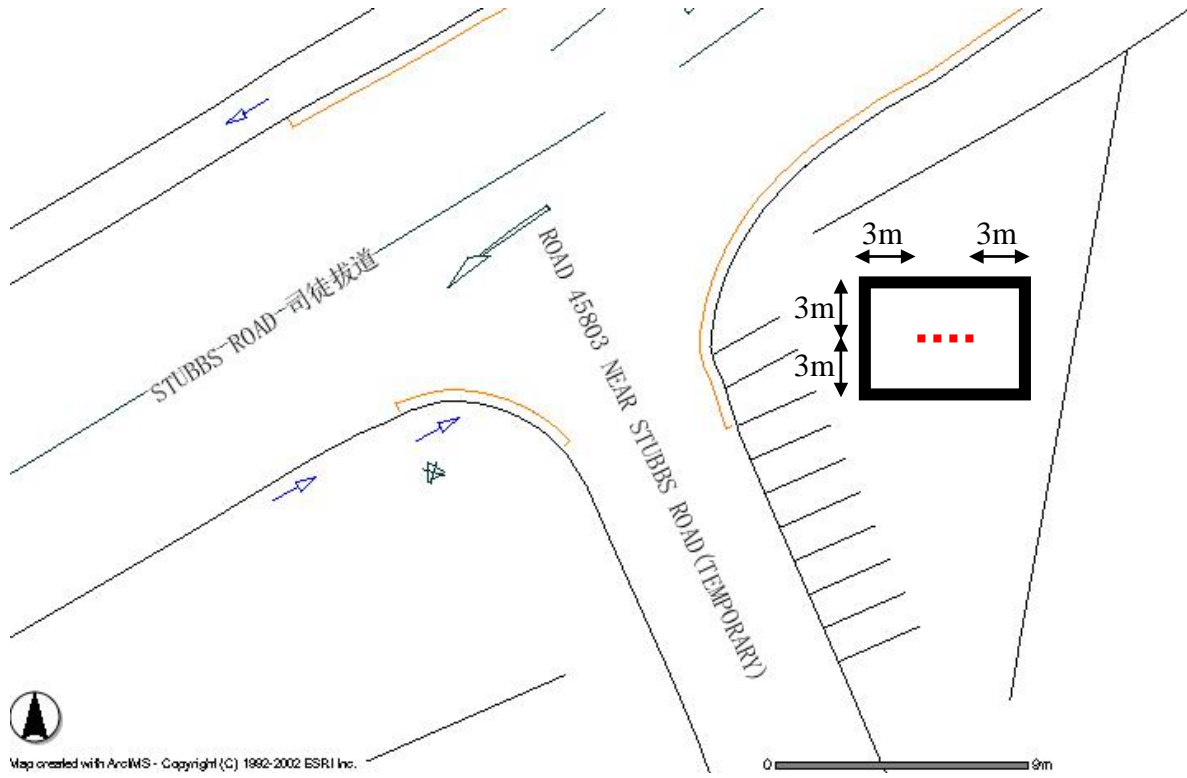
Example of plan line crosses entire road at a junction (Para. 2iii refers).



Example of a plan line crosses from one traffic lane into another traffic lane and from carriageway into footway (Para. 2iv refers).



Examples of plan line lies on a slope (Para. 2v refers).



1.0 **Introduction**

1.1 Coordination among utility undertakings (UUs) in carrying out road opening works is one of the major concerns of the public. Upon implementation of the Excavation Permit Management System (XPMS), involved parties have been equipped with a better information tool for facilitating coordination. In order to achieve better utilization of the facilities and further enhancement on the coordination process, guidelines are prepared below for both the staff of Highways Department (HyD) and those of the UUs.

2.0 **Guidelines on Case Formulation**

2.1 A radius of 30m should generally be adopted for delineating the influence boundary of a 'Plan' for conducting the spatial analysis. This radius may be adjusted to cater for any specific circumstances as appropriate.

2.2 A "Case"¹ for coordination consists of a number of Plans with locations being in close proximity and the scheduled implementation times are also close to each other. However, not every Plan within the influence boundary will be required to incorporate into a Case. The responsible Inspectorate Staff of HyD (*hereafter called "IOW"*) should exercise judgment in selecting Plans to form a Case for coordination. The IOW should try to restrict the maximum number of Plans in a Case for coordination to less than 10 Plans. Also, a Case should not cover a road length longer than 1 kilometer.

2.3 The IOW may wish to break down a Case of excessive size at less important locations to yield Cases of smaller size. Anyhow, if a Case of excessive size is unavoidable, the UU responsible for triggering the coordination may seek assistance from the IOW at the first instance. With HyD's active participation, it is expected that resolution of conflicts amongst UUs can be made easier.

2.4 In this connection, UUs should avoid grouping works items without intrinsic relations² into a single Plan. It is noted that the 450m guideline for extent of a Plan has sometimes been abused for incorporating a large number of scattered

¹ A "Case" consists of a number of Plans with locations being in close vicinity, of which the scheduled implementation times are also close to each other.

² Works items with intrinsic relations are hereby defined as those works that must be carried out together within a relatively short time period due to technical reasons although they may not appear continuous on plan.

works items without intrinsic relations into a single Plan, which causes the Case coordination involving such Plans to be more difficult. IOW may refuse such Plans unless the UU can justify the intrinsic relations on the contrary.

- 2.5 When a Plan consisting a long alignment or different distinct alignments (*hereafter called “multi-relation Plan”*) causes different groups of plans to become having indirect relationship (*“different groups of plans” means each group of plans may be selected to form single Cases if the multi-relation Plan does not exist*), the IOW may follow the following guidelines to form a Case in order to limit the number of Plans in the Case:
- (i) The IOW should assess the effect of the multi-relation Plan to other existing plans by means of the information of sectional start and end dates shown in XPMS and put the multi-relation Plan with those closely related existing plans together to form a Case. If necessary, using the “Remark” box in XPMS to request other Cases to liaise with the multi-relation Plan to resolve their individual conflicting issues or;
 - (ii) If the multi-relation Plan is in connection with different groups of plans and the total number of plans not exceeding 10, a single Case should be formed; and
 - (iii) If the effect and interface issues of the multi-relation Plan are considered having significant effects to different groups of plans, the multi-relation plan should then be extracted to form a single Case. However, the IOW should request the multi-relation Plan to coordinate with other Plans which have interface with this multi-relation Plan by means of the “Remark” box in XPMS.

3.0 Guidelines on Case Coordination

- 3.1 For cases that have not been coordinated before, the Plan with the earliest proposed start date should take the lead in coordinating with other parties. However, if the Plan with the earliest start date is an infrequent XPMS user (*e.g. XP applicant using ad-hoc XPMS account*), the Plan with the second earliest proposed start date will be required to take the lead in the coordination exercise.
- 3.2 Notwithstanding the provisions in the above, if the utility works are required as a result of a HyD project and the utility excavations will be partially or entirely within HyD project sites, the responsible HyD staff shall initiate the coordination.

- 3.3 When a coordinated programme has been agreed by all parties within the Case, all concerned Plans within the Case must immediately amend their programmes respectively to reflect the coordinated programme, if any change is needed. Once the updating of all the affected Plans is done, the Plan which takes the lead in coordination can put forward the case to the IOW for acceptance through XPMS. As a good practice, the lead UU should keep records of agreed programmes in case of argument.
- 3.4 If the IOW accepts the coordinated programme, the case status will be changed to “coordinated”, and all the uncoordinated plans within the Case will also be set “coordinated”. Otherwise, the leading Plan will be informed of the rejected reason(s).
- 3.5 If a coordination request is received from the Plan which takes the lead or any other concerned Plans, the recipient should respond within two weeks by amending the programme, or reply by email if his works programme cannot be compromised. If there is any recipient reluctant to respond, other Plan(s) after two weeks, may report to the Excavation Permit Processing Team (XPPT) of HyD with evidence. XPPT can then consider taking the following actions as suitable to assist other Plans to achieve the coordination:
- (i) If one of the Plans in a coordinating case refuses to discuss/amend the programme, the leading Plan can write down the reasons in the comment box in XPMS and submit the incompletely coordinated programme to HyD for consideration.
 - (ii) If the leading Plan is considered not properly taking the lead of forming coordinated programme, individual plan can write down the reasons in the comment box in XPMS and submit his/her Plan to HyD direct for consideration.
- 3.6 The primary objective of coordination is to implement the potentially conflicting works in an efficient and effective manner, as well as to ensure that nuisance caused to the public is kept to the practical minimum. In line with the primary objective, IOWs will base on the following criteria to determine whether a proposed coordinated programme is acceptable:
- (i) Within a section of 20m in the same bound of a footpath or carriageway, only one XP should normally be working at any one time.
 - (ii) Overlapping of time programmes for different Plans is allowed provided

that the XPs could commence in a coordinated manner.

- (iii) Time gaps between works under successive Plans within the same Case should be avoided.
 - (iv) Subject to the above, the overall duration of the coordinated programme should be the shortest possible.
- 3.7 It is no doubt that common trench cooperation can minimize disruption to the public due to road works. In this connection, UUs should exercise due diligence on adopting common trench approach if circumstances render it feasible. In order to promote common trench cooperation, a document namely “Simple Guidelines on Common Trench Cooperation”, which is endorsed by the Joint Utilities Policy Group (JUPG), is appended in **Appendix 4.1.3** for UUs’ reference.

4.0 Alert Mechanism for Bring Up Problematic Cases

- 4.1 It is expected that coordination for a Case should be completed within one month under normal circumstances. Each Regional Office of HyD will generate a monthly report for uncoordinated Cases and upload the report to XPMS for UUs to download and for their reference. In monthly ROCC meetings, the Chairmen of ROCC will remind the responsible UUs of uncoordinated Cases to expedite coordination or to delete obsolete Plans.
- 4.2 Notwithstanding the above, should UUs encounter any problems that could not be resolved among themselves in the coordination process, they should approach HyD for assistance without waiting for the reminding reports. Upon request from UUs, the responsible HyD staff shall assist proactively to resolve those Cases remaining uncoordinated.

5.0 Procedures for Resolving Problematic Cases

- 5.1 It is understood that UUs are very cooperative with each other under most circumstances. Yet unresolved Cases may arise essentially owing to the following reasons:
- (i) The coordinator cannot contact the other persons designated to be responsible for other Plans in the Case.
 - (ii) Due to genuine technical difficulties, the involved UUs cannot amend their own programmes to suit each others.

- 5.2 It is noted that most of the unresolved Cases fall within the first category. To overcome the problem, the responsible UU of an unresolved Case may approach the Representative of the respective UU in ROCC to ask for assistance. Under extreme cases when the respective UU's ROCC representative also cannot be reached, the UU leading the coordination for the Case may acquire assistance from the responsible HyD inspectorate staff who shall try to approach the concerned ROCC representative direct. If the attempt still fails, HyD shall escalate the issue to the UTLC representative or other senior management of the concerned organization.
- 5.3 For problematic Cases due to genuine technical difficulties, the concerned UUs shall invite HyD to step in. With the opinion from HyD, it is expected that achievement of a compromised solution would be easier. In addition, the concerned UUs may also bring up the Case to the monthly ROCC meeting for acquiring a compromise programme. If all such measures have failed, HyD shall judge the Case and exercise authority in making the decision.

Simple Guidelines on Common Trench Cooperation

Background

1. In May 2008, with the support of Joint Utilities Policy Group, Highways Department (HyD) in collaboration with utility undertakings (UUs) commenced a 2-year Site Coordination Committee (SCC) trial. One of the major objectives of this SCC trial is to promote common trench cooperation among road opening parties in order to minimize repeated road openings, excavation time and disturbance to the public. During the trial period, several common trench agreements were reached and successfully accomplished (*see Annex 1*).
2. In view of the successful common trench agreements reached in the SCC trial, in the 77th Utilities Technical Liaison Committee (UTLC) Meeting, the Chairman of the UTLC earnestly appealed to UUs not to be too concerned with cost apportionment in order to foster more common trench cooperation whenever suitable site situations arose. After discussion, the meeting agreed that the technical experience gained from the successful common trench cases should be documented for future reference.
3. Against such background, this “Simple Guidelines” is prepared for UUs’ reference.

Guidelines on Common Trench Cooperation

4. With reference to the experience gained from the common trench cases agreed in the SCC trial, some simple guidelines on common trench cooperation after the issuance of respective excavation permits (XPs) to individual permit holders are summarized as follows:
 - (i) For any two or more XPs having encountered the following scenario, respective XP holders may consider common trench excavation:
 - with an intersecting portion overlapping larger than 10m² or with parallel alignments along the same footpath/carriageway; and
 - with the XP commenced early having excavation deeper than the succeeding XPs or the last XP belongs to Highways Department.
 - (ii) Each individual XP holder should submit his own temporary traffic arrangement (TTA) proposal to Police for approval even the TTA proposals are similar. Before handing over the common trench site, Police should be notified of the date of handover. Under normal

circumstances, seeking further TTA approval specifically for common trench works is not required as individual TTA proposals should have already been approved. In order to ensure the continuity of the lighting, signing and guarding (LSG) at the common trench area, it is recommended that the contractor who hands over the site allows the contractor who takes over the site to erect the new LSG first and removes his own LSG afterwards.

- (iii) The level of backfilling and the handover of excavated materials should be agreed before handing over the site in order to avoid dispute. Unless exempted in the “Approved Work List for Exemption from Submission of the Test Certificate/Report”, each XP holder should submit the original copy or certified true copy of the test certificate/report on each layer of backfill and/or reinstatement carried out by him in accordance with the requirements of “Backfilling and Reinstatement” stipulated in the Conditions of Permit.
- (iv) The last XP holder will be responsible for the defect liability of the reinstatement of the common trench portion, e.g. the reinstatement surface and street furniture. For other kinds of defect, HyD will base on evidence to justify which XP holder should be liable. If there is sufficient evidence, HyD will request the liable XP holder other than the last one to rectify the defect.
- (v) XP holders who have involved in the common trench excavation but are not responsible for the final reinstatement should report completion as follows in order to allow HyD to trace who is responsible for the final reinstatement of the common trench portion:
 - (1) Choose “Permanent” as the reinstatement type; and
 - (2) Submit a sketch/sketches indicating the common trench portion to be reinstated by the last XP holder together with the respective permit number for HyD Regional Office’s reference.
 Completion notice can be submitted after handing over the common trench portion if all other parts of the XP have been reinstated.
- (vi) If SCC or Site Liaison Group has not been set up, UUs may contact HyD’s XP Processing Team for assistance in reaching a common trench arrangement..

Cost Implications

5. The above simple guidelines do not involve any cost sharing issues as it is a complicated matter and needs the involvement of the management of the involved parties. Nevertheless, according to the experience of the successful common trench cases (*shown in Annex 1*), all involved parties did not encounter any additional cost implications but have achieved minor cost and time savings due to common trench cooperation.

Implementation

6. Common trench approach should be regarded as one of the important measures to minimize disruption to the public due to road works. UUs should exercise due diligence on adopting common trench approach if circumstances render it feasible. On the other hand, HyD would monitor the situation through ROCCs and would carry out a review at the appropriate time to see whether any other measures need to be implemented to encourage the common trench approach.

Research and Development Division
Highways Department
December 2010

Case No.	Location	Common trench involved parties		Type of works	Level of backfilling	Excavated materials	Handover arrangement	TTA arrangement	Police approval	Cost implication	SCC Chairman's comments
1	Wong Nai Chung Road, Happy Valley	1st party	HEC	LV cable reinforcement work	Up to formation level	Except the paving block, HEC removed all excavated materials from site.	HEC and HyD agreed a date to handover the site.	HEC removed the barriers from site on the date of handover.	Prior approval was not necessary as each party had its own approved TTA/LSG proposal.	No cost implication.	This common trench cooperation reduced disturbance to general public.
		2nd party	HyD	Footpath resurfacing	Complete the footpath reinstatement			After HEC removed the barriers, HyD immediately fenced off the site according to its own approved LSG proposal.			
2	Pak Shing Street, Tai Po	1st party	CLP	Lay cable	Up to 600mm below footpath	CLP left excavated material to HyD for backfilling.	CLP and HyD agreed a date to handover the site.	CLP removed the barriers from site on the date of handover.	Prior approval was not necessary as each party had its own approved LSG proposals. However, they had notify Police the date of handover.	No cost implication.	Common trench attributed saving in cost of 50% to the involved parties in this case
		2nd party	HyD	Lay cable	Complete the footpath reinstatement			After CLP removed the barriers, HyD immediately fenced off the site according to its own approved LSG proposal.			
3	Hung To Road, Kwun Tong	1st party	DSD	Pipe laying and manhole construction along Hung To Road slow lane	Up to formation level of carriageway	As DSD had backfilled to formation level of the carriageway before handover, no excavated material would be left in place for backfilling.	DSD and CLP agreed a date to handover the site.	DSD removed the barriers from site on the date of handover.	DSD and CLP had their own approved TTA plans. Police's agreement had been sought in a TMLG meeting.	No cost implication.	This common trench cooperation reduced disturbance to general public.
		2nd party	CLP	Cable laying across Hung To Road	Need to re-excavate for laying cables and then backfill and reinstate the carriageway			After DSD removed the barriers, CLP immediately fenced off the site according to its own approved TTA proposal.			

**Requirements of Photograph Submission in association with
Completion Notice (CN) submission**

Minimum depth requirements of utility services have already been laid down in prevailing XP conditions for various utility services under footpath and carriageway respectively. UUs have the supervisory obligation to monitor and supervise their contractors to comply with the minimum depth requirements as well as other XP conditions. Inspections of those installed services are very difficult and resources demanding after reinstatement. In view of numerous complaints and media enquiries on shallow depth utilities received and the widespread non-compliances (NC) in this regard identified in the whole territory after investigations, strengthening measures to control such NC situation and inadequate supervision on the Contractors by some of the UUs were indeed necessary and essential. Therefore, the requirement of photographs to be submitted during CN processing to show compliance with minimum depth requirements was introduced. The principle and criteria of photograph submission were deliberated in the JUPG meetings and were generally agreed by members. UTLC Paper No. 1/2012 – “Strengthening Measures in Audit Inspection to Control NC with Minimum Depth Requirements and Requirements of Photographs to be Submitted for Processing CN” was also issued to address the proposal.

After a 6-month trial of the requirements for photograph submission during CN processing from 22 October 2012 to 21 April 2013, a review was conducted and presented in the UTLC and JUPG meetings. Members endorsed the formal implementation of the photograph submission requirements.

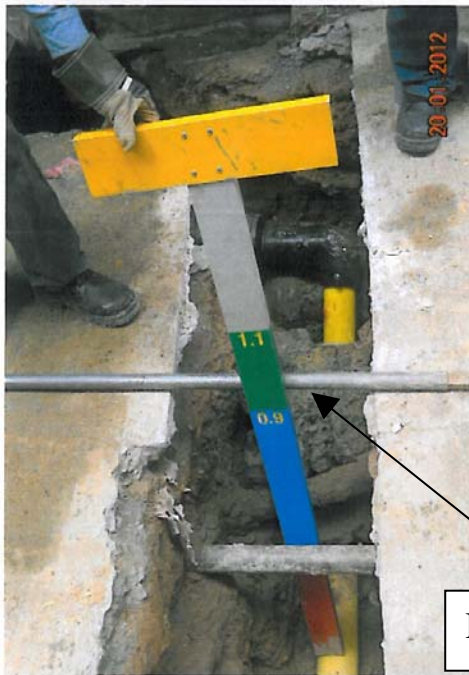
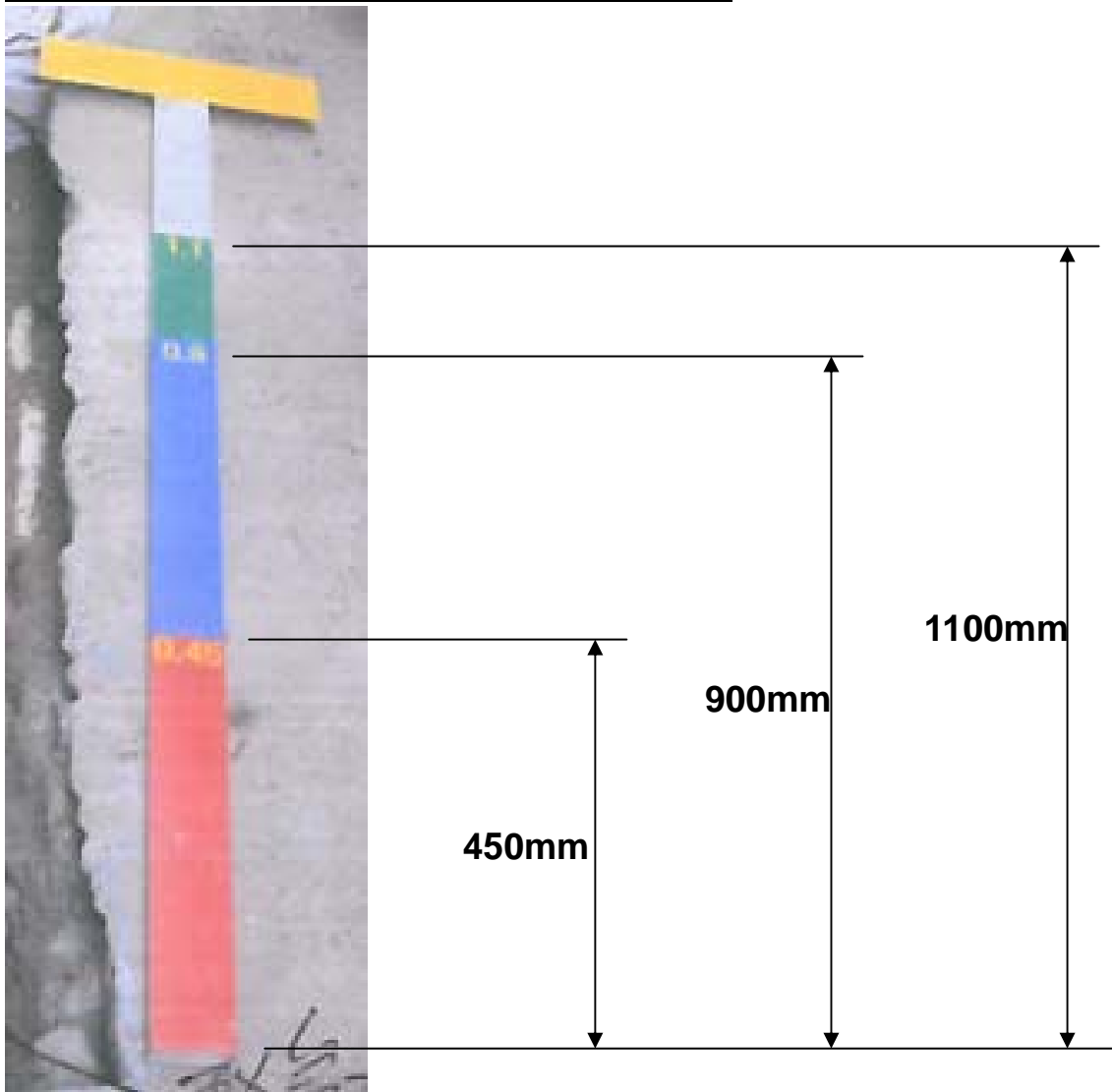
The photograph submission criteria and measurement arrangement are detailed below:

1. Site photos for laid pipes / ducts / utilities
 - a. Principle and suggested numbers of site photos to be taken under each CN submission:
 - (i) A wide view photo to show the active work sites under the XP with nearby street furniture so that the location can be identifiable. Additional wide view photos may be needed if one cannot cover the whole site area, e.g. with a number of sites situated at different streets / round the road corner under the same XP;
 - (ii) Close-up photos clearly indicating the depth to the top of services placed or top of services at drawpits / manholes / connection points.
 - (iii) Underground services newly laid/repaired/renewed under the XP shall be explicitly indicated on the photos.
 - (iv) Requirements of photos taken for features / locations of the services are listed in para. (b) below.

- (v) For easy reference, photos are expected to be named in separate numbers for different locations, while photos taken at the same location should add a suffix to distinguish, e.g. photos 1, 2A, 2B, 3A, 3B, 3C, ...
 - (vi) To cater for easy handling and follow up by both the UUs and the Authority, a template in WORD format will be provided for pasting the photos required for CN submission. The completed file shall then be converted into PDF format and uploaded to XPMS in one electronic file with each A4 page containing 2 photos. Each photo should be presented with a photo number and the measurement reading if applicable. Total number of photos submitted should not exceed 20 and the file size should not exceed 10M.
- b. Locations / features of photos for depth measurements to be taken:
- (i) the laid pipe / duct / utility itself between manholes / drawpits / connection points in the following recommended interval –
 - (1) one in every 50m long alignment for non-energized services laid at non-carriageway but excluding kerb zone with minimum depth of 300mm;
 - (2) one in every 70m long alignment for services laid at non-carriageway but excluding kerb zone with minimum depth equal to or more than 450mm;
 - (3) one in every 100m long alignment for services laid at carriageway and/or kerb zone with minimum depth equal to or more than 900mm;
 - (ii) at the midway of cross-road pipe / duct / utility between the manholes / drawpits / connection points at footpath.
- c. Supplementary details for attention during photo taking:
- (i) All measurements of depth should be taken by reference to an indicator placed horizontally on ground surface. The scale reading showing the measured depth of the service shall be clear and legible. (Remarks: For the concern on the clearness of the depth measurement indication, HKCG's current as-built records using a simple T-square rule with colour zoning/magnified markings of different depth ranges were used as example for discussion in the JUPG sub-group meeting, and were recognized by all members as handy and easy to use. Sample photos were attached for reference.)
 - (ii) The photo records provided should have the date displayed on them.
 - (iii) In view of the limit of photos recommended in (a)(vi), i.e. less than 20 numbers, the interval of alignment for photo taking as suggested in (b)(i) could be adjusted subject to the prior agreement of HyD.
 - (iv) Upon request by HyD, UU may be required to submit additional photos by means of hard copies or CD-Roms, etc.

2. A layout plan showing the alignment of the services to be laid, the locations, directions and number of the photos taken is required and to be submitted in the same template of PDF file for CN submission. The layout plan should be extracted from an electronic maps or street maps of Hong Kong.
3. There is a check box for the permittee to declare the validity and genuine nature of the documents/information uploaded for CN submission. The permittee must thoroughly review and click this box before CN submission can be completed.
4. On receipt of the photograph submission, the IOW should check whether the photograph submission has satisfactorily showed compliance with minimum depth requirements. If the permittee fails to provide photograph submission to the satisfaction of HyD, the IOW will inform the permittee via XPMS to resubmit the photographs. If the permittee fails to resubmit the photographs to the satisfaction of HyD within 14 calendar days, the permittee will be required to provide certified as-built records clearly showing alignment and depth of services laid as supplement. Non-conformance of XP Condition 17 would be issued if the as-built records are not submitted to the satisfaction of HyD within 30 calendar days.
5. Auto CN submission through XPMS would not be rejected due to the missing or non-conformance of photograph submission. The permittee will be requested via XPMS to provide photograph submission to the satisfaction of HyD. If, in this case, the permittee fails to provide the photographs to the satisfaction of HyD within 14 calendar days, the permittee will be required to provide certified as-built records clearly showing depth of services laid as supplement. Non-conformance of XP Condition 17 would be issued if the as-built records are not submitted to the satisfaction of HyD within 30 calendar days.
6. For those XP works without involving laying, repair or renewal of underground services, e.g. road resurfacing works and trial pit construction, etc., submission of photographs for processing CN is not required. There is a check box under the current CN submission page in the XPMS for the permittee to declare that their works covered by the XP do not involve underground service works requiring submission of photograph as set out under this criterion.
7. Shallow depth services may be exposed during an emergency repairs. To avoid prolonged interruption of the services to the public, the permittee of the EXP should be allowed to carry out the emergency repairs for the existing shallow depth services as per the para. 12 of the UTLC Paper No. 1/2012. In view of the emergency nature of the works and only repairing of the particular section of damaged pipe / valve / chamber / etc. involved, photograph submission for the associated emergency repairing works is not compulsory. The permittee has the obligation to rectify the shallow depth services subsequent to emergency repair as appropriate.

Sample of Measurement Rule as presented by HKCG:



Depth > 900mm

*Date of photo-taking: DDMMYY



Photo 1: Vertical clearance between tree-crown and works area



Photo 1: Horizontal clearance between trees and works area (with trees' diameter at breast height)

Note: *The date of photo-taking should be within 3 months preceding to the 1st day of XP submission.

Chapter 4

Section 2 - Emergency Excavation Permit Administration Procedure

1.0 Introduction

1.1 Under section 10C of the Land (Miscellaneous Provisions) Ordinance (LMPO), the Director of Highways (DHV) as the Authority or his delegated officers may issue an emergency excavation permit (EXP) authorizing the making and maintaining of emergency excavations lasting not longer than 7 days.

2.0 Legal Requirements for Emergency Excavation Permit

2.1 Section 2 of the LMPO states "...
"emergency excavation" means an excavation that is made or maintained consequential upon the occurrence of an emergency incident;
"emergency excavation permit" means an emergency excavation permit issued under section 10C;
"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."

2.2 Section 10C of the LMPO states "

- (1) The Authority may, subject to such conditions as he thinks fit, issue an emergency excavation permit, authorizing the making and maintaining of emergency excavations.
- (2) An emergency excavation permit shall be valid for 6 months unless it is terminated under section 10K.
- (3) During the period for which an emergency excavation permit is valid, the permittee of the permit may, subject to the conditions specified in the permit, make and maintain an emergency excavation for each emergency incident during a period ("initial period") of 7 days from the date of the report of the incident to the Authority.
- (4) The Authority may require a permittee to pay the appropriate prescribed fee for an emergency excavation made or maintained during the initial period either before or after the expiration of the

- initial period.
- (5) For the purpose of calculation of the appropriate prescribed fee, the duration of an emergency excavation which can be completed within the initial period shall be-
 - (a) the number of days commencing from the date of the report of the emergency incident to the Authority and expiring on the date of the report of the completion of the excavation to the Authority ; or
 - (b) 7 days if there is no report of the completion of the excavation to the Authority.
 - (6) Subject to section 10L, any prescribed fee paid under subsection (4) is not refundable.
 - (7) Where-
 - (a) the Authority issued an emergency excavation permit for an excavation; and
 - (b) the permittee of the permit is unable to have access to a reasonably substantial portion of the land concerned for the purpose of making or maintaining the excavation, after the date of the report of the emergency incident concerned to the Authority under subsection (3) but before the commencement of the excavation, for reason other than the fault of the permittee, the contractor for the excavation or their employees, the Authority may, without payment of any prescribed fee or any part thereof (other than that required to be paid under subsection (4)), extend the initial period by the number of days for which the permittee is so unable to have access to the land.”

3.0 Issue of Emergency Excavation Permit

- 3.1 The Engineer/ Chief Technical Officer (E/CTO) of the respective Highways Department (HyD) Regional Office, under the delegated authority of DHy, may issue an EXP upon application. The EXP may be issued to parties such as utility undertakings, Drainage Services Department, Civil Engineering and Development Department, Highways Department, Water Supplies Department and other works departments, which should have a genuine need to carry out emergency excavation.
- 3.2 Applicants of EXP shall submit their applications through the Excavation Permit Management System (XPMS).

3.3 Before issuing an EXP, the E/CTO should be satisfied that the applicant:

- (i) is fit and proper to make and maintain any excavation; and
- (ii) can comply with the conditions imposed under the permit.

Otherwise, the E/CTO shall refuse the issue of an EXP by exercising powers under section 10E of the LMPO. Details are described in Section 9 - Refusal of Issue of Excavation Permit Administration Procedure.

3.4 Apart from the legal interpretation of the term “emergency incident” stated in para. 2.1 above, EXP permittees may also refer to the List of Emergency Excavations shown in Appendix 4.2.2 to determine when their EXP can be used. The List of Emergency Excavations was endorsed by the Utilities Technical Liaison Committee (UTLC) chaired by the Deputy Director of Highways (DDHy). For addition/deletion of emergency excavation items to/from the list, utilities undertakings or government departments should submit their proposed amendments to the Chief Highway Engineer/Research and Development (CHE/R&D) of HyD for consideration first. If CHE/R&D has no objection to the proposed amendment, he will put forward the proposal to UTLC for endorsement.

Any person who makes and maintains an excavation by abusing the EXP may contravene the LMPO. Suspected case of abuse of EXP will be referred to HyD’s enforcement team. Justifications to the satisfaction of the relevant HyD Offices shall be provided in the following situations:-

- (a) Use EOs one after another within 1 month for the same location/successive locations by the same permittee;
- (b) Not commence excavation work immediately after the report of the emergency incident; and
- (c) Not an emergency incident. The permittee may refer to the list of Emergency Excavations in Appendix 4.2.2.

3.5 An EXP will be valid for 6 months and cover the maintenance districts under the respective Chief Highway Engineer (CHE). For renewal of an EXP, the applicant should submit the application through XPMS one month in advance of the expiry date of the current EXP to the respective CHE. The applicant is allowed to apply for more than one EXP within the same HyD Region for each of his emergency work contractor.

3.6 The applicant may nominate his contractor as a nominated permittee for

the EXP in accordance with section 10H of the LMPO. The E/CTO of the respective HyD Regional Office shall approve or disapprove the nomination and notify the applicant accordingly. Details of nomination procedure are described in Section 7 - Nominated Permittee Approval/ Withdrawal/ Removal Procedure.

4.0 Administration of Emergency Excavation Permit

4.1 When the need for an emergency excavation arises, the EXP permittee shall immediately obtain an emergency serial number from HyD by one of the following means as stipulated in Conditions of EXP:-

- (i) via XPMS; or
- (ii) reporting to the Integrated Call Centre (ICC) at 2926 4111. The ICC will ask for the following information for verification of the caller's identity:
 - valid XPMS user identity under the EXP permittee;
 - the permit number of the EXP to be used; and
 - the telephone number/e-mail address of the aforementioned XPMS user.

After verification, ICC will immediately input the emergency incident to XPMS which will automatically create an incomplete plan and send messages to the Permit Clerk or Technical Officer of the respective HyD Regional Office ICC. ICC will then inform the caller the emergency serial number generated by XPMS.

[Note:

1. *Whenever possible, EXP permittees should obtain the emergency serial number via XPMS. EXP permittees should only obtain the emergency serial number via ICC when the XPMS is unavailable.*
2. *EXP permittees shall describe the EO location clearly (either via XPMS or ICC) when obtaining the emergency serial number. EXP permittees may input the nearest lighting pole number if description of the EO location is found difficult.*
3. *It is not necessary for the permittee to input the start time for counting the initial period in the XPMS. XPMS will record the time of the report of the emergency incident as the start time of the EO according to section 10C of the LMPO.*
4. *It is not uncommon that EXP permittees would assume all unleased lands are maintained by HyD. As a result, wrongly registered emergency plans are often found. In order to save both HyD's and*

EXP permittees' effort on dealing with cancellation of wrongly registered emergency plans, all EXP permittees are strongly recommended to verify whether the location is maintained by HyD through XPMS before obtaining the emergency serial number.]

- 4.2 Whenever an emergency incident is reported by the EXP permittee, he shall complete the emergency plan registration before 4:00 p.m. on the working day following the emergency incident. To complete the registration, he is required to digitize in XPMS the alignment of the trench/excavation and mark the area where the EXP is to cover. For any plan which is rejected by XPMS during spatial check, he should submit by hand within 2 working days from the commencement of the emergency excavation works to the E/CTO of the respective HyD Regional Office.

The permittee is also required to provide justification with supporting documents to prove that the emergency incident is a genuine case as described in para 3.4 above. After the completion of emergency plan registration, if the Inspector of Works (IOW) of the respective HyD Regional Office is satisfied that the emergency plan is a genuine emergency incident and the excavation work is on streets maintained by HyD, IOW will process and check the button "Approve Registration" in XPMS.

- 4.3 The EXP permittee should keep photographs showing the location and nature of the excavation works under the emergency incident. These photographs should be produced for inspection upon request by the E/CTO.
- 4.4 When the EXP permittee reports completion of works through XPMS within 7 days from the date of reporting the emergency incident, or 7 days have elapsed since the report of the emergency incident, XPMS will issue a demand note to the EXP permittee or deduct fees from the permittee's deposit account. The charging mechanism for emergency incidents is detailed in Appendix 4.2.1.
- 4.5 XPMS will generate a monthly report of emergency excavation for payment verification. Apart from the report on monthly basis, a function in XPMS would allow the EXP permittee to generate at any time a financial

report for a certain period requested by him.

4.6 XPMS will keep track of any outstanding emergency plan registration and payment and send reminding e-mail to the respective EXP permittees. An emergency plan registration is outstanding if the required textual information or required graphical alignment is not input, including cases for which EXP permittee requests HyD to digitize the plan alignment. A payment is outstanding if the demand note is not settled within 7 working days, excluding Sunday and Public Holidays. Outstanding plan is defined as any plan with outstanding registration or payment.

4.7 When the number of outstanding plans exceeds a predetermined baseline level of 10 nos. for more than 1 calendar month, XPMS will issue e-mail to alert:-

- (i) Senior Treasury Accountant (STA), HyD Headquarters if any outstanding payment is involved and the EXP permittee has a deposit account with HyD. STA should urge the EXP permittee to top up his deposit account immediately;
- (ii) The E/CTO and Account Section of the respective HyD Regional Office if any outstanding payment is involved and the EXP does not have a deposit account with HyD. Account Section should urge the EXP permittee to settle the demand note immediately; and/or
- (iii) The E/CTO of the respective HyD Regional Office if any outstanding plan is involved. The E/CTO should urge the EXP permittee to complete the outstanding emergency plan registration immediately.

5.0 Site Audit Inspections of Excavation Sites

5.1 Once an emergency incident is registered in XPMS, XPMS will automatically send messages to the Permit Clerk or Technical Officer of the respective HyD Regional Office and the Audit Inspection Team (AIT) of the Research and Development Division of HyD. Staff of the AIT will conduct site audit inspections after receipt of this message.

6.0 Completion of Works

6.1 If the works are completed within the 7-day allowable EXP period, the permittee should report completion through XPMS.

- 6.2 If the permittee anticipates that the emergency works will not be finished within the 7-day allowable EXP period, he shall submit a completion notice (CN) for the current EXP and state that a continuing emergency XP (CEXP) is required for continuing the emergency excavation works before the expiry of the initial 7-day period. For details, please see Chapter 4, Section 3 of this manual.
- 6.3 If the 7-day allowable EXP period is completely used to finish up the works, report completion through XPMS is not necessary and XPMS will report the completion automatically on permittees' behalf when the permit expires. The respective HyD Regional Office will arrange a reinstatement inspection within 7 working days after the expiry of the 7-day allowable EXP period. However, if any one the following situations is encountered, the permittee should report completion before expiry of the 7-day allowable EXP period through XPMS (*Note: For emergency works to be continued after the 7-day allowable period, the EXP permittee should refer to Section 3 of this Chapter 4 to apply for the continuing emergency XP*):
- (i) Permanent Reinstatement (PR) carried out by other. If PR is carried out by other permittee (e.g. emergency works due to damage of utility services during excavation by another permittee), the EXP permittee has to specify the XP number under which the PR is carried out, and his contact person. If the PR is planned to be carried out by a Small Scale Works (SSW) XP or a rectification permit (e.g. PR has been rejected and needs rectification), the permittee must indicate on the CN that the outstanding defects will be rectified by either a SSW job/rectification permit in order to have a record for HyD to follow up. The CN of the original EXP will then be accepted. For details, see paragraph 6.3 of this section;
 - (ii) PR carried out by HyD at the permittee's own cost. Only select this reinstatement type if the PR is carried out by HyD's contractor at the permittee's own cost;
 - (iii) Temporary structure/ installation pending removal. If the permittee has carried out erection of temporary structure or installation of equipment which will only be removed a certain period after the expiry of the XP, then this reinstatement type should be chosen. The permittee has to indicate the date when such

- temporary structure/ equipment/ installation will be removed; and
- (iv) There has been a CN rejected before.

Note: If no excavation has been carried out, the permittee shall cancel the EO by providing justifications to the satisfaction of HyD's Regional Offices.

To facilitate the checking of reinstatement works, the permittee must also choose either one of the following check boxes on the screen of CN for the respective HyD Regional Office's reference:

- (i) *“use the approved plan alignment to check the reinstatement works”*; or
- (ii) *“use the attached sketch(es) of reinstatement extent to check the reinstatement works”*.

As a simple guideline, the option (2) mentioned in the above should only be chosen when the actual excavation extent is less than the approved excavation extent. In addition, if the permittee chooses option (2) in the screen of CN, he must submit the sketch(es) of actual excavation extent immediately via XPMS. If the sketch is not received or the attached sketch does not provide sufficient information, the E/CTO of the respective HyD Regional Office may reject the CN. The sketch(es) should have simple indications/measurements to roughly indicate the reinstatement extent and location. The file of the sketch(es) should be in “pdf”, “jpg”, “jpe”, or “jpeg” format and the file size should not exceed 1 mega byte. In case XPMS is not available or the registration of the respective emergency incident has not been completed, the EXP permittee should notify the E/CTO the completion of works by fax in order to record down the actual date of submission of CN. As this is just a temporary measure, information about reinstatement type is not required to be stated in the fax. Once XPMS is recovered, the EXP permittee should complete the process of submission of CN through XPMS. As a hard copy CN has already been submitted, in the CN reporting screen of XPMS, the EXP permittee should check the box “A CN has already been submitted by fax” and provide the CN submission date for HyD's reference. After verification, the respective HyD Regional Office should date back the CN submission date to the hard copy CN fax-in date.

- 6.4 Upon receipt of the CN, the E/CTO of the respective maintenance district in the HyD Regional Office should arrange site inspection to confirm

completion of works and acceptance of reinstatement within 7 working days. After site inspection, the responsible IOW will inform the permittee via XPMS whether he agrees that the reinstatement have been satisfactorily completed. If the IOW agrees that the reinstatement have been satisfactorily completed, the E/CTO will confirm the date of completion in XPMS which will automatically calculate the amount of prescribed fee to be paid by the EXP permittee. If the IOW considers that the reinstatement have not been satisfactorily completed, he will inform the permittee via XPMS about which items do not comply with the requirements/specifications and request the permittee to rectify. The processing procedures are different in the following three situations:-

- (i) Where the remaining time of the 7-day EXP permit is sufficient for the permittee to complete the rectification works, the permittee should continue to carry out the works under the permit. When the IOW confirms completion of works, the date of re-submission of CN through XPMS would be taken as the completion date of the XP, for which refund of daily fees or economic cost, if any, would be based on.
- (ii) Where the permittee considers that the remaining time of the EXP permit is insufficient for completion of rectification works, he may apply for a rectification permit to complete the rectification works. The permittee may also choose to carry out the rectification works under block permit for small scale works (SSW) provided that the rectification works satisfy the requirements of SSW as stated in Section 5 – Block Permit for Small Scale Works Administration Procedure.
- (iii) Where the 7-day EXP period has expired before receipt of the IOW's notification, the permittee should register a SSW job under a block permit for SSW or apply for a rectification permit for carrying out the rectification works.

For any one of the situations mentioned in the above, re-submission of CN is required. For situations (ii) and (iii), the permittee must indicate on the CN that the defects will be rectified by either a SSW job or a rectification permit in order to have a record for HyD to follow up. The CN of the original permit will then be accepted. However, the permittee should note that despite the CN is accepted, the defect liability period (DLP) of the permit will remain “not started” until all outstanding defects are rectified. The DLP period of the original permit will start when the CN

of the SSW job/rectification permit is accepted by the IOW. The start date will be the submission date of the CN of the SSW job/rectification permit.

6.5 The E/CTO 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.

6.6 The EXP permittee shall keep all as-built records in respect of level and alignment of the underground services and installations laid or placed for 7 years from the date of submission of CN. These records shall be certified by a recognized professional. The EXP 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 the 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;
- (iii) member of the Hong Kong Institute of Landscape Architects or equivalent professional qualification; and
- (iv) member of the Hong Kong Institute of Surveyors or equivalent professional qualification

The EXP permittee shall submit to the E/CTO on or before the date of submission of CN the details (i.e. the name, his relation with the permittee etc.) of such professional.

6.7 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**.

6.8 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.

7.0 Submission of Test Results

7.1 The EXP permittee shall submit to the E/CTO of the respective HyD Regional Office, within 2 months from the date of submission of CN, 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.

8.0 Reinstatement of Works within Defects Liability Period

8.1 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 CN. 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 CN / the date of the last day of the EXP period (whichever is the earlier), 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 maintenance district in the HyD Regional Office should arrange inspection to identify any defects associated with the reinstatement before the end of the liability period. The permittee will be required to make good the defects if any.

8.2 If the permittee declines to make good the defects, the E/CTO of the respective maintenance district in the HyD Regional Office will 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 from the permittee.

Charging Mechanism for Emergency Incidents

Introduction

- 1.0 According to Land (Miscellaneous Provisions) Ordinance, the prescribed fee for each emergency incident is charged according to the following:

EXP registration fee + EXP daily fee × X(date of reporting completion – date of reporting emergency incident +1) subject to the condition that the maximum value of the expression ‘(date of reporting completion – date of reporting emergency incident +1)’ is 7. For details of prescribed fee, see Appendix 2.1.3.

Emergency work is completed within 7 days

- 2.0 If CN has been submitted within 7 days, the fee will not be charged until E/CTO of XP processing team has confirmed that the works are accepted as completed. If the works are accepted as completed, the fee to be charged is equal to EXP registration fee + EXP daily fee × X(date of reporting CN – date of reporting the emergency incident +1), where the maximum value of the expression ‘(date of reporting completion – date of reporting emergency incident +1)’ is 7. For details of prescribed fee, see Appendix 2.1.3.
- 3.0 If the works are not accepted as completed, then the permittee would be notified via XPMS and the permittee should submit another CN when the outstanding works are completed on site. If the initial period (7 days) has already lapsed, the prescribed fee of EXP registration fee + EXP daily fee × 7 will be charged. Otherwise, XP processing team will process the CN as described in paragraph 2.0. For details of prescribed fee, see Appendix 2.1.3.

Continue emergency work is applied

- 4.0 If continue emergency work has been applied, the emergency incident will not be charged. The commencement date of the ‘continue emergency work’ permit will be the date of reporting the emergency incident. Once the application is submitted, it will be approved and the prescribed fee to be charged is:

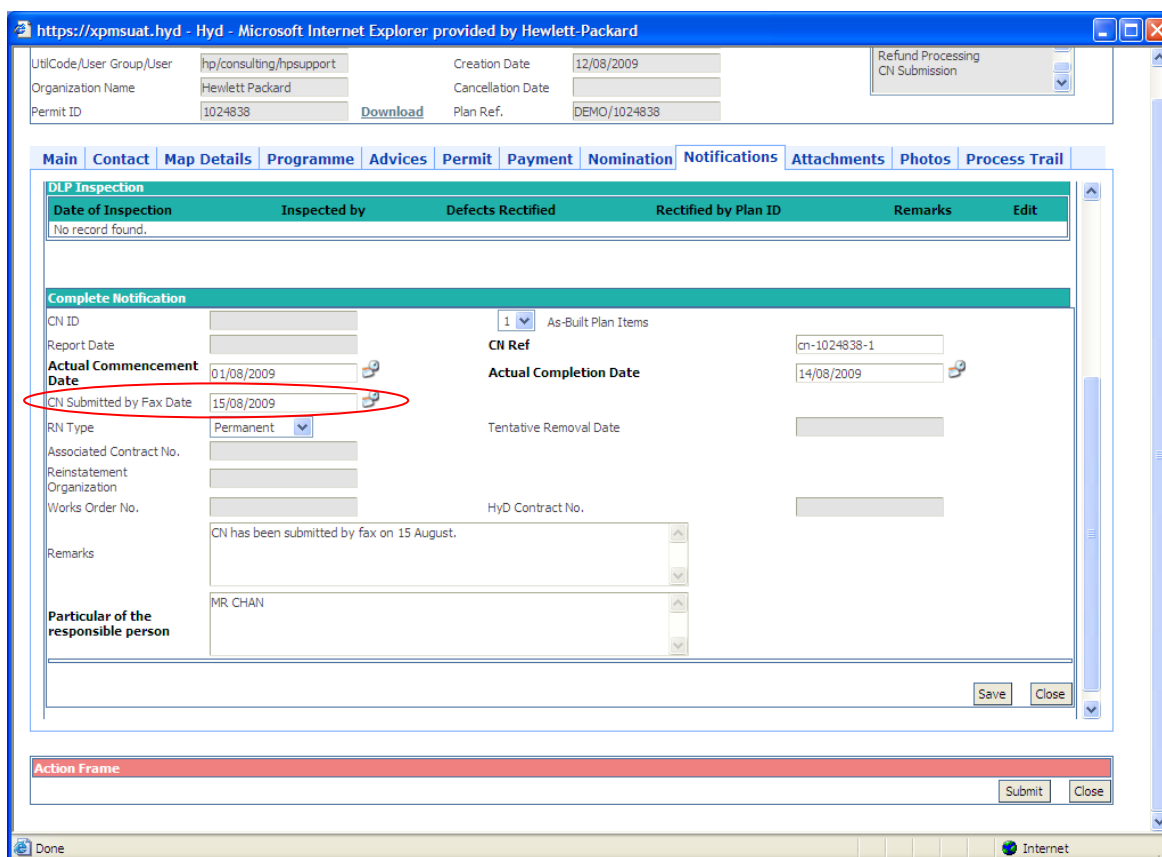
Registration fee + Daily fee × X(approved permit end date - date of reporting emergency incident +1)

Report of completion of works

- 5.0 The permittee may not be able to create CN if the registration of emergency plan has not been completed or HyD has not yet accepted the emergency plan, or XPMS is not

available. Under such circumstances, the permittee should inform HyD the completion of works by fax, using the attached form. This also applies to other types of XP. Whenever permittee cannot create and save a CN on XPMS, he can report completion of works by fax.

- 6.0 When XP team receives fax notification of completion, the fax should be stamped with current date. After XPMS service has been resumed or HyD has accepted the emergency plan, the permittee should also submit the CN through XPMS, and input the ‘CN submitted by Fax Date’, which should be the date when the permittee reported the completion of works by fax.



XPMS would capture the date when the CN submitted through XPMS as the CN ‘Submission Date’ for calculation of refund for early completion. When the permittee has also input the ‘CN submitted by fax date’, IOW should check the fax record and date stamp, and update the CN ‘Submission Date’ accordingly.

Urgent by Fax

Attention: Permit Clerk/TO(UMS) of XP Processing Team

Urban (Hong Kong) (fax 2576 6244)*

Urban (Kowloon) (fax 2758 3394)*

New Territories (fax 2714 5228)*

To: Director of Highways,

Date: _____

Report of Completion

In accordance with section 10L(2)(b) of the Land (Miscellaneous Provisions) Ordinance, I would like to report completion of excavation works for the following:

Road Name: _____

Location: _____

For excavation permit

Excavation permit no.: _____

For emergency incident

Emergency serial no.: _____

Plan ID* or plan reference*: _____

Signature: _____

Name: _____

Telephone number: _____

Organisation Name: _____

(Holder of the excavation permit)

* delete non-applicable items

Emergency Excavation Permit

List of Emergency Excavations

A. Meaning of Emergency Excavations

As defined in section 2 of the Land (Miscellaneous Provisions) Ordinance (LMPO), “emergency excavation” means an excavation that is made or maintained consequential upon the occurrence of an emergency incident. The “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 unacceptable interruption or disruption to any public transport system or utility services.

B. List of Emergency Excavations

1. Roadworks

- 1.1 Emergency repairs and necessary associated works connected with landslip in close proximity of existing road, severe uneven road surface, road collapse, road subsidence including settlement of bridge abutment and accidental damage of road surface, which may lead to severe traffic impact, jeopardy of public safety or damage to property.
- 1.2 Emergency repairs and necessary associated works connected with: missing / subsided / broken gully grating; missing / subsided / broken frame or cover of manhole, joint box, draw-pit; damaged bridge expansion joint/ movement joint, pot holes or the like; tree failure; which may pose immediate danger to the public.
- 1.3 Emergency removal or replacement of knocked down / damaged traffic sign, traffic sign post, railing, crash cushion, barrier or other roadside street furniture, which may pose immediate danger to the public.
- 1.4 Emergency repairs and necessary associated works connected with slope or portworks infrastructures when there is evidence that deterioration may pose immediate danger to the nearby roads.

2. Waterworks

- 2.1 Emergency repairs and necessary associated works connected with burst / leaking main or valve when there is evidence that the leak will soon develop into a burst / network failure of existing water supply system.

- 2.2 Emergency works essential for the resumption of the existing water supply upon the receipt of a failure incident.
- 2.3 Emergency works to locate and rectify water mains, valves, fire hydrants and other accessory fittings which may otherwise lead to jeopardy to public safety, damage to property or severe traffic impact.
- 2.4 Emergency repairs and necessary associated works for missing / subsided / broken pit covers which may otherwise cause injury to public.

3. Drainage Works

- 3.1 Emergency repairs and necessary associated works connected with blocked / leaking / collapsed manholes, intakes, drains, sewers, channels, culverts or the like, which may pose severe hygienic problem, severe traffic impact, jeopardy to public, or may lead to unacceptable disturbance / disruption to drainage or sewerage systems.

4. Electrical and Mechanical Works

- 4.1 Emergency restoration of street lighting when three or more consecutive street lights are off.
- 4.2 Emergency removal or replacement of knocked down / damaged street lighting pole, street lighting controller, traffic signal post, traffic signal controller, CCTV kiosk, CCTV high mast or the like, which may pose immediate danger to the public.
- 4.3 Emergency repairs and necessary associated works connected with malfunctioned traffic signals or CCTV.
- 4.4 Emergency repairs and necessary associated works connected with leaking underground sea-water cooling mains or associated valves.

5. Electricity Supply Works

- 5.1 Emergency resumption of the existing electricity supply and supply network upon the receipt of a failure incident.
- 5.2 Emergency rescue to electricity installations from flooding, road subsided and landslip which may lead to disruption of electricity supply.
- 5.3 Emergency repairs and necessary associated works connected with the electricity supply network when there is evidence that the electricity supply network is subject to impending network failure of power supply.

- 5.4 Emergency repairs and necessary associated works which are essential to maintain the integrity of the security and control of the electricity supply network.

6. Gas Supply Works

- 6.1 Emergency repairs and necessary associated works connected with burst or leaking gas main.
- 6.2 Emergency resumption of the existing gas supply upon the receipt of a failure incident.
- 6.3 Emergency works in connection with rectification of existing gas supply system to prevent network failure.
- 6.4 Emergency works to locate and rectify gas pipe, valve and governor and other accessory fittings which may otherwise lead to jeopardy to public safety, damage to property or severe traffic impact.
- 6.5 Emergency repairs and necessary associated works for missing / subsided / broken pit covers which may otherwise cause injury to public.

7. Telecommunication Works

- 7.1 Emergency repairs and necessary associated works connected with existing telecommunication cable and ducts or cabinet upon the receipt of a failure incident.
- 7.2 Emergency removal or replacement of knocked down / damaged telecommunication pole / kiosk.
- 7.3 Emergency repairs damaged joint box / manhole.

8. Tramway Works

- 8.1 Emergency repairs and necessary associated works of damaged tram track.
- 8.2 Emergency resumption of the tram service upon the receipt of a failure incident.
- 8.3 Emergency removal or replacement of knocked down / damaged tram pole which may pose immediate danger to the public.

9. Miscellaneous

- 9.1 Emergency excavations as requested by the Hong Kong Police Force for crowd management at festivals or for rally, petition or demonstration.
- 9.2 Emergency excavations arising from other emergency incident upon request from other party (to be specified).

Chapter 4

Section 3 - Emergency Excavation (longer than 7 days) Administration Procedure

1.0 Introduction

1.1 Under section 10C of the Land (Miscellaneous Provisions) Ordinance (LMPO), the Director of Highways (DH_y) as the Authority or his delegated officers may issue an emergency excavation permit (EXP) authorizing the making and maintaining of emergency excavations within the validity period with maximum 7 days.

1.2 In accordance with section 10D of the LMPO, if the EXP permittee anticipates that he has to make or maintain an emergency excavation for more than 7 days, the EXP permittee shall apply to DH_y or his delegated officers for the issue of an excavation permit (XP) before the expiry of the initial period (7 days) of the emergency excavation.

2.0 Legal Requirements for Emergency Excavation which lasts for more than 7 days

2.1 Section 10D of the LMPO states

“(1) If the permittee of an emergency excavation permit anticipates that he has to make or maintain an emergency excavation for more than 7 days, the permittee shall apply to the Authority for the issue of an excavation permit before the expiry of the initial period of the excavation.

(2) Upon receipt of an application mentioned in subsection (1)-

(a) an excavation permit is deemed to be issued to the permittee of an emergency excavation permit-

(i) on the same terms and conditions as an emergency excavation permit; and

(ii) commencing from the date of the commencement of the emergency incident to which an emergency excavation permit relates and expiring on the date of the notification of the result of the application; and

(b) the initial period under an emergency excavation permit is deemed to be extinguished.

(3) The Authority shall determine the period for which an excavation permit deemed to be issued under subsection (2)(a) shall be valid and may revise the expiry date of the permit to a date which is later than

the original expiry date.

- (4) If the period determined by the Authority under subsection (3) is shorter than the period applied for by the permittee under subsection (1), the Authority may, in respect of an excavation permit deemed to be issued under subsection (2)(a), grant an extension for a period commencing from a date next following the expiry of the permit and expiring on the last day of the period applied for by the permittee.
- (5) The Authority may require a permittee to pay the appropriate prescribed fee for an excavation permit deemed to be issued and an extension granted under this section.”

3.0 Application and Processing of Excavation Permit for Emergency Excavation lasting longer than 7 days

- 3.1 When the EXP permittee anticipates that he has to make or maintain an emergency excavation for more than 7 days, he shall submit a completion notice (CN) for the current emergency excavation opening (EO) and state that a Continuing Emergency Excavation Permit (CEXP) is required for continuing the emergency excavation works before the expiry of the initial 7 days period. The Excavation Permit Management System (XPMS) will automatically register a CEXP for continuing the incomplete emergency excavation works. In accordance with section 10D(2) of the LMPO, an XP is deemed to be issued to the EXP permittee for the concerned EO upon the registration of the CEXP for such EO. He is thereby authorized to continue to excavate or maintain the subject emergency excavation until the E/CTO notifies him of the result of his application in the manners as laid down under section 10V of the LMPO. As part of the application, the EXP permittee shall submit documents to substantiate the permit period that he is applying for. At the same time, the EXP permittee shall consult and seek comment from the Hong Kong Police Force, Transport Department, Environmental Protection Department (where necessary) for temporary traffic diversion measures and construction noise permit (if necessary) separately. The E/CTO shall in accordance with section 10D(3) of the LMPO determine the period for which an XP deemed to be issued shall be valid and may revise the expiry date of the permit to a date which is later than the original expiry date. The processing procedures are as follows:-

Registration Stage

- (a) Under section 10D(1) of LMPO, if the EXP permittee anticipates that he has to make or maintain an emergency excavation for more than 7 days, he shall apply to the Authority for the issue of an XP before the expiry of the initial period of the originating EO. To make such an application, the EXP permittee has to submit an XP application form to HyD.
- (b) Under XPMS, a CEXP plan is created by opting for such when processing the completion of an EO plan, after which the EO plan would be ended. However, the corresponding XP application form is only regarded as submitted when the created CEXP plan is registered.
- (c) For CEXP plans created in XPMS but not yet registered, the EXP permittee may opt to cancel the CEXP plans anytime within the initial 7 days' period. However, if the created CEXP plans are not registered before expiry of the originating EOs, these plans would be mandatory cancelled by the system automatically (section 10D(1) of LMPO refers).
- (d) For CEXP plans cancelled under (c) above, the originating EO plans would be restored and processed accordingly.

Permit Application and Approval Stage

- (a) After the CEXP plan is registered, the *PPA would be carried out together with permit application approval. IOW should assess and make recommendation on the permit period for E/CTO's approval.
- (b) During the processing of PPA, IOW and E/CTO may revise the proposed end date applied by the EXP permittee to a date later than the date of notification of the result of the application (sections 10D(2)(a)(ii) and (3) LMPO refer).
- (c) In processing the application, IOW may comment on the permit period and request for the EXP permittee's response, which may include but not limited to requesting for further information or giving

advice on revision of the PPA. The EXP permittee shall respond by completing a “Permit Period Assessment Response” task within 7 calendar days from and including the date of such request.

- (d) Once the EXP permittee has completed the “Permit Period Assessment Response” task, HyD’s XPPT will receive a notification email.
- (e) If the EXP permittee does not complete the “Permit Period Assessment Response” task within the above-mentioned period, the task will be ended by the system automatically and IOW & E/CTO may approve or revise the permit expiry date, as the case may be, and issue the CEXP accordingly.
- (f) For each CEXP application, the maximum number of “Permit Period Assessment Response” tasks allowed is two (2).
- (g) Upon receipt of IOW’s recommendation on the permit period, E/CTO should process the corresponding application.

*Note: For different duration of proposed works period, the processing procedures are different as described in the following paragraphs:-

(i) Where excavation is anticipated to be completed within 14 working days from the expiry date of the date of the initial 7 days period, submission of the substantiation for the applied permit period is waived. The E/CTO will issue an XP commencing from the date of the commencement of the emergency incident and expiring on the date applied for by the EXP permittee.

(ii) Where excavation is anticipated not to be completed within 14 working days from the expiry date of the date of the initial 7 days period and the period of the XP determined by the E/CTO is same or longer than the period applied by the EXP permittee, the E/CTO will, upon payment of the prescribed fees, issue an XP with the period applied for under section 10A of the LMPO to the EXP permittee. The XP deemed to be issued shall expire on the date of the E/CTO’s

notification in accordance with section 10D(2)(a)(ii) of the LMPO.

(iii) Where excavation is anticipated not to be completed within 14 working days from the expiry date of the date of the initial 7-day period and the period of the XP determined by the E/CTO is shorter than the period applied by the EXP permittee, the E/CTO will, upon payment of the prescribed fees, issue an XP with the period determined by him. If the permittee considers that the permit period is not long enough to complete the works and apply for an extension, the E/CTO may, upon payment of appropriate prescribed fees including economic costs (if applicable) for the extended period, grant an extension for a period commencing from a date next following the expiry of the XP and expiring on the last day of the period applied for by the permittee.

The flow chart of the application of CEXP is shown in Appendix 4.3.1.

- 3.2 Subject to submitted information is in order, the E/CTO of the respective HyD Regional Office, under the delegated authority of DHy, will process the application within 5 working days, excluding 3 working days for issue of demand note. The E/CTO shall assess the permit period and the duration of any extended period as empowered by section 10M(1)(e) and notify the EXP permittee the results of his application as required by section 10M(2) of the LMPO.
- 3.3 For EXP permittee who has a deposit account with HyD, XPMS will automatically work out the permit fee and deduct the corresponding amount from the deposit account. The XP will then be issued to the EXP permittee via XPMS simultaneously with the notification.
- 3.4 The EXP permittee may nominate his contractor as a nominated permittee for the XP in accordance with section 10H of the LMPO. The E/CTO of the respective HyD Regional Office shall approve or disapprove the nomination and notify the applicant accordingly. Details of nomination procedure are described in Section 7 – Nominated Permittee Approval/ Withdrawal/ Removal Procedure.

4.0 Site Audit Inspections of Excavation Sites

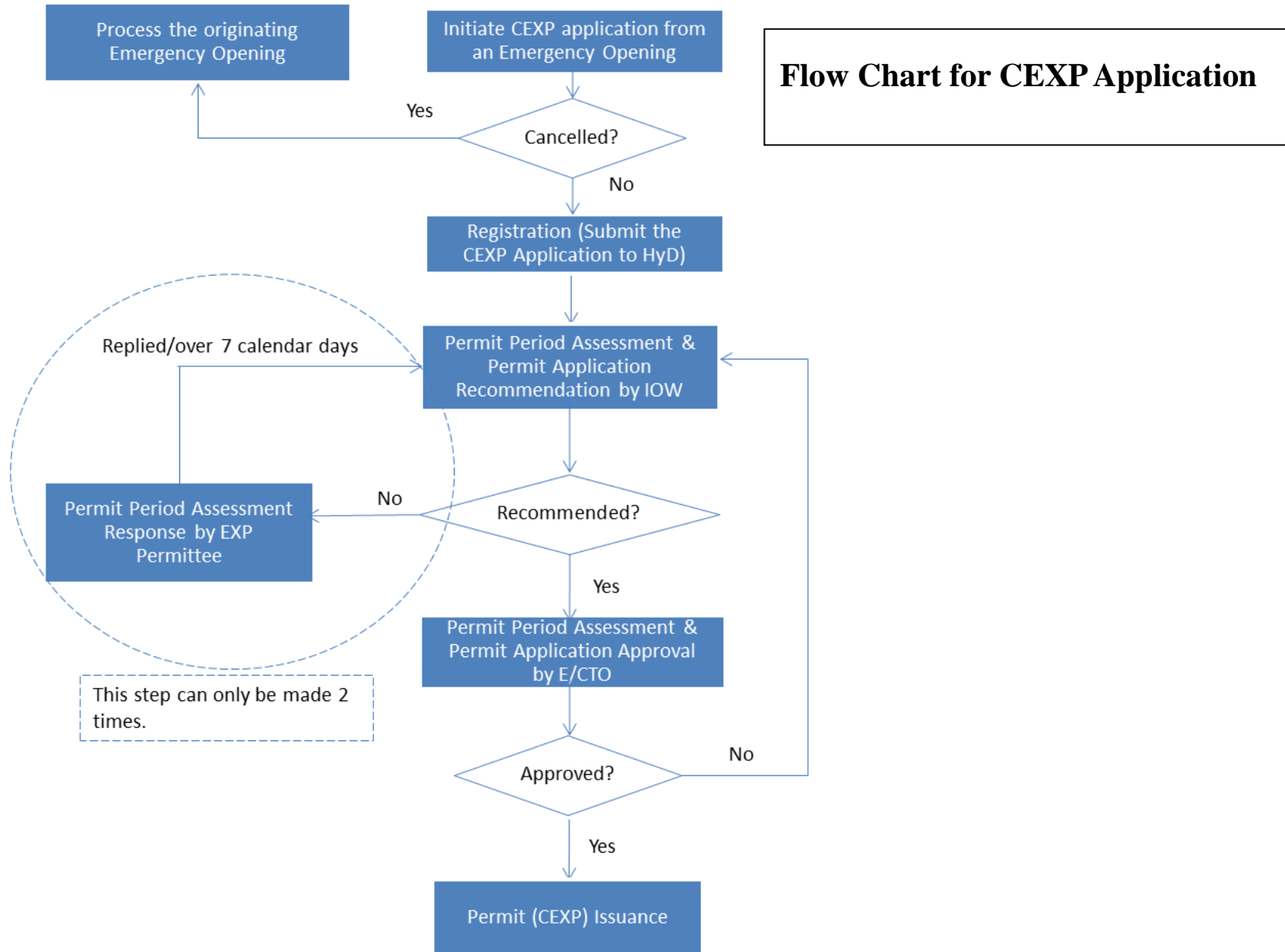
4.1 Once the EXP permittee submits an application for an XP for excavation beyond the initial period through XPMS, XPMS will send a message to the E/CTO of the respective HyD Regional Office for XP processing and the Audit Inspection Team (AIT) of the Research and Development Division for site audit inspections.

4.2 When an XP is issued to the EXP permittee by the E/CTO of the respective HyD Regional Office, XPMS will record down details of the XP. The AIT shall obtain the necessary information from XPMS and schedule site audit inspections accordingly.

5.0 Completion of Works and Reinstatement of Works within Defects Liability Period

5.1 As the works are continued under an XP instead of an EXP, the procedures in respect of completion of works and reinstatement of works within defects liability period described in Section 1 – Excavation Permit Administration Procedure should be followed.

5.2 In case XPMS is not available or the application of the CEXP has not been approved, the permittee should notify the E/CTO the completion of works by fax in order to record down the actual date of submission of CN. As this is just a temporary measure, information about reinstatement type is not required to be stated in the fax. Once XPMS is recovered or the CEXP has been approved, the permittee should complete the process of submission of CN through XPMS. As a hard copy CN has already been submitted, in the CN reporting screen of XPMS, the EXP permittee should check the box “A CN has already been submitted by fax” and provide the CN submission date for HyD’s reference. After verification, the respective HyD Regional Office should date back the CN submission date to the hard copy CN fax-in date.



Flow Chart for CEXP Application

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 (DH_y) 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, a digitally signed XP will be issued to the applicant via XPMS within 5 working days.

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, textural 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.

Site Liaison Group

Membership

- Chairman : The permittee of CWXP or his nominated party
- Secretary : Provided by the permittee or his nominated permittee
- Members : Core Members
Transport Department
Hong Kong Police Force
Consultants (for consultant managed contract)
Contractors

As Required Members

Civil Engineering and Development Department
Drainage Services Department
Water Supplies Department
Environmental Protection Department
Electrical and Mechanical Services Department
Utility Companies
Bus Companies
Leisure and Cultural Services Department
Food and Environmental Hygiene Department
Highways Department
Fire Services Department
Home Affairs Department
Lands Department
MTR Corporation Ltd.

(Remarks: The list shown in the above is not exhaustive, other company or department can be invited to be a member of the SLG if necessary.)

Purpose

To coordinate and expedite the approval of all works arising from excavations, utility diversions and other matters associated with the construction of Capital Works.

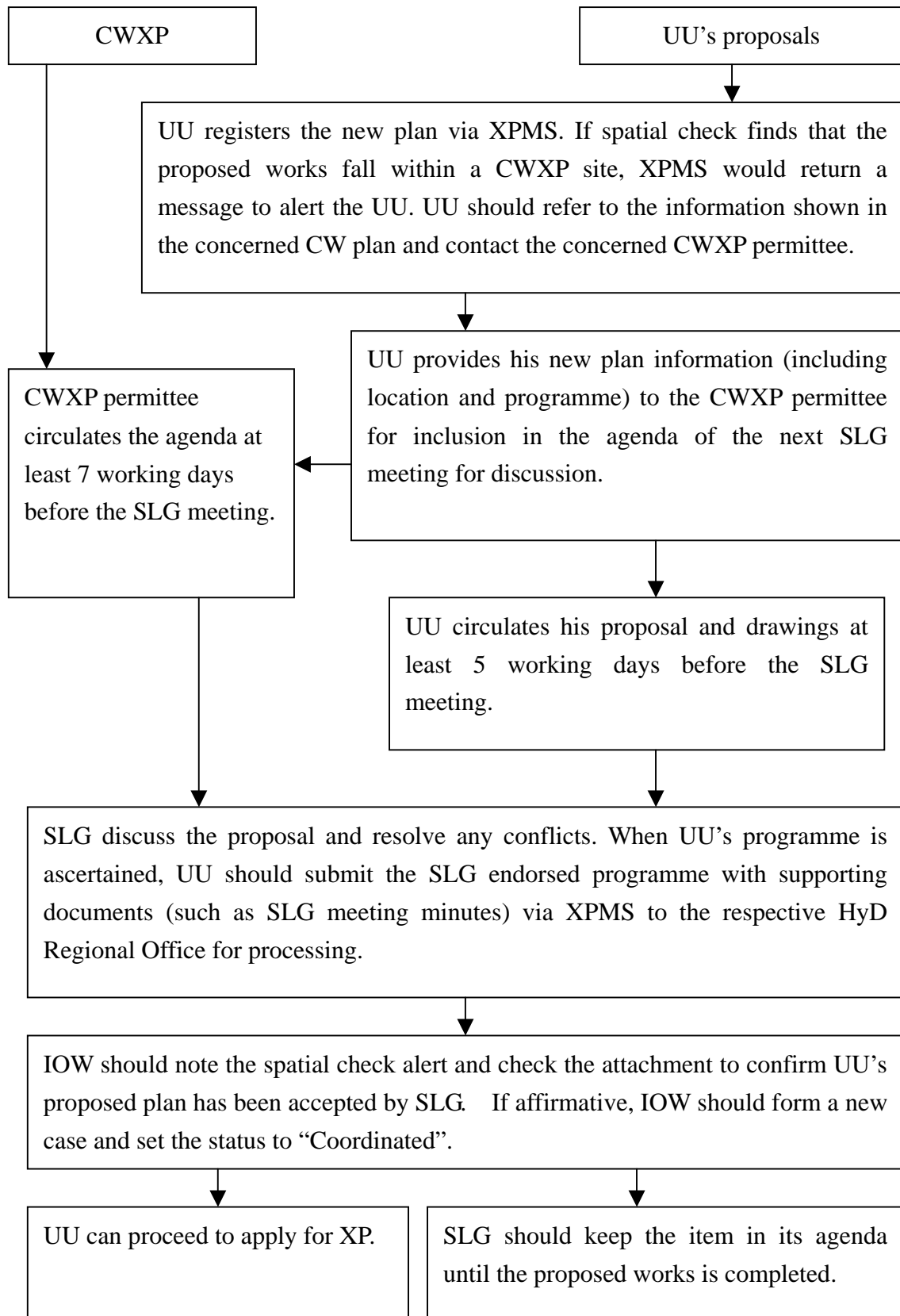
Terms of Reference

1. To vet, approve and subsequently monitor the performance of all works schemes submitted by contractors, consultants and utilities companies for the construction of Capital Works, its associated works and other excavation works in the area.
2. To coordinate staging of works which may affect adjoining works, whether Capital Works or other interfacing projects.
3. To resolve conflicts that may arise from differing requirements and staging of works of Capital Works and other interfacing projects during construction.

Frequency

- Fortnightly or monthly as required.

Procedure for applying for Excavation Permit within Capital Works Site Area covered by CWXP



Chapter 4

Section 5 - Block Excavation Permit for Small Scale Works Administration Procedure

1.0 Introduction

- 1.1 The block small scale works excavation permit (SSW XP) is introduced for street excavation promoters to arrange their small scale excavation works more efficiently while the Director of Highways (DH_y) as the Authority under Land (Miscellaneous Provisions) Ordinance (LMPO) could maintain his effective control over these works.
- 1.2 Each block SSW XP should only cover 1 maintenance district of Highways Department (HyD) Regional Offices and be valid for not more than 184 days unless it is terminated under section 10K of the LMPO. Maintenance District Plans can be downloaded from the Excavation Permit Management System (XPMS). Before expiry of the block SSW XP, the permittee may apply for a new block SSW XP for the succeeding 184 days.
- 1.3 If the excavation works affect any Old and Valuable Tree (OVT), separate normal XP should be applied for the excavation works affecting the OVT.

2.0 Scope of Application

- 2.1 The following conditions would be imposed on the block SSW XP:-
- Works affecting carriageway
- (i) Temporary traffic arrangement (TTA) plans shall have been agreed with Transport Department (TD) and Hong Kong Police Force (HKPF) prior to the execution of works;
 - (ii) Lighting, signing and guarding (LSG) proposal shall have been agreed by HKPF prior to the execution of works;
 - (iii) Total aggregate area of a Small Scale Works (SSW) incident of excavation (excluding the extent for permanent reinstatement necessary in consequence of that SSW incident of excavation) shall not exceed 4m²;
 - (iv) Total aggregate length (measured along the longest side) of excavation (excluding the extent for permanent reinstatement necessary in consequence of that SSW incident of excavation) shall not exceed 6m;

- (v) Closure of any part of carriageway for each incident shall not exceed 24 hours. This time limit shall not include the period of inclement weather which includes the hoisting at the Hong Kong Observatory of-
 - (a) the No.3 visual storm warning or above; and
 - (b) rainstorm warning;
- (vi) No work on carriageway with road opening restriction is allowed unless with prior approval from the respective HyD Regional Office;

Works NOT affecting carriageway

- (vii) Total aggregate area of a SSW incident of excavation (excluding the extent for permanent reinstatement necessary in consequence of that SSW incident of excavation) shall not exceed 4m²;
- (viii) Total aggregate length (measured along the longest side) of excavation (excluding the extent for permanent reinstatement necessary in consequence of that SSW incident of excavation) shall not exceed 6m;
- (ix) Each SSW job shall be completed within 48 hours counting from the commencement of excavation on site, excluding curing period. This time limit shall also not include the period of inclement weather which includes the hoisting at the Hong Kong Observatory of-
 - (a) the No.3 visual storm warning or above; and
 - (b) rainstorm warning; and
- (x) No work on footpath with road opening restriction is allowed unless with prior approval from the respective HyD Regional Office.

More than one permittee may carry out excavation at the same location concurrently. However, the permittees shall coordinate among themselves.

Particularly for SSW not affecting carriageway, the permittee is not required to submit LSG proposal to HKPF for approval.

3.0 Permit Application

3.1 The applicant (including utility undertakings (UU) and government

departments) should register his application for a block SSW XP through XPMS at least 2 weeks before his applied commencement date of the block SSW XP.

Before application of the first block SSW XP, the applicants shall agree with HyD the list of standard works items, including any above-ground installations, to be carried out using SSW XP. The proposed list should be submitted to CHE/R&D of HyD for consideration and alteration of such standard works items shall also be agreed by CHE/R&D of HyD. The agreed list of standard works items will be available in XPMS for the applicants to choose the standard works items to be carried out in each SSW job created under the block SSW XP and all subsequent block SSW XP applied by the applicants.

3.2 The applicant may nominate his contractor as nominated permittee. Details are described in Chapter 4, Section 7 - Nominated Permittee Approval/ Withdrawal/ Removal Procedures.

3.3 For issue of a block SSW XP, 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 block XP). 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. 8.4 to 8.7 of Chapter 4, Section 1 - Excavation Permit Administration Procedure.

4.0 Advance Notification of Commencement of Each SSW Job

4.1 Whenever the need to carry out a SSW excavation arises, the permittee should register the SSW job in XPMS, stating the location, proposed start and end date, and digitize the trench location.

4.2 Before commencement of each SSW job, advance notification (AN) is required to be submitted by the permittee to HyD through XPMS in advance of the intended commencement date in accordance with the following requirements:

for works affecting carriageway – AN shall be submitted through XPMS at least 2 working days, excluding Sunday and Public Holiday, in advance of the intended commencement date.

for works NOT affecting carriageway - AN shall be submitted through

XPMS at least 1 working day, excluding Sunday and Public Holiday, in advance of the intended commencement date.

Failure to comply with the above requirements will be considered as a non-compliance (NC) with the permit condition.

- 4.3 If an AN has been submitted and later it turns out that the intended commencement date must be postponed, the applicant should cancel the AN via XPMS immediately, and then submit a new AN once the commencement date is ascertained. The new AN is allowed to be submitted less than the lead time requirements stated in para. 4.2 above prior to the commencement of works.

5.0 Site Audit Inspection of Excavation Sites

- 5.1 Upon receipt of any AN, the Audit Inspection Team (AIT) will carry out audit inspections of the excavation sites. Any 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 are described in Chapter 9 – Audit Inspection.

6.0 Completion of Each SSW Job

- 6.1 The permittee is required to notify the E/CTO of respective HyD Regional Office upon completion of each SSW job via XPMS. If the whole duration of a SSW job is completely used to finish up the planned works and the reinstatement works, report completion through XPMS is not necessary and XPMS will report the completion automatically on permittees' behalf. However, if any one the following situations is encountered, the permittee should report completion before the expiry of the SSW job through XPMS:

- (a) the permanent reinstatement (PR) will be carried out by others;
- (b) the PR will be carried out by HyD at the permittee's own cost;
- (c) temporary structure(s)/installation(s) will be removed at a certain period after the expiry of the XP; (Details refer to Para 13.2(iv) of Section 1, Chapter 4)
- (d) no excavation has been carried out on site;
- (e) the permit involves traffic aids reinstatement works; and
- (f) there has been a completion notice (CN) rejected before.

- 6.2 On receipt of the notification, the E/CTO of the respective maintenance

district in the HyD Regional Office should arrange site inspection to confirm completion of works and acceptance of reinstatement (including detection of unauthorized works, such as construction of above-ground installations or works items not under the list as stated in para 3.1 above.) within 7 working days. After site inspection, the responsible Inspector of Works (IOW) will inform the permittee via XPMS whether he agrees that the works have been satisfactorily completed. If the IOW disagrees that the works have been satisfactorily completed, he will inform the permittee via XPMS about which items do not comply with the requirements/specifications and request the permittee to rectify as soon as practicable.

- 6.3 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**.

7.0 Refund of Daily Fee for Early Completion of all Small Scale Works

- 7.1 The block SSW XP will expire on the date specified on the permit. However, if -

- (i) the permittee notifies the E/CTO of the respective HyD Regional Office to terminate the permit before the expiry date of the block SSW XP; and
- (ii) the E/CTO is satisfied that the permittee has reinstated the land to which the permit relates as required by the permit conditions,

the E/CTO may refund a sum which is equivalent to the daily fee paid in respect of the period commencing from the date next following such date of notification and expiring on the expiry date of the permit. Details of procedures for refund are described in Chapter 4, Section 10 - Refund of Daily Fee and Economic Costs Procedure.

8.0 Reinstatement of Works within Defects Liability Period

- 8.1 In 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 notification of completion. In 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 notification of completion, 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 maintenance district in the HyD Regional Office should arrange inspection to identify any defects associated with the reinstatement before the end of the liability period. The permittee will be required to make good the defects if any.

- 8.2 If the permittee declines to make good the defects, the E/CTO of the respective maintenance district in the HyD Regional Office shall 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 from the permittee.

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.

Chapter 4

Section 7 - Nominated Permittee Approval/ Withdrawal/ Removal Procedure

1.0 Introduction

1.1 Under sections 10G, 10H, 10I and 10J of the Land (Miscellaneous Provisions) Ordinance (LMPO), provisos have been made whereby the contractor of a permittee of an excavation permit (XP) or emergency excavation permit (EXP) may become the nominated permittee.

1.2 Section 10 subsection 5 of the LMPO states “... where-

- (a) any person, other than a permittee of an XP or EXP, makes or maintains an excavation or emergency excavation to which the permit relates;
- (b) there is a breach of any condition of the permit as a result of any conduct of the person; and
- (c) there is a nominated permittee in relation to the permit at the time of the breach of the condition,

then—

- (d) where the condition is under the permit to be complied with by the permittee, the permittee shall be guilty of an offence and shall be liable on conviction to a fine at level 5;
- (e) where the condition is under the permit to be complied with by the nominated permittee, the nominated permittee shall, unless he is already guilty of an offence under subsection (3), be guilty of an offence and shall be liable on conviction to a fine at level 5; or
- (f) where the condition is under the permit to be complied with by both the permittee and the nominated permittee, then—
 - (i) the permittee, unless he is already guilty of an offence under subsection (3); and
 - (ii) the nominated permittee, unless he is already guilty of an offence under subsection (3)

shall each be guilty of an offence and shall each be liable on conviction to a fine at level 5.”

In essence, the nominated permittee will be held liable for contravention of permit conditions to be observed by the nominated permittee or both the permittee and nominated permittee.

2.0 Legal Requirements for Approval of Nomination

2.1 The nomination of a contractor to be the nominated permittee of an XP has to go through the following stages in sequence:

- (i) The permittee sends a notice to the Authority nominating a contractor as the nominated permittee of the permit under section 10H(1) of LMPO.
- (ii) The nominated contractor sends a notice to the Authority giving consent to the nomination and agreement to comply with the conditions in the permit under section 10I(1) of LMPO.
- (iii) Upon receipt of these notices, the Authority may approve/disapprove the nomination of the contractor as a nominated permittee under section 10J(1) of LMPO.

3.0 Nomination Approval Procedure

3.1 For normal Excavation Permit Management System (XPMS) account users, the nomination procedure mentioned in para. 2.1 can all be done via XPMS. For an ad-hoc XPMS account user, as the account would not have a List of Acceptable Nominated Permittees for selection, an ad-hoc XPMS account user can only select “Other” and type in the name of the contractor to be nominated. In addition, an ad-hoc XPMS account user is required to submit a duly completed Form HYD 83 to the respective XP processing team by post or by hand in order to complete the nomination procedure. The duly completed Form HYD 83 has to be signed by the permittee first signifying his nomination. Then, it has to be signed by the contractor signifying the contractor’s consent to the nomination and agreement to comply with the permit conditions. For a non-XPMS user, submitting the duly completed Form HYD 83 is the only means of nomination for both the permittee and the nominated contractor.

*[Note: If only the permittee has an normal XPMS account and the nominated contractor has not registered an XPMS user account for contractor, the permittee shall nominate his contractor through XPMS **and** submit the duly completed Form HYD 83 with his nominated contractor’s consent to the respective XP processing team by post or by hand in order to complete the nomination procedure. Facsimile or photocopy of the Form HYD 83 will not be accepted.]*

3.2 For any excavation work which falls within any one of the following

conditions, assessment of the nomination application by the E/CTO is not required.

- (i) For excavation on the footpath, the area of excavation is not more than 100m².
- (ii) For excavation on the carriageway, the area of excavation is not more than 10m².

3.3 For excavation not within the above two conditions, the E/CTO of the respective Highways Department (HyD) Regional Office should assess the nomination application. It is essential that the E/CTO is satisfied that the nominee is capable of complying with the Conditions of Permit set for the nominated permittee. The nominee or the permittee shall submit evidence to substantiate the nominee's capability both in terms of technical and management experience and financial capability as stipulated in para. 3.4 and 3.5.

3.4 A contractor's technical and management experience in road works is important as far as road excavation is concerned. In this respect, the criteria for admission into Group A Probationary of the Roads and Drainage Category of the Development Bureau (DEVB) List of Contractors will provide a useful reference for assessment of the adequacy of the nominee as the nominated permittee in terms of both his technical and management experience and financial capability.

3.5 For a contractor to be approved by the E/CTO of the respective HyD Regional Office as a nominated permittee, the contractor shall:-

- (i) possess a minimum working capital of \$1.6 million.
- (ii) satisfactorily complete public Roads and Drainage works or utilities trenching works within the past five years, to a total value of not less than \$10 million. His experience as sub-contractor may count. Private sector experience substantiated will also be accredited.

3.6 Upon receipt of application, the E/CTO of the respective HyD Regional Office shall forward information of the nominee's financial capability to the Senior Treasury Accountant (STA) of HyD Headquarters who should be responsible for checking the minimum working capital requirement as specified in para. 3.5(i) above based on the latest audited financial

statements (i.e. the latest auditor's report together with the balance sheet, profit and loss account and notes to the accounts of the nominee) submitted by the nominee while the E/CTO should check the compliance with the requirement as specified in para. 3.5(ii) above. STA shall notify the E/CTO the result of his assessments.

3.7 The E/CTO of the respective HyD Regional Office shall notify the permittee and the nominee the result of the assessment, with reasons if the nomination is disapproved. Also, the E/CTO should update the list of the approved nominated permitted in XPMS after any approval has been granted.

3.8 Checking the technical and financial experience as stated in paragraph 3.5 is not required if the contractors are on the List of Contractors of Development Bureau (DEVB) or on a government department's own lists. The applicant should provide a list of such contractors to the Chief Highway Engineer/Research and Development (CHE/R&D) of HyD for registration as acceptable nominated permittees.

4.0 Withdrawal of Nominated Permittee by Permittee

4.1 Under section 10H(2) of the LMPO, a permittee may withdraw the nomination of a contractor. The permittee is required to send a notice of withdrawal to the E/CTO of the respective HyD Regional Office and the contractor.

4.2 Section 10H(3) of the LMPO stipulates that a notice of withdrawal under section 10H(2) takes effect on the date of receipt of the notice by DHy or his delegated officers in the respective Regional Offices, or such later date as is specified in the notice.

5.0 Withdrawal of Nominated Permittee by Nominated Permittee

5.1 Under section 10I(2) of the LMPO, a nominated permittee in relation to an XP or EXP may withdraw his consent and agreement to comply with the Conditions of Permit as a nominated permittee. He has to send a notice of withdrawal to the E/CTO of the respective HyD Regional Office and the permittee.

5.2 In accordance with section 10I(3) of the LMPO, a notice of withdrawal

under section 10I(2) takes effect on the date of receipt of the notice by the E/CTO of the respective HyD Regional Office or such later date as is specified in the notice

6.0 Withdrawal of Nominated Permittee by the Authority

6.1 Under section 10J(2) of the LMPO, the E/CTO of the respective HyD Regional Office, under the delegated authority of DHy may withdraw his approval given under section 10J(1) to the nomination of a contractor as a nominated permittee in relation to an XP or EXP

- (i) if the E/CTO is satisfied that the nominated permittee is incapable of complying with any of the conditions which under the permit are to be complied with by the nominated permittee; and
- (i) by sending a notice of withdrawal to the permittee of the permit and the nominated permittee. Such notice of withdrawal shall take effect on the date specified in the notice.

Before sending a notice of withdrawal to the permittee, the E/CTO is required to seek approval of the Deputy Director of Highways via the Assistant Director/Technical. There was no appeal mechanism under the Ordinance.

6.2 However, if the nominated permittee has no improvement and also performed unsatisfactorily in other XPs for the same permittee, HyD may remove the contractor from the list of acceptable nominated permittees of that permittee. HyD will notify the contractor, the permittee (respective project Office and Headquarters of the company/ government department) and DEVB.

7.0 Registration of Contractors as Acceptable Nominated Permittees

7.1 For administrative convenience, CHE/R&D, in exercising the powers delegated by DHy, may register contractors working for the applicants as acceptable nominated permittees for that respective applicant in advance of the XP or EXP applications.

7.2 When the applicant applies for an XP or EXP and nominates his contractor as the nominated permittee, the E/CTO of the respective HyD Regional Office will check from XPMS and will approve the nomination if the nominee has already been accepted as an acceptable nominated permittee.

7.3 For the purpose of registration, the applicant should submit to CHE/R&D in advance a list of contractors based on which the applicant will nominate

his contractors as nominated permittees. The applicant is required to provide the contractors' financial statements and records of past job experience of his contractors to substantiate his applications.

- 7.4 Upon receipt of applications, CHE/R&D will forward audited financial statements of the nominees to STA who will conduct checks to ascertain if the nominees have met the minimum financial requirements as specified in para. 3.5(i) above. STA shall notify CHE/R&D the result of his assessments.
- 7.5 Upon receipt of applications, CHE/R&D will conduct check to ascertain if the contractors have possessed the technical and management experience.
- 7.6 CHE/R&D will notify the applicant the results of the assessment. If CHE/R&D is satisfied that the nominees have the necessary financial capability and technical and management experience and considered to be suitable as nominated permittees, CHE/R&D will put the nominees into the registration list of acceptable nominated permittees for the respective utility undertaking. The lists may be viewed through XPMS.

Chapter 4

Section 8 - Termination of Excavation Permit or Emergency Excavation Permit Procedure

1.0 Introduction

1.1 Under section 10K of the Land (Miscellaneous Provisions) Ordinance (LMPO), the Director of Highways (DH_y) as the Authority or his delegates may terminate the permit if there is a breach of any condition of an excavation permit (XP) or emergency excavation permit (EXP) especially when the permittee and/or its nominated permittee fail(s) to perform and such course of action is in the interest of the public.

2.0 Breach of Condition of XP or EXP

2.1 Usually, the offences, which would endanger the public interest (e.g. site safety issue), are observed by Audit Inspection Team (AIT) of Research and Development Division or District and Maintenance Team (D&M) of Regional Office or by Enforcement Team (ET) during case investigations. When AIT observes this offence, it should immediately inform ET and the Engineer/Chief Technical Officer (E/CTO) of the respective Excavation Permit Processing Team (XPPT). When D&M observes this offence, it should immediately inform the E/CTO of the respective XPPT and the E/CTO should immediately relay the information to ET and AIT. Upon receipt of the notification form from AIT or E/CTO, ET should investigate and collect evidence for prosecution. However, if the offence is revealed by ET, ET should inform the E/CTO of the respective XPPT and AIT immediately. No matter whether the notification is received from AIT, D&M or ET, the Chief Highway Engineer (CHE) of that respective Regional Office should assess the site situation and decide whether a suspension instruction should be issued to the permittee to temporarily suspend the work under Clause 7B(II) of Conditions of Permit. The CHE should inform AIT and ET immediately after issue of such instruction. The CHE should request the permittee and the nominated permittee (if any) to take immediate action to rectify the situation. The CHE should uplift the suspension instruction if he is satisfied that the permittee and the nominated permittee (if any) have adopted all necessary safety precautions to protect the public or any person making or maintaining an excavation to which the permit relates from any danger or injury; provide adequate support for the structural stability of buildings, roads, slopes, structures, pipes, lighting posts, utility services or similar installation adjacent to the excavation so as to prevent the public or any

person from being endangered by a fall or displacement of earth, rock or other material.

- 2.2 If the permittee or the nominated permittee (if any) fails to rectify the imminently dangerous situation promptly or as advised by AIT during their follow-up site audit on sites with major non-compliance, the CHE of the respective Regional Office should consider immediately terminating the XP pursuant to Section 10K of the LMPO and carrying out the rectification.
- 2.3 When the permittee and/or the nominated permittee contravenes safety requirements and is convicted by the Court, ET should relay the relevant information to the CHE of the respective HyD Regional Offices, from which that XP or EXP is issued, for consideration of termination of that XP or EXP.
- 2.4 Upon receipt of information from ET, the respective CHE should review the latest performance of the permittee and the nominated permittee with reference to site audit inspection records kept in the Excavation Permit Management System (XPMS). If there is no sign of improvement, then the CHE should terminate the XP or EXP.

3.0 Notification of Termination

- 3.1 To terminate an XP or EXP, the respective CHE is required to seek approval of the Deputy Director of Highways (DDHy) via the Assistant Director/ Technical. After receipt of an approval of DDHy, CHE should, in accordance with section 10K(1) of the LMPO,
- (i) serve a notice of the termination, in the manner in accordance with section 10V of the LMPO, to the permittee and the nominated permittee (if any) in relation to the permit; and
 - (ii) post a notice of the termination at a conspicuous place on the unleased land to which the permit relates.
- 3.2 Upon the termination of the XP or EXP, the E/CTO of the respective HyD Regional Office should enter the date of termination of the permit and the reason for such termination in XPMS.

Chapter 4

Section 9 -Refusal of Issue of Excavation Permit Procedure

1.0 Introduction

1.1 The Director of Highways (DHy) as the Authority or his delegates may refuse to issue an excavation permit (XP) or emergency excavation permit (EXP) in accordance with section 10E of the Land (Miscellaneous Provisions) Ordinance (LMPO).

2.0 Conditions for Refusal of Issue of Excavation Permit

2.1 The Engineer/Chief Technical Officer (E/CTO) of the respective Highways Department (HyD) Regional Office may refuse to issue an XP or EXP in accordance with section 10E(1) of the LMPO if-

- (i) he reasonably believes that the applicant-
 - (a) is not a fit and proper person to make or maintain any excavation in unleased land;
 - (b) cannot comply with the conditions imposed under the permit; or
 - (c) does not have sufficient financial resources to make or maintain an excavation to which the permit relates. If there is any doubt, the E/CTO may request the applicant to provide evidence to prove his financial situation through the Excavation Permit Management System (XPMS). If the applicant is not an XPMS user, the E/CTO should send the request to the applicant by post or facsimile.
- (ii) in his opinion, the application to which the permit relates is unreasonable. Some unreasonable applications are listed below for reference only-
 - (a) The applicant submits application for an XP without providing sufficient information or supporting documents;
 - (b) The applicant submits application for an XP without written approval from relevant authority such as laying a drainage pipe illegally from his house to a roadside gully or somewhere and constructing illegal structures;
 - (c) Excavation which will likely cause hazards to the public;
 - (d) Shallow cover installation without waiver;
 - (e) Proposed works is unclear, e.g. without clear dimension of works;
 - (f) Excavation location falls within the site area of major project

without prior consent from subject part, e.g. railway boundary. The E/CTO should carefully assess each application and make decision with his own discretion.

- (iii) having regard to the circumstances of the case, the issue of the permit is, in the opinion of the E/CTO, inappropriate in such circumstances. Some inappropriate circumstances are listed below for reference only-
- (a) When a special event is to be held at or nearby the location of excavation proposed by the applicant, the E/CTO may refuse to issue an XP to the applicant if he considers that such excavation will probably affect such event. The event may include:-
- celebration events for Hong Kong Special Administrative Region Establishment Day;
 - celebration events for some great festivals such as:- New Year, Easter, Christmas, Ching Ming Festival, Lunar New Year, etc.
- (b) Where the location of excavation proposed by the applicant is very close to the open examination centers in the period from April to June, the E/CTO may refuse to issue an XP to the applicant if he considers that such excavation will create serious noise problem.

The E/CTO should carefully assess each application and consider any other alternatives proposed by the applicant.

2.2 In addition to the grounds specified in item 2.1 above, the E/CTO may, on reasonable grounds-

- (i) refuse to issue an XP if-
- (a) the applicant fails to submit the application at least 5 working days before his intended commencement date of works specified by the DHy, by notice published in Gazette, under section 18C of the LMPO; or
 - (b) the street to which the permit relates is a newly constructed street specified by the DHy, by notice published in Gazette, under section 18C of the LMPO;
- (ii) refuse to extend the period for which an XP is valid if the permittee fails to submit an application for extension in accordance with section 10F of the LMPO.

3.0 Notification of Refusal of Issue of Excavation Permit

- 3.1 Where the E/CTO refuses to issue a permit or extend the period for which a permit is valid, he shall notify the person who made the application through XPMS of the grounds for such refusal. If the applicant is not an XPMS user, the E/CTO should inform the applicant by notice in writing.

Chapter 4

Section 10 - Refund of Daily Fee and Economic Costs Procedure

1.0 Introduction

1.1 Under section 10L of the Land (Miscellaneous Provisions) Ordinance (LMPO), the Director of Highways (DHy) as the Authority or his delegated officers may refund—

- (i) the whole or any part of the economic costs paid for extension of an excavation permit (XP) caused by reasons stipulated in section 10L(1)(b) of the LMPO; and
- (ii) a sum which is equivalent to the daily fee and economic costs (if any) paid in respect of the period commencing from the date next following the date of notification of the completion of the excavation and expiring on the expiry date of the permit or the extended period of the permit, as the case may be.

1.2 This procedure is for permittees whether they are Excavation Permit Management System (XPMS) users or not, except that, for non-XPMS users, the mode of correspondence with HyD will be through letters or facsimile instead of XPMS.

2.0 Refund for Economic Costs

2.1 The permittee shall make an application, through XPMS for a refund of the whole or any part of the economic costs within 1 month from the date of the notification of the result of the application for an extension of the XP.

2.2 The permittee shall state the reasons and setting out the evidence in support of the application.

2.3 Upon receipt of the application for a refund from the permittee, the E/CTO of the respective HyD Regional Office shall assess whether he is satisfied that the extension is caused by reasons other than the fault of the permittee, its contractors and employees, including but not limited to the following—

- (i) inclement weather which includes the hoisting at the Hong Kong Observatory of the No.3 visual storm warning or above or rainstorm warning (i.e. Amber, Red or Black rainstorm warning

- issued by the Director of the Hong Kong Observatory); or
- (ii) suspension of excavation on order of the Government which is not due to the fault of the permittee, its contractors or employees; or
- (iii) physical condition of the unleased land to which the permit relates and which is not in existence at the time of the application of the permit.

and the above reasons hindered the progress of an excavation to which the permit relates.

2.4 If the E/CTO of the respective HyD Regional Office is satisfied that the extension is caused by reasons other than the fault of the permittee, its contractors, or employees and progress of the excavation is hindered, he shall assess how many days of extension which the permittee is entitled. Also, the E/CTO shall record the assessment result including the number of days of extension granted, the date which the permittee is entitled to an extension and the reasons for the extensions in XPMS and check whether the data for calculating the amount of refund of economic cost by XPMS are correct. If the data are correct, the E/CTO should print the refund instruction from XPMS. The E/CTO should then sign and forward the refund instruction to his Account Section for arranging the refund, without interest, to the permittee. After receipt of the refund instruction, the Account Section will request Treasury to refund a fixed amount to the permittee. Normally, Treasury will either credit the designated account of the permittee or send a bank cheque to the permittee. This refund process is applicable to the permittee whether he has a deposit account with HyD or not.

2.5 The E/CTO of the respective HyD Regional Office should inform the permittee of the result of his assessment through XPMS within 28 days from the date of receipt of the application whether he agrees wholly or partially, or disagrees with the amount claimed by the permittee. However, if the E/CTO considers that more time or additional information is required for the assessment of an individual complicated case, an interim reply would be provided to the permittee within 28 days from the date of receipt of the application and the result of his assessment will be provided before a date specified in the interim reply. If the permittee appeals in accordance with section 10(M)(3) and (7) of the LMPO, the amount of refund may be revised subject to the result of the review. The

E/CTO should update the extension period in XPMS based on the result of the review. If further refund is required, the E/CTO should arrange the refund following the procedure as stated in para. 2.4 above. If the amount of refund calculated based on the result of the review is less than the amount already refunded, the E/CTO should request, not through XPMS, his Account Section to issue a demand note to the permittee for the payment difference. After the permittee has settled the demand note, the E/CTO should record date of payment in XPMS.

3.0 Refund for Early Completion of Works

- 3.1 Under section 10L(2) and (3) of the LMPO, the E/CTO of the respective HyD Regional Office as the delegated officer may refund a sum, without interest, which is equivalent to the daily fee and economic costs (if any) paid in respect of the period commencing from the date next following the date of notification of the completion of the excavation and expiring on the expiry date of the permit or the extended period of the permit, as the case may be.
- 3.2 The permittee is not required to make an application for the refund for early completion of excavation works. The permittee shall notify the E/CTO of the respective HyD Regional Office upon the completion of excavation works. The E/CTO should initiate the refund process as stated below when he confirms that the excavation works have been satisfactorily completed before the expiry date of the permit or the extended period of the permit.
- 3.3 Upon receipt of such notification from the permittee through XPMS, the E/CTO of the respective HyD Regional Office shall check the following conditions to see whether the permittee is entitled to any refund-
- (i) the permittee of an XP has completed an excavation to which the permit relates before the expiry date of the permit or the extended period of the permit; and
 - (ii) he is satisfied that the permittee has reinstated the land to which the permit relates as required by the permit conditions.
- 3.4 If the conditions in item 3.3 above are all complied with, the E/CTO shall confirm in XPMS whether the date of completion of the works inputted is correct. The refund arrangement is detailed below:

- (i) if the permittee has a deposit account with HyD and economic cost is not involved, XPMS will automatically refund the amount, without interest, to the permittee's deposit account;
- (ii) if the permittee has a deposit account and economic cost is involved, the E/CTO is required to print the refund instruction from XPMS. Then, the E/CTO should sign and forward the refund instruction to his Account Section for arranging the refund, without interest, to the permittee. After receipt of the refund instruction, the Account Section will request Treasury to refund a fixed amount to the permittee. Normally, Treasury will either credit the designated account of the permittee or send a bank cheque to the permittee; or
- (iii) if the permittee does not have a deposit account with HyD, the E/CTO is required to print the refund instruction from XPMS. Then, the E/CTO should sign and forward the refund instruction to his Account Section for arranging the refund, without interest, to the permittee. After receipt of the refund instruction, the Account Section will request Treasury to refund a fixed amount to the permittee. Normally, Treasury will send a bank cheque to the permittee.

3.5 The E/CTO of the respective HyD Regional Office shall inform the permittee of the result of his assessment on whether the permittee has satisfied the matters in section 10L(2)(a), (b) and (c) of the LMPO through XPMS within 28 days from the date of the completion of excavation works. If the permittee appeals in accordance with section 10(M)(3) and (7) of the LMPO, the amount of refund may be revised subject to the result of the review. The E/CTO should update the extension period in XPMS based on the result of the review. If further refund is required, the E/CTO should arrange the refund following the procedure as stated in para. 3.4 above. If the amount of refund calculated based on the result of the review is less than the amount already refunded, the E/CTO should request, not through XPMS, his Account Section to issue a demand note to the permittee for the payment difference. After the permittee has settled the demand note, the Account Section should record date of payment in XPMS.

4.0 Extension of Permit Period without Payment

- 4.1 Under section 10A(4) of the LMPO, where-
- (i) the permittee is unable to have access to-
 - (a) a reasonably substantial portion of the street concerned for the purpose of making or maintaining the excavation, after the commencement of the period for which the XP is valid but before the commencement of the excavation, for reason other than the fault of the permittee, the contractor for the excavation or their employees; or
 - (b) a reasonably substantial portion of the land concerned other than a street, for the purpose of making or maintaining the excavation, after the commencement of the period for which the XP is valid, for reason other than the fault of the permittee, the contractor for the excavation or their employees,

the E/CTO of the respective HyD Regional Office may, without payment of any prescribed fee or any part thereof (other than that paid under sections 10A(1) and (3) of the LMPO), issue an extension of the XP to extend that period by the number of days for which the permittee is so unable to have access to the land. Subject to section 10L of the LMPO, any prescribed fee paid for issue of an XP is not refundable.

Chapter 4

Section 11 - Urgent Excavation Permit Administration Procedure

1.0 Introduction

1.1 This procedure is set for any urgent application for an excavation permit (XP). If the application is accepted by Highways Department (HyD) and necessary approvals from other government departments have been obtained, an XP would be issued within 5 working days from the date of receipt of application. However, the applicant should note that this urgent XP application process would just give exemption to the lead time restriction for plan registration. Other restrictions (e.g. Road Opening Restriction, Repeated Opening Restriction, etc.) are still in effect.

2.0 Urgent Works List

2.1 When an urgent need to obtain an XP arises, the applicant is suggested to check if the scope of works fall within the List of Urgent Works which is attached at Appendix 4.11.1. The applicant should provide justification to the satisfaction of respective HyD Regional Office for the Urgent Works.

3.0 Registration and Permit Application

3.1 The applicant should-

- (i) create a plan via the Excavation Permit Management System (XPMS);
- (ii) complete all the details;
- (iii) check the “Apply for urgent work” check box; and
- (iv) provide justification with supporting documents.

3.2 On receipt of the urgent works application, the Inspector of Works (IOW) of the respective HyD Regional Office should decide if the works fall in the category of “urgent works”. If the application is approved by the IOW, the application would be accorded higher priority for processing in XPMS, and the following procedures should be followed. If the application is rejected by IOW, the plan would be returned to the applicant and processed like a normal XP.

4.0 Seek Traffic Advice

4.1 The applicant should submit through XPMS-

- (i) lighting, signing and guarding (LSG) proposal to HKPF for agreement if the works will not affect carriageway; or
- (ii) temporary traffic arrangement (TTA) plan, including necessary supporting material such as staging of works, traffic impact assessment, drawings, plans and calculations, to be signed by a professional engineer who has been a corporate member of the Hong Kong Institution of Engineers in the Civil Discipline for at least 2 years; or Electrical / Mechanical Discipline

with at least 3 years' relevant experience in TTA submission preparation; or Logistics and Transportation Discipline; or has possessed equivalent qualifications, to HKPF and TD for agreement if-

- (a) the works involve opening on carriageway of Traffic Impact Assessment (TIA)/ Day-Time Ban (DTB) routes;
- (b) the works necessitate closure of any lane of a carriageway;
- (c) the works involve change of traffic flow directions of a carriageway;
or
- (d) the works involve diverting pedestrian traffic onto carriageway.

HKPF and TD will normally reply within 5 working days from the date of receipt of the proposal.

5.0 Other Necessary Approvals

5.1 In parallel to the "Seek Traffic Advice" procedure as mentioned above, the applicant should apply for a Construction Noise Permit (CNP) from Environmental Protection Department (EPD) in accordance with the checklist for application of CNP if working at restricted hours is necessary.

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 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 The IOW should assess the permit period like normal XP.

7.0 Coordination of Works

7.1 The IOW should check the plan for conflicting works. If coordination with other plans is required, the IOW should consider if the coordination can be adequately specified in the permit conditions. Then the IOW can form a "single plan" case and set the plan as "coordinated". Otherwise he should set the plan as "uncoordinated" and require the applicant to carry out proper coordination.

8.0 Issue of Permit

8.1 If the works will not affect carriageway, waiting for HKPF's agreement on the LSG proposal is not required before the applicant can submit permit application

in XPMS. The E/CTO should issue an XP to the applicant within 5 working days from the date of receipt of an application.

- 8.2 If the works will affect carriageway, the applicant cannot submit permit application in XPMS until HKPF's and TD's agreements are given. The E/CTO should consider the HKPF's and TD's comments on the TTM when setting the permit conditions.

9.0 Advance Notification of Commencement of Works

- 9.1 Submission of advance notification (AN) is still required for urgent XPs. However, in view of the urgent nature of the works, the Permittee of an Urgent XP is allowed to submit the AN through XPMS less than 2 working days before the commencement of works.

List of Urgent Works**A) Urgent Works Items Applicable to all Applicants**

1. Urgent utility diversion work as requested by government departments or utility undertakers to facilitate their roadwork or utility work.
2. Rectification of defective reinstatement of road pavement.
3. Urgent works to rectify settled or protruding utility pit/joint-box cover/draw pit covers/gully grating.
4. Rectification of defective manhole cover.
5. Follow-up work related to emergency work.
6. Trial holes excavation to determine underground condition for facilitating the implementation of any urgent work on this list.
7. Replacement of existing manhole cover with recessed manhole cover in conjunction with HyD's footpath paving work.
8. Urgent works in responses to public complaints, or as requested by the government departments or public.
9. Works as requested by government departments to be carried out in conjunction with any urgent work on the list.

B) Particular Urgent Works Items**Applicable to gas supplies**

1. Urgent repair works on gas pipe with minor leakage which does not require immediate action but should be carried out as soon as practicable.
2. Urgent reinforcement of gas supply, which cannot be planned ahead, for prevention of failure of gas supply to customers.
3. Urgent gas supply to customers with substantiation from gas supply requester.

Applicable to water supplies

4. Provision of additional support or controlling device to the water mains to prevent damage by construction activities in the vicinity.
5. Urgent provision of building supply connections for construction sites.
6. Urgent provision of new connections for existing buildings.
7. Urgent reinforcement of water supply, which cannot be planned ahead, for prevention of failure of water supply to customers.

8. Urgent repair works on water mains and/or valves with minor leakage which does not require immediate action but should be carried out as soon as practicable.

Applicable to drainage services

9. Repair works in connection with damaged sewers and drains, which is not of scheduled maintenance nature.
10. Urgent repair works on defective sewers and drains which does not require immediate action but should be carried out as soon as possible.

Applicable to electricity supplies

11. Urgent provision of electricity supply to customers.
12. Urgent reinforcement of electricity supply, which cannot be planned ahead, for prevention of failure of supply to customers.

Applicable to street lighting

13. Replacement of leaning lighting columns and damaged street lighting plants which do not pose immediate danger to the public.
14. Repair of damaged road lighting cable where temporary supply is not permitted due to technical reasons.

Applicable to telecommunication

15. Repair works on damaged telecommunication plant to prevent or put an end to a major interruption of services.
16. Urgent works, which cannot be planned ahead, e.g. preventative works for service delivery to customer, etc.

Applicable to Tramways

17. Replacement of damaged tram poles.
18. Repair works on damaged tram tracks.

Applicable to HyD works

19. Urgent repair of road, street furniture, slope and highways structures, which does not require immediate action but should be carried out as soon as practicable.
20. Construction of run-ins / repair of damaged road surfacing associated with building development.
21. Forming trial holes for investigation into shallow depths at or covers to services other than gas mains, power cables and water mains.

Applicable to Home Affairs Department (HAD)

22. District improvement works as initiated by District Council.

Applicable to building development projects

23. Construction of run-ins / repair of damaged road surfacing associated with building development.

Chapter 4

Section 12 – Excavation Permit Management System Contingency Plan

1.0 Introduction

- 1.1 The Excavation Permit Management System (XPMS) has a disaster recovery centre (DRC). In case there is any major hardware failure which will suspend the service for more than 3 working days, Assistant Director/Technical (AD/T) of Highways Department (HyD) may announce disaster event. The XPMS application will be restarted in the DRC within 24 hours from the announcement of disaster event. Applications for excavation permit (XP) will not be processed until either hardware has been fixed or DRC has commenced to operate.
- 1.2 For failure of XPMS due to software failure, HyD will process XP application manually.
- 1.3 Research and Development (R&D) Division of HyD will inform all XPMS users about the failure of XPMS.

2.0 Submission of Application Manually

- 2.1 The requirement of advance registration, conflicting works coordination and seek traffic advice will be temporarily waived. An applicant can submit XP application form which can be downloaded from the HyD web site <http://www.hyd.gov.hk> directly to the respective HyD Regional Office. Each application must be accompanied by the forms as shown in Appendix 4.12.1 which provide the necessary details for the respective HyD Regional Office to process the application manually.
- 2.2 It is important that the applicant uses the correct plan/ permit reference in making an XP application. If an incorrect reference is used, it may not be able to input the plan back into XPMS later. Therefore, the applicant should ensure correct reference number is used. Under no circumstance should an existing plan reference be reused for XP application.
- 2.3 R&D Division of HyD will inform Transport Department (TD) and Hong Kong Police Force (HKPF) that XPMS has temporarily suspended and “seek traffic advice” cannot be made through XPMS. Instead, all correspondence may be sent by fax. For works on sensitive routes, the applicant is required to obtain prior written/ verbal agreement from TD and HKPF.

3.0 Manual Processing

- 3.1 On receipt of these applications, the responsible Inspector of Works (IOW) will check that plan/permit reference is correct. As far as possible, any error found will be corrected and the respective applicant will be informed of. For an XP application, IOW will still check against any available records for conflicting works, and advise the applicant to coordinate with other parties.

- 3.2 Before XPMS comes back to normal operation, all deposit accounts with HyD will be frozen. For collection of payment, Account Section of the respective HyD Regional Office will issue demand note (DN) to the applicant. Upon receipt of DN, the applicant should settle the DN via Payment by Phone Service (PPS), Internet payment or at Post Office. Upon settlement of payment by the applicant, the Engineer/Chief Technical Officer (E/CTO) of the respective HyD Regional Office will issue an XP to the applicant.

- 3.3 Any XP and XP extension issued will be recorded by the respective HyD Regional Office for entering into XPMS when the service resumes.

CHAPTER 5

HIGHWAYS DEPARTMENT

LAND (MISCELLANEOUS PROVISIONS)

ORDINANCE

OPERATING PROCEDURES FOR

INFREQUENT EXCAVATION PERMIT

APPLICANTS

**CHAPTER 5
HIGHWAYS DEPARTMENT LAND (MISCELLANEOUS PROVISIONS)
ORDINANCE OPERATING PROCEDURES FOR INFREQUENT
EXCAVATION PERMIT APPLICANTS**

5.1 The procedures in this Chapter are to provide guidance on the application and administration of excavation permits for infrequent excavation permit applicants.

5.2 This Chapter comprises the following sections

Section 1 Excavation Permit Administration Procedure for Infrequent Excavation Permit Applicants

Section 2 Excavation Permit Administration Procedure for Landscape Softworks

Section 3 Excavation Permit Administration Procedure for Parking Meters and Associated Facilities

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

Chapter 5

Section 1 - Excavation Permit Administration Procedure for Infrequent Excavation Permit Applicants

1.0 Introduction

1.1 Under section 10A of the Land (Miscellaneous Provisions) Ordinance (LMPO), the Director of Highways (DHy) or his delegated officers may issue an excavation permit (XP) authorizing the making and maintaining of excavations in streets in unleased land and maintained by Highways Department (HyD).

1.2 As stipulated in paragraph 1.2 of Chapter 1 of this manual, only the promoter of the excavation works can apply for an XP. A promoter of the excavation works means the company/person who finances the project in relation to the XP application. For example, if the proposed excavation work is initiated by a property development/maintenance work, the owner of the land/property is regarded as the promoter. The authorized person/consultant/construction company employed by the promoter would not be eligible to apply for an XP. Nevertheless, it does not mean that an authorized person/ a consultant/ a construction company can never apply for an XP. Under the situation that the authorized person/consultant/construction company can provide supporting document to prove that he/she/it indeed is the promoter of the excavation works, he/she/it is also eligible to apply for an XP.

2.0 Excavation Permit Application Methods

2.1 Apart from the traditional way of XP application (*i.e. by submitting hard copy XP application and related documents for approval*), an XP applicant may open an ad hoc Excavation Permit Management System (XPMS) account to apply for and process XP applications through Internet. With an ad hoc XPMS account, the XP applicant can process the entire procedure (*i.e. from registration to report completion*) through Internet with full autonomy. Since this is an environmentally friendly and efficient method, all infrequent XP applicants are strongly recommended to apply for an ad hoc XPMS account. For details, please refer to paragraph 3.0 below.

2.2 If XP applicants prefer to adopt the traditional way to apply for XPs, they can skip paragraph 3.0 and follow the procedures stated in paragraph 4.0 and those paragraphs followed to apply for XPs.

3.0 Opening an XPMS Account for Ad hoc Users

3.1 To apply for an XPMS account, the XP applicant should refer to the location of his/her proposed excavation works and contact the respective HyD Regional Office for consideration. For contact phone numbers, please see **Appendix 5.1.3**.

3.2 If the respective HyD Regional Office agrees that the applicant is the promoter of the excavation works, a guest user account and the hyperlink to XPMS user registration homepage will be given to the applicant via e-mail. The applicant should fill in the company particulars in the registration homepage and upload a scan copy of the Business Registration Certificate for registration. The respective Regional Office of HyD can then verify and approve the ad hoc user account application in XPMS. If the application is accepted by the respective Regional Office, XPMS will generate a “User ID” and send it to the applicant via e-mail automatically. The “Password” of the ad hoc user account will be sent to the applicant’s official address by post separately by the respective Regional Office. If the application is denied, the respective Regional Office will notify the applicant the result and reason(s) by e-mail.

3.3 With a valid XPMS account, the applicant can follow the procedure stated in this Excavation Permit Processing Manual (XPPM) Chapter 4, Section 1 to start the XP application process.

3.4 All ad-hoc XPMS accounts will be locked after inactivity of 1 year.

4.0 Registration (*Note: The paragraphs hereafter only applicable to applicants without an ad hoc XPMS account.*)

4.1 Before applying for XPs, all applicants are required to firstly register their proposed excavation works in XPMS by creating a plan. In order to satisfy this requirement, for those applicants who have no XPMS/ad hoc XPMS account, they should refer to paragraph 4.3 below to provide the required information to the respective HyD Regional Office for registration.

[Note: A plan of proposed excavation works is allowed to have more than one excavation item. Each item represents an excavation on carriageway, footway, back/side lane, verge, cycle track or roadside slope maintained by HyD.]

- 4.2 Regarding the plan registration step, XP applicants should be aware that the lead time requirement of plan registration varies according to the locations and duration of the proposed excavation works. For details, please refer to the following table.

Category		Minimum Lead Time
(i)	(a) Works on carriageway of trunk roads/primary distributors; or (b) Works on any carriageway exceeding 3 months	6 months
(ii)	(a) Works on carriageway (other than trunk roads/primary distributors) not exceeding 3 months; or (b) Works not on carriageway but exceeding 3 months	2 months
(iii)	Works not on carriageway and not exceeding 3 months	1 months

Any plan that does not meet the registration lead time requirement and XP needs not be issued urgently should be handled in accordance with the UTLC Paper No. 1/98 – “Excavation Permit Applications that Do Not Satisfy the Lead Time Requirement for Registration” which is attached at the “Related Documents” of the Manual for reference.

- 4.3 If the XP applicant does not have an XPMS account, he/she should -
- (i) obtain a registration **Form HYD 97** from HyD’s web site or any one of the HyD Regional Offices;
 - (ii) submit by post or by hand the completed Form HYD 97 together with the following to the permit section of the respective HyD Regional Office:-
 - (a) 2 copies of layout plan(s) in A4/ A3 in 1:1000 scale showing the full extent of the excavation works (*The layout plan should quote the corresponding map sheet number assigned*

by the Lands Department under the 1:1000 map series);

- (b) permit period assessment with details of the programme of the proposed excavation works (For details, please refer to paragraph 4.8 below);
- (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; if the applicant is a corporation or an organization, e.g. the Incorporated Owners of a Building, a Registered Charitable Organization, a Registered Non-profit-making Organization, or an organization gazetted under Ordinance, a copy of the Certificate of Registration or gazetted document 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*).

4.4 The respective HyD Regional Office should input the following into XPMS for the applicant:

- (i) all the mandatory textual information, such as location and proposed start date;
- (ii) the alignment of the proposed excavation where the XP is to cover; and
- (iii) the information for creating the Gantt chart of works programme.

[Note: In order to let the public to have reinstated pavement for use as early as possible, if the proposed excavation work is pavement reinstatement (which may cover run-in construction provided the spare ducts as required in the HyD standard drawings have already been laid in place), the work class "reinstatement work" should be selected and the plan would be processed as an urgent XP application.]

4.5 When the plan is registered, XPMS will perform spatial check immediately. If anyone of the following restrictions is violated, the plan registration will be rejected by XPMS. The respective Inspector of

Works (IOW) should inform the applicant to revise the proposed start date, the plan alignment with reference to the rejection reason, in order to avoid violation of the restriction again during resubmission of the plan.

- (i) Road Opening Restriction
- (ii) Repeated Opening Restriction
- (iii) Registration Lead Time
- (iv) Non Highway Reserve

4.6. When the plan fails to pass the spatial check and the applicant considers that violation cannot be avoided, he may apply for the waiver(s) corresponding to the restriction(s) being violated by submitting the waiver application(s) to the respective IOW of HyD Regional Office for vetting and then the respective HyD officer for approval when the plan is registered. The respective HyD officer rank for waiver approval is listed below:

- (i) Road Opening Restriction – Chief Highway Engineer (CHE) of the respective Regional Office
- (ii) Repeated Opening Restriction – Senior Engineer (SE) of the respective Regional Office
- (iii) Registration Lead Time – Engineer/Chief Technical Officer (E/CTO) of the respective Regional Office

4.7 The applicants are required to provide the following written justification(s) and supporting document(s) to substantiate and facilitate the application for waiver:

- 1) Road Opening Restriction
 - i) Reason(s) why the concerned works cannot be carried out and completed before the handing over of new roads; and
 - ii) Reason(s) why the works cannot be carried out after the end date of the road opening restriction.
- 2) Repeated Opening Restriction
 - i) Reason(s) why common trench approach cannot be adopted and coordinated to overlap with the works of other works promoters;
 - ii) Reason(s) why the concerned works cannot be carried out and completed before the imposition of Repeated Opening Restriction; and
 - iii) Reason(s) why the concerned works cannot be carried out after the imposition of Repeated Opening Restriction.

- 3) Registration Lead Time Requirement
 - i) Reason(s) why the minimum registration lead time requirement is violated; and
 - ii) Reason(s) to justify urgency of the concerned works.

4.8 For assessment of permit period, the applicant is reminded to provide the supporting information that includes but not limited to the following:

- 1) Detailed programme of the proposed excavation works;
- 2) Comments, agreement or consent of works proposal from owners of nearby underground utilities and structures such as government departments, utility undertakings, MTR Corporation, etc.;
- 3) Approval for waiver of shallow cover, if required, from maintenance team or excavation permit processing team of the HyD; and
- 4) Drawing(s) indicating proposed works extent.

4.9 The IOW should assess the permit period calculated by the applicant with reference to the plan details and the supporting information provided. 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. For a good quality submission, the IOW will normally complete the permit period assessment and inform the applicant the result of his assessment via e-mail in 20 working days for non-standard works.

5.0 Seek Advice

5.1 When the plan has passed the spatial check, the responsible IOW should inform the applicant to proceed the following:

- (i) seek the agreement of Transport Department (TD) to any proposals to relocate temporarily traffic signs and traffic light signals, bus stops or other facilities. For simple cases, TD normally replies within about 2 weeks. For cases involving the relocation of bus stops or the installation of no stopping restriction zone, a much longer time will be required. TD may require the provision of hard copy of site photos showing the existing street furniture including traffic signs and road markings prior to excavation;
- (ii) seek the agreement of TD and Hong Kong Police Force (HKPF) to

the temporary traffic arrangement (TTA) plan, including necessary supporting material such as staging of works, traffic impact assessment, drawings, plans and calculations, to be signed by a professional engineer who has been a corporate member of the Hong Kong Institution of Engineers in the Civil Discipline for at least 2 years; or Electrical / Mechanical Discipline with at least 3 years' relevant experience in TTA submission preparation; or Logistics and Transportation Discipline; or has possessed equivalent qualifications, if the proposed works involve-

- (a) opening on carriageway of Traffic Impact Assessment/ Day-Time Ban routes;
- (b) closure of any lane of a carriageway;
- (c) change of traffic flow directions of a carriageway; or
- (d) diverting pedestrian traffic onto carriageway.

TD and HKPF normally reply within 1 month. For works involving night work only or with minimal anticipated traffic impact, the applicant may apply to TD for exemption;

[Hints: (i) The applicant is required to submit a hardcopy of TTA or lighting, signing and guarding (LSG) plan to TD and HKPF for their processing. The "Plan ID" must be clearly stated in the covering letter of the submission.

(ii) The TTA/LSG plan should comply with the Code of Practice for the Lighting, Signing and Guarding of Road Works, which can be viewed/downloaded from HyD's web site:

http://www.hyd.gov.hk/en/publications_and_publicity/publications/technical_document/index.html

(iii) For works affecting Traffic Impact Assessment (TIA)/ Day-Time Ban (DTB) routes, the applicant should follow the procedures as stipulated in HyD's Guidance Notes No. RD/GN/021 - Guidelines on Traffic Impact Assessment & Day-Time Ban Requirements for Road Works on Traffic Sensitive Routes for preparation of the submission. RD/GN/021 can be viewed/downloaded from HyD's web site:

http://www.hyd.gov.hk/en/publications_and_publicity/publications/technical_document/guidance_notes/index.html

(iv) Some examples of TTA plan are shown in Appendix 5.1.4 for your reference.]

- (iii) submit the LSG plan to HKPF for agreement if the proposed

works will not affect traffic;

- (iv) obtain a Construction Noise Permit (CNP) from the respective Local Control Office of the Environmental Protection Department (EPD) if the works will be carried out during restricted hours and exceed the noise level requirements. EPD normally replies to a good quality application within 14 working days. For detailed information, please refer to “Checklist to explore the feasibility of Daytime Roadwork” which can be downloaded from EPD web site <http://www.epd.gov.hk>;
- (v) check if the works will affect-
 - (a) Light Rail Transit (LRT) or Mass Transit Railway (MTR) facilities, or other railway facilities;
 - (b) any road side tree and/or Old and Valuable Tree (OVT); obtain consent from the responsible authorities such as Leisure and Cultural Services Department (LCSD), Agriculture, Fisheries and Conservation Department (AFCD), Landscape Unit of Highways Department (LU/HyD), etc. (*requirements on advice on affected trees/OVT are stipulated on Chapter 4, Section 1, para 7.1*); and
 - (c) 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. TD, HKPF & LCSD should give their agreements in XPMS with reference to the registered plan number of the proposed excavation works.

6.0 Coordination of Works

6.1 To avoid occurrence of repeated opening at the location of the proposed work, the responsible IOW should check whether:-

- (i) any other UU has carried out excavation at that location not more than 3 months before the intended commencement date of the proposed work;
- (ii) any other UU will carry out excavation at that location within 3 months after the intended completion date of the proposed work;
- (iii) the applicant has ever carried out excavation at that location not more than 6 months before the intended commencement date of his proposed work (*Note: Trial hole/trench excavations should not be taken into account as repeated openings*); and

- (iv) the applicant will carry out excavation at that location again within 6 months after the intended completion date of his proposed work.
- (v) any other UU has carried out excavation at that location more than 3 months but not more than 6 months before the intended commencement date of the proposed work; and
- (vi) any other UU will carry out excavation at that location within 3-6 months after the intended completion date of the proposed work.

If repeated opening is identified (i.e. scenarios (i) to (iv) above), the IOW should inform the applicant to adjust the proposed start date of his plan or apply for waiver.

Scenarios (v) and (vi) above are not classified as repeated opening. However, in order to reduce the overall duration of excavation, the applicants should program their works to overlap with the works by the other works promoters by adopting a common trench approach as far as practicable. Justifications to the satisfaction of respective Regional office should be provided if common trench cannot be adopted.

- 6.2 If the IOW confirms no repeated opening, he should determine whether the proposed work is in conflict with any other work which is within 30m from the proposed work. If the IOW determines that the proposed work is in conflict with other works, he should group the plan into an “uncoordinated” case for the concerned applicants’ actions.

[Hints: If the new plan is solely for rectification of road defects caused by the applicant, the new comer only needs to liaise with other parties in the case who have plans within 5m of his proposed alignment.]

- 6.3 The applicant shall cooperate with other parties within the “uncoordinated” case with reference to the guidelines as stated in **Appendix 4.1.2 of this manual** to work out a coordinated programme. If the applicant has agreed to change his/her programme in order to form a coordinated programme, the applicant should inform the respective IOW to update his/her agreed new programme. Once the updating of all the affected plans is done, the leading applicant of the “uncoordinated” case (who takes the lead in coordination) can then put forward the case to HyD for acceptance through the system. If the coordinated programme is found

satisfactory, the IOW should update the case status to “coordinated”. Otherwise, the leading applicant should be informed of any deficiency requiring rectification.

- 6.4 If no conflict is found, a new case should be formed to contain the plan and the IOW should set the case status to “coordinated”.

7.0 Permit Application

- 7.1 After the "Coordinated" status is given **and** the TTA and/or LSG plan(s) have been accepted by TD/HKPF, the IOW can send an XP application form by e-mail to the applicant for XP application. The maximum restriction time for XP application prior to the proposed commencement date of works is 120 days.

[Note: As mentioned in the Note of paragraph 4.4 above, plans for pavement reinstatement would be processed according to urgent XP workflow. Thus, if the proposed pavement reinstatement work will not affect carriageway, the applicant is allowed to apply for XP before agreement by HKPF to the concerned LSG plan is obtained in order to expedite the issuance of XP for the proposed reinstatement works. However, the applicant should note that even though the XP has been issued, he/she shall not commence the proposed works before the agreement by HKPF is obtained.]

- 7.2 The applicant should submit the following for XP application:
- (i) the duly signed XP application **Form HYD 14**; and
 - (ii) a crossed cheque payable to “The Government of the Hong Kong Special Administrative Region” for the amount of prescribed fee calculated on the XP application form.
- 7.3 Upon receipt of the completed application form and the cheque, the Engineer/Chief Technical Officer (E/CTO) of the respective HyD Regional Office should pass the cheque to the Account Section within 1 working day. The Account Section should deposit the cheque for the applicant with a covering Demand Note (DN) to Post Office within 1 working day upon receipt of the cheque. The receipt of the settlement of DN should be returned to the applicant within 3 working days.
- 7.4 After the settlement of DN, the E/CTO should issue the XP.

8.0 **Nomination of Nominated Permittee**

8.1 Upon receipt of the XP, the permittee may nominate his contractor to be the nominated permittee in order to take up some of the responsibilities stipulated in the permit conditions. A complete nomination process is described below:

- (i) firstly, the permittee nominates his contractor to be the nominated permittee by completing Part I of the Form HYD 83 (*which may be downloaded from HyD's web site*);
- (ii) secondly, the nominated contractor consents the nomination and agrees to comply with the conditions in the permit by completing Part II of the Form HYD 83;
- (iii) thirdly, the permittee submits the Form HYD 83 (*i.e. the signed original*) together with the required evidence to the respective HyD Regional Office (*which can substantiate that the nominated contractor satisfies the requirements stipulated in Chapter 4 Section 7, para. 3.4 and 3.5 or the nominated contractor satisfies the requirement stated in Chapter 4 Section 7, para. 3.8*) for assessment; and
- (iv) finally, the HyD Regional Office notifies the permittee and the nominated permittee (if approved)/nominated contractor (if rejected) the result of the nomination assessment by returning the completed Part III of the Form HYD 83 by fax (*note: the original of the Form HYD 83 will be kept by HyD for record*).

8.2 Details of-

- (i) minimum requirements for a contractor to be a nominated permittee;
 - (ii) assessment procedure by the Authority; and
 - (iii) withdrawal of nominated permittee
- are described in Chapter 4, Section 7, para. 3.2 to 6.1.

9.0 **Preparation Work and Precautions Prior to Excavation**

9.1 When the applicant has obtained an XP, he/she should-

- (i) locate the alignments of all underground utilities in the vicinity of the works;
- (ii) take all precautionary measures and follow relevant codes of practice to ensure that existing utilities installations especially the gas mains and power cables are not damaged when excavation

- works are carried out; and
- (iii) follow paragraph 10.1 and 10.2 to submit advance notification (AN).

10.0 Advance Notification of Commencement of Works

10.1 For each XP under which works are about to commence, the permittee shall complete the standard form of AN (*i.e. Form HYD 91, which may be downloaded from HyD website*) and submit it by fax 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. Those permittees who fail to comply with this requirement will be considered contravening the permit conditions and may be prosecuted.

10.2 If an AN has been submitted and later it turns out that the intended commencement date must be postponed, the permittee should cancel the AN immediately, and then submit a new AN once the commencement date is ascertained. Both the cancellation of previous AN and resubmission of a new AN can be done by submitting the Form HYD 91. The new AN is allowed to be submitted less than 2 working days prior to the commencement of works.

11.0 Excavation Permit Extension

11.1 When it becomes clear that the excavation works cannot be completed before the approved end date or the approved extended end date of the XP, the applicant should apply for an extension of permit period and submit by post or by hand a completed permit extension application form HYD16 not fewer than 18 working days before the expiry date of the permit. An application which is lodged shorter than this period shall be regarded as a late application in accordance with section 10F of the LMPO. The applicant shall also submit the following documents to substantiate the extended period applied for:

- (i) detailed works programme for the extension period;
- (ii) plan alignment of the outstanding works;
- (iii) percentage of completed / outstanding works;
- (iv) reason(s) of delay and breakdown to quantify the delay;
- (v) latest site photos showing the progress of contractor's works;
- (vi) result of the case coordination with other permittees for the extension period;

- (vii) agreement of latest LSG/TTA plan from HKPF/TD for the extension period if any change of the plan is required;
- (viii) notification to the affected locals and district council member for the period of extension, if necessary; and
- (ix) supporting documents showing the cause of delay.

11.2 The E/CTO of the respective HyD Regional Office shall consider if extension of permit period shall be given or not with due regard to the circumstances. Generally, the E/CTO will approve the application for extension of permit period except in some special circumstances. Some circumstances in which the E/CTO may refuse to issue an extension to the permittee are listed below for reference only-

- (i) the extension will affect the subsequent excavation works by other parties and an agreed revised works programme cannot be reached;
- (ii) the contractor has not diligently carried out the work resulting in slow progress and failure to complete the works within the permit period, etc.

11.3 If an extension is accepted, the E/CTO shall

- (i) assess the permit period extension duration;
- (ii) arrange to verify the permittee's declaration of category of street affected;
- (iii) arrange to input the updated works programme and the plan alignment representing the works to be done during the extension into XPMS.

11.4 The E/CTO can either accept or amend (*with reasons*) the permit extension period proposed by the permittee. Account section of the respective HyD Regional Office will issue a DN to the permittee. Upon confirmation of payment, the E/CTO will issue an extension of permit to the permittee by fax, by post or by e-mail.

11.5 If the permittee does not agree with the permit extension assessment made by the E/CTO, 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.

11.6 The permittee should pay the prescribed permit fees by settling the DN issued by the Account Section of the respective HyD Regional Office. If the application for extension is refused by the E/CTO, a rejection letter stating the reason of refusal will be sent in hard copy to the permittee. If an extension is not accepted, the E/CTO shall assess the time required to reinstate the trench and issue an XP extension if the remaining period of XP is inadequate.

12.0 Late Application for Excavation Permit Extension

12.1 As gazetted under section 18C of the LMPO, an application which is lodged fewer than 18 working days before expiry of the permit shall be regarded as a late application and be processed in accordance with section 10F of the LMPO.

12.2 The permittee should submit by hand to the E/CTO of the respective HyD Regional Office the latest by noon of the date one working day before the expiry date of the permit-

- (i) a duly completed application form HYD16. The permittee should state in the form the duration of the period applied for and the category of street affected if the excavation works will affect street. For cases in which more than one category of streets will be affected, the permittee shall declare the category of street with the most expensive daily economic cost; and
- (ii) necessary documents to substantiate the duration of period applied for which must include an updated works programme showing the extension period and the plan alignment of the outstanding works. The information is for the subsequent detailed permit period assessment by the E/CTO.

12.3 The permittee should pay the prescribed permit fees by settling the DN issued by the Account Section of the respective HyD Regional Office.

12.4 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.

12.5 After receipt of an application form and appropriate prescribed fee for permit extension, the respective HyD Regional Office should input the works programme and the plan alignment into XPMS. If carriageway is

affected, XPMS will perform spatial check to determine the category of streets affected. For cases in which more than one category are affected, the most expensive daily economic cost will be charged. 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 send by fax, by post or by 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. 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 any extra prescribed fee to the permittee without interest.

- 12.6 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.
- 12.7 The E/CTO should consider both the prescribed fee paid by the permittee and the result of his extension period assessment as described in para. 12.5 and 12.6 above before issuing a permit extension to the permittee. If the permittee fails to pay the outstanding prescribed fee, the E/CTO should issue a permit extension with expiry date not beyond the date calculated based on the category of street really affected on site and the prescribed fee paid by the permittee no matter the result of the E/CTO assessment on the period of extension is. The E/CTO should serve a notice of his determination to the permittee and issue a permit extension to the permittee with the period determined by him and subsequently arrange to refund the extra prescribed fee to the permittee without interest (*if required*).
- 12.8 Before issue of the permit extension by the E/CTO, the permittee shall keep both 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 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.

12.9 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 CHE of the respective HyD Regional Office under section 10M of the LMPO.

12.10 For permit extension application which is not paid and the approved extension start date is expired, XPMS will reject the application and Account Section will arrange for cancellation of the DN.

[HIInts: For permit extension application, XPMS will check daily for DNs which have not been settled and generate reminders to respective applicants.]

13.0 Site Audit Inspection of Excavation Sites

13.1 Upon receipt of an AN, the Audit Inspection Team (AIT) will arrange audit inspections for the excavation site. Details of site audit inspection are described in Chapter 9 Audit Inspection.

13.2 If the permittee has provided a contact e-mail address on his XP application form, the AIT would inform the permittee by e-mail if any non-compliance (NC) has been observed after each site audit inspection. The permittee should check the site audit inspection results through internet and rectify all NCs immediately. For details of checking site audit inspection results through internet, the permittee shall refer to the procedure shown in Appendix 5.1.1. In case contact e-mail address is not available, the permittee is obliged to check whether the AIT has carried out any site audit inspection and marked any NC of his XP site through internet daily.

13.3 In accordance with Clause 6 of the Conditions of Excavation Permit, the permittee shall report to the Authority within two working days after the NC has been rectified. To fulfill this requirement, the permittee shall

complete the form shown in Appendix 5.1.2 and fax the completed form to the Research and Development Division of HyD within two days after the NC has been rectified.

14.0 Completion of Works

14.1 If the whole duration of an XP/XP extension is completely used to finish up the planned works and the reinstatement works, the permittee is not required to submit completion notice (CN) and XPMS will report the completion automatically on permittees' behalf when the permit expires. The respective HyD Regional Office will arrange a reinstatement inspection within 7 working days after the permit expires. However, if the following situations is encountered, the permittee should submit CN, *i.e. Form HYD 18 (which may be downloaded from HyD's website)*, to the E/CTO of the respective HyD Regional Office before the permit expires by fax:

- (a) the permanent reinstatement (PR) will be carried out by others;
- (b) the PR will be carried out by HyD at the permittee's own cost;
- (c) temporary structure(s)/installation(s) will be removed at a certain period after the expiry of the XP;
- (d) no excavation has been carried out on site.
- (e) the permit involves traffic aids reinstatement works; and
- (f) there has been a completion notice (CN) rejected before.

For assessment of completion notification (CN), the permittee is reminded to review and carry out appropriate actions on the following in advance of submitting CN:

- i) Except for trial pit excavation, comments from district and/or maintenance team of the Highways Department should be sought regarding the completed works interfacing with HyD's maintenance area; and
- ii) Seeking consultation from excavation permit processing team and/or maintenance team of the Highways Department if permittees have doubt on the paving material (e.g. SMA, PMSMA etc.) to be used in reinstatement works.

In addition, if the actual excavated alignment(s) are significantly shorter/smaller than the approved plan alignment(s), the permittee should submit a sketch/sketches showing the actual excavated alignment(s)

before the permit expires to the respective HyD Regional Office for their reference in order to avoid unnecessary argument on quality and extent of reinstatement area(s). Furthermore, in case of early completion of works, the permittee is also required to submit the CN to the E/CTO of the respective HyD Regional Office by fax immediately after completion of works.

14.2 As mentioned in the above, when submitting the CN, the permittee has to specify the reinstatement type which should be one of the following:-

- (i) Permanent reinstatement (PR) carried out by the permittee.
- (ii) PR carried out by others. If PR is carried out by other permittee or HyD's contractor (*e.g. works in conjunction with HyD projects*), the permittee has to specify the XP number or HyD works order/contract number under which the PR is carried out, and his contact person. If PR is carried out by another XP of the permittee, the permit number of that XP should be specified (*e.g. defect of reinstatement is rectified by a new XP*).
- (iii) PR carried out by HyD at the permittee's own cost. Only select this reinstatement type if the PR is carried out by HyD's contractor at the permittee's own cost.
- (iv) Apart from temporary structure/ installation pending removal, the excavation(s) has/have been backfilled and temporary reinstated to the satisfaction of respective Regional HyD office. If the permittee has carried out erection of temporary structure or installation of equipment which will only be removed a certain period after the expiry of the XP, then this reinstatement type should be chosen for the approval by respective Regional HyD office. Justification to adopt this type of reinstatement should be provided for Regional HyD Offices' consideration. The permittee has to indicate the date when such temporary structure/ equipment/ installation will be removed. After the approval of the reinstatement date by respective Regional HyD office, the CN task would be sent back to the permittee and he is required to apply a new XP for the permanent reinstatement works. After applying the new XP, he shall choose the CN type in point (ii) above, i.e. "PR by others". If the permittee failed to do so, the plan would be regarded as delayed rectification of rejected permanent reinstatement and respective Demerit Point Level (DPL) would

apply after the expiry of the reinstatement date.

- (v) The last reinstatement type is “No excavation works has been carried out on site”. This item should only be selected when the permittee has not carried out any excavation works on site. Since cancellation of an issued XP is not permitted, those permittees who want to cancel their XPs should select this item for calling off their XPs.

[Hint: By submitting the CN, the permittee has to confirm withdrawing any outstanding permit extension applications that are pending HyD’s approval.]

- 14.3 On receipt of the CN, the E/CTO of the respective HyD Regional Office should arrange site inspection to confirm completion of works and acceptance of reinstatement within 7 working days. After site inspection, the responsible IOW will inform the permittee by fax, by post or by e-mail (*if the applicant has stated his e-mail address on the applicant form*) whether he agrees or disagrees that the works have been satisfactorily completed. If the IOW disagrees that the works have been satisfactorily completed, he will inform the permittee which items do not comply with the requirements/specifications and request the permittee to rectify.
- 14.4 The E/CTO 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.
- 14.5 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 CN / the permit expiry date (*whichever is the earlier*). 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 the 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;

- (iii) member of the Hong Kong Institute of Landscape Architects or equivalent professional qualification; and
- (iv) member of the Hong Kong Institute of Surveyors or equivalent professional qualification

The permittee shall submit to the E/CTO, on or before the date of submission of CN / the permit expiry date (*whichever is the earlier*), the details of such professional (*i.e. the name, professional qualification, membership number, his relation with the permittee, etc.*).

14.6 Apart from as-built records, the permittee shall submit to the E/CTO, within 2 months from the date of submission of CN / the permit expiry date (*whichever is the earlier*), 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.

14.7 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**.

14.8 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.

15.0 Refund for Economic Cost

15.1 Under section 10L of the Land (Miscellaneous Provisions) Ordinance (LMPO), DHy as the Authority or his delegated officers may refund the whole or any part of the economic costs paid for extension of an XP caused by reasons stipulated in section 10L(1)(b) of the LMPO.

15.2 The permittee shall make an application by fax or post for a refund of the whole or any part of the economic costs within 1 month from the date of the notification of the result of the application for an extension of the XP.

- 15.3 The permittee shall state the reasons and setting out the evidence in support of the application.
- 15.4 Upon receipt of the application for a refund from the permittee, the E/CTO of the respective HyD Regional Office shall assess whether he is satisfied that the extension is caused by reasons other than the fault of the permittee, its contractors and employees, including but not limited to the following-
- (i) inclement weather which includes the hoisting at the Hong Kong Observatory of the No.3 visual storm warning or above or rainstorm warning (*i.e. Amber, Red or Black rainstorm warning issued by the Director of the Hong Kong Observatory*); or
 - (ii) suspension of excavation on order of the Government which is not due to the fault of the permittee, its contractors or employees; or
 - (iii) physical condition of the unleased land to which the permit relates and which is not in existence at the time of the application of the permit,
- and whether the above reasons hindered the progress of an excavation to which the permit relates.
- 15.5 If the E/CTO of the respective HyD Regional Office is satisfied that the extension is caused by reasons other than the fault of the permittee, its contractors, or employees and progress of the excavation is hindered, he shall assess how many days of extension which the permittee is entitled. The E/CTO should sign and forward the refund instruction to his Account Section for arranging the refund, without interest, to the permittee. After receipt of the refund instruction, the Account Section will request Treasury to refund a fixed amount to the permittee. Normally, Treasury will send a bank cheque to the permittee.
- 15.6 The E/CTO of the respective HyD Regional Office shall inform the permittee of the result of his assessment by fax, by post or by e-mail (*if the permittee has stated his e-mail address on the application form*) within 28 days from the date of receipt of the application whether he agrees wholly or partially, or disagrees with the amount claimed by the permittee. However, if the E/CTO considers that more time or additional information is required for the assessment of an individual complicated case, an interim reply would be provided to the permittee within 28 days

from the date of receipt of the application and the result of his assessment will be provided before a date specified in the interim reply. If the permittee appeals in accordance with section 10(M)(3) and (7) of the LMPO, the amount of refund may be revised subject to the result of the review. If further refund is required, the E/CTO should arrange the refund following the procedure as stated in para. 12.5 above. If the amount of refund calculated based on the result of the review is less than the amount already refunded, the E/CTO should request his Account Section to issue a DN to the permittee for the payment difference.

16.0 Refund for Early Completion of Works

- 16.1 Under section 10L(2) and (3) of the LMPO, the E/CTO of the respective HyD Regional Office as the delegated officer may refund a sum, without interest, which is equivalent to the daily fee and economic costs (*if any*) paid in respect of the period commencing from the date next following the date of notification of the completion of the excavation and expiring on the expiry date of the permit or the extended period of the permit, as the case may be.
- 16.2 The permittee is not required to make an application for the refund for early completion of excavation works. The permittee shall notify the E/CTO of the respective HyD respective Regional Office upon the completion of excavation works. The E/CTO should initiate the refund process as stated below when he confirms that the excavation works have been satisfactorily completed before the expiry date of the permit or the extended period of the permit.
- 16.3 Upon receipt of notification of completion from the permittee, the E/CTO of the respective HyD Regional Office shall check the following conditions to see whether the permittee is entitled to any refund-
- (i) the permittee of an XP has completed an excavation to which the permit relates before the expiry date of the permit or the extended period of the permit; and
 - (ii) he is satisfied that the permittee has reinstated the land to which the permit relates as required by the permit conditions.
- 16.4 To make refund to the permittee, the E/CTO should sign and forward the refund instruction to the Account Section for arranging the refund, without

interest. After receipt of the refund instruction, the Account Section will request Treasury to refund a fixed amount to the permittee. Normally, Treasury will send a bank cheque to the permittee.

- 16.5 The E/CTO of the respective HyD Regional Office shall inform the permittee of the result of his assessment on whether the permittee has satisfied the matters in section 10L(2)(a), (b) and (c) of the LMPO by fax, post or e-mail within 28 days from the date of the completion of excavation works. If the permittee appeals in accordance with section 10(M)(3) and (7) of the LMPO, the amount of refund may be revised subject to the result of the review. If further refund is required, the E/CTO should arrange the refund following the procedure as stated in para. 16.4 above. If the amount of refund calculated based on the result of the review is less than the amount already refunded, the E/CTO should request his Account Section to issue a demand note to the permittee for the payment difference.

17.0 Extension of Permit Period without Payment

17.1 Under section 10A(4) of the LMPO, where-

- (i) DHy as the Authority or his delegated officer issued an XP for an excavation; and
- (ii) the permittee of the permit is unable to have access to-
 - (a) a reasonably substantial portion of the street concerned for the purpose of making or maintaining the excavation, after the commencement of the period for which the permit is valid but before the commencement of the excavation, for reason other than the fault of the permittee, the contractor for the excavation or their employees; or
 - (b) a reasonably substantial portion of the land concerned other than a street, for the purpose of making or maintaining the excavation, after the commencement of the period for which the permit is valid, for reason other than the fault of the permittee, the contractor for the excavation or their employees.

DHy or his delegated officers may, without payment of any prescribed fee or any part thereof (other than that paid under sections 10A(1) and (3) of the LMPO), extend that period by the number of days for which the permittee is so unable to have access to the land. Subject to section 10L of

the LMPO, any prescribed fee paid for issue of an XP is not refundable.

18.0 Reinstatement of Works within Defects Liability Period

18.1 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 CN. 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 CN / the permit expiry date (*whichever is the earlier*), 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. The permittee will be required to make good the defects if any.

19.0 Termination of Excavation Permit

19.1 Under section 10K of the LMPO, DHy as the Authority or his delegates may terminate the permit if there is a breach of any condition of an XP especially when the permittee and/or its nominated permittee fail(s) to perform and such course of action is in the interest of the public. Details are described in Chapter 4 - Section 8 "Termination of Excavation Permit or Emergency Excavation Permit Procedure".

20.0 Cancellation of Excavation Permit or Extension of Excavation Permit

20.1 Cancellation of an issued XP or an issued extension of XP is not allowed. To abandon an issued XP or an issued extension of XP, the permittee should submit a completed Form HYD 18 (*i.e. the standard form of CN*) to the E/CTO of the respective HyD Regional Office for checking and approval. The relevant procedure of reporting completion of works is described in paragraph 14.0. Regarding the refund of economic costs and refund of daily fee, the procedures stated in paragraphs 15.0 and 16.0 are applicable.

21.0 Review of Assessment

21.1 Under section 10M(3) of the LMPO, the permittee may appeal to the E/CTO’s assessment as defined in section 10M(1). Details are described in Chapter 8 - Section 1 “Assessment Review Procedure”.

22.0 Refusal of Issue of Excavation Permit

22.1 The E/CTO of the respective HyD Regional Office may refuse to issue an XP in accordance with section 10E(1) of the LMPO if-

- (i) he reasonably believes that the applicant-
 - (a) is not a fit and proper person to make or maintain any excavation in unleased land;
 - (b) cannot comply with the conditions imposed under the permit; or
 - (c) does not have sufficient financial resources to make or maintain an excavation to which the permit relates. If there is any doubt, the E/CTO may request by fax, by post or by e-mail (*if the applicant has stated his e-mail address on the application form*) the applicant to provide evidence to prove his financial situation.
- (ii) in his opinion, the application to which the permit relates is unreasonable. Some unreasonable applications are listed below for reference only-
 - (a) The applicant submits application for an XP without providing sufficient information or supporting documents;
 - (b) The applicant submits application for an XP without written approval from relevant authority such as laying a drainage pipe illegally from his house to a roadside gully or somewhere and constructing illegal structures;
 - (c) Excavation which will likely cause hazards to the public;
 - (d) Shallow cover installation without waiver;
 - (e) Proposed works is unclear, e.g. without clear dimension of works; or
 - (f) Excavation location falls within the site area of a major project without prior consent from the subject party, e.g. West Rail Boundary.

The E/CTO should carefully assess each application and make decision with his own discretion.
- (iii) having regard to the circumstances of the case, the issue of the

permit is, in the opinion of the E/CTO, inappropriate in such circumstances. Some inappropriate circumstances are listed below for reference only-

- (a) When a special event is to be held at or nearby the location of excavation proposed by the applicant, the E/CTO may refuse to issue an XP to the applicant if he considers that such excavation will probably affect such event. The event may include:-
 - celebration events for Hong Kong Special Administrative Region Establishment Day;
 - celebration events for some great festivals such as:- New Year, Easter, Christmas, Ching Ming Festival, Lunar New Year, etc.
- (b) Where the location of excavation proposed by the applicant is very close to the open examination centers in the period from April to June, the E/CTO may refuse to issue an XP to the applicant if he considers that such excavation will create serious noise problem.

The E/CTO should carefully assess each application and consider any other alternatives proposed by the applicant.

22.2 In addition to the grounds specified in paragraph 22.1 above, the E/CTO may, on reasonable grounds-

- (i) refuse to issue an XP or EXP if-
 - (a) the applicant fails to submit the application at least 18 working days before his intended commencement date of works specified by the DHy, by notice published in Gazette, under section 18C of the LMPO; or
 - (b) the street to which the permit relates is a newly constructed street specified by the DHy, by notice published in Gazette, under section 18C of the LMPO;
- (ii) refuse to extend the period for which an XP is valid if the permittee fails to submit an application for extension in accordance with section 10F of the LMPO.

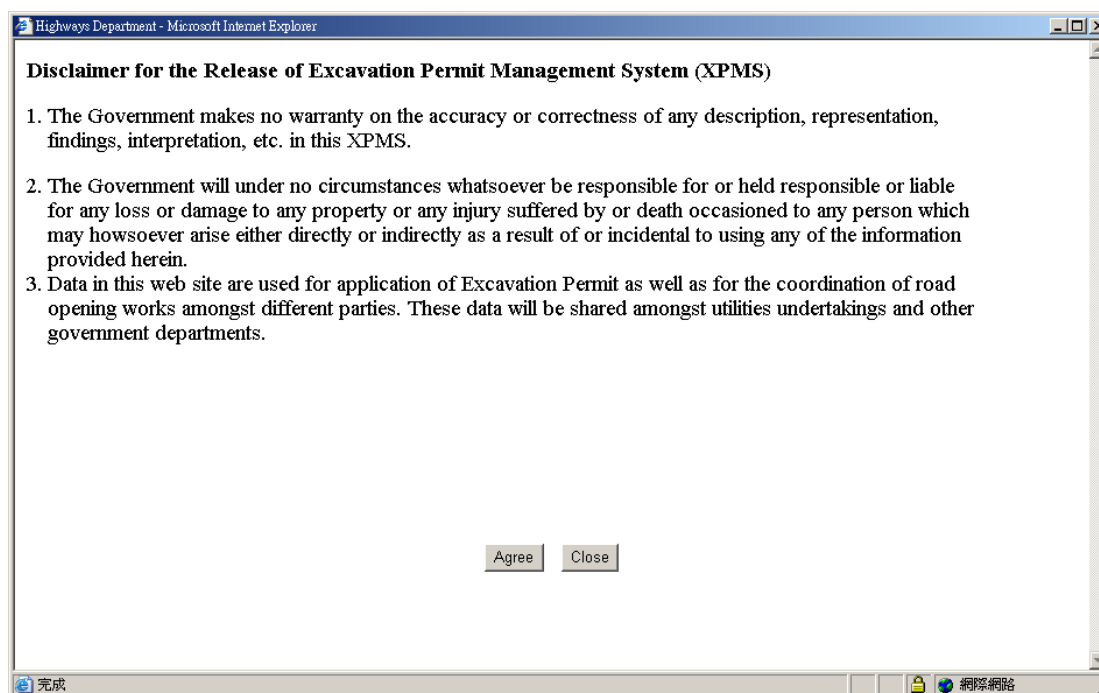
22.3 Where the E/CTO refuses to issue a permit or extend the period for which a permit is valid, he shall notify the person by notice in writing.

Procedure of Checking Site Audit Inspection Results for non-XPMS users

- 1) Go to XPMS web site: <https://xpms.hyd.gov.hk/XPMS/portal/>

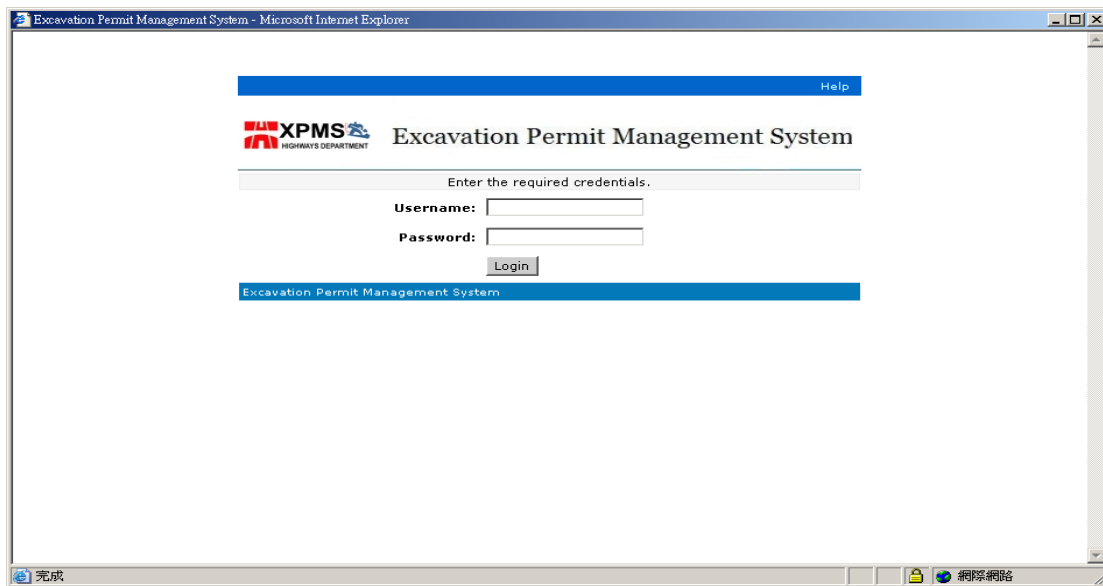


- 2) Click “Agree” in the disclaimer page

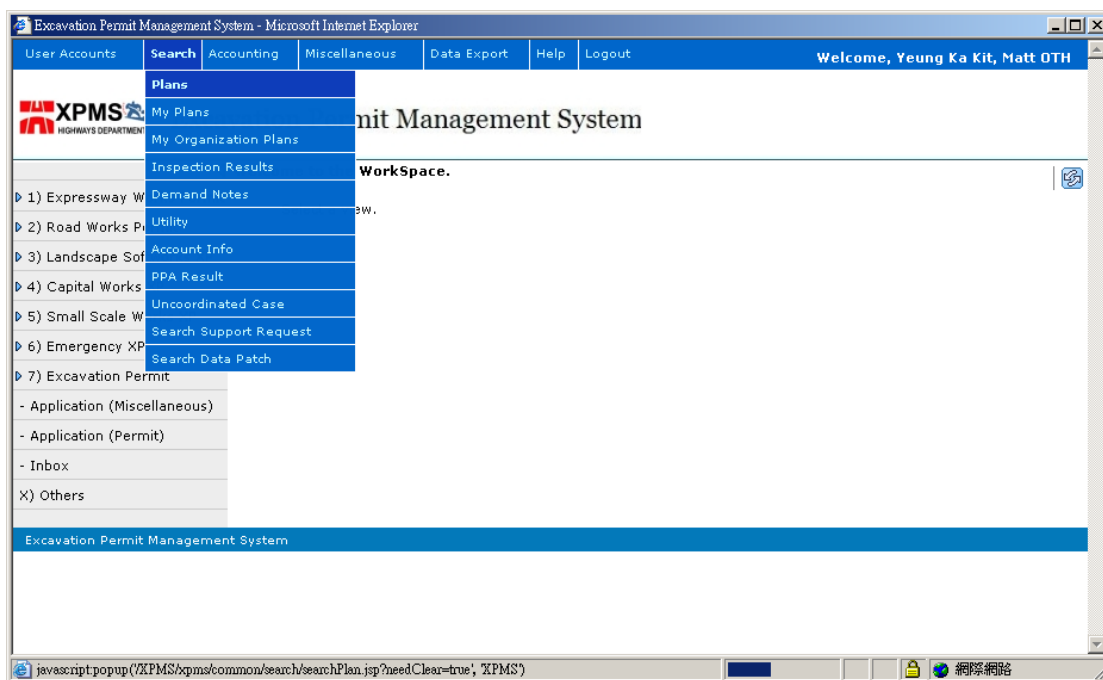


3) Login system with one of the following accounts (*which would just have “read only” access right*):

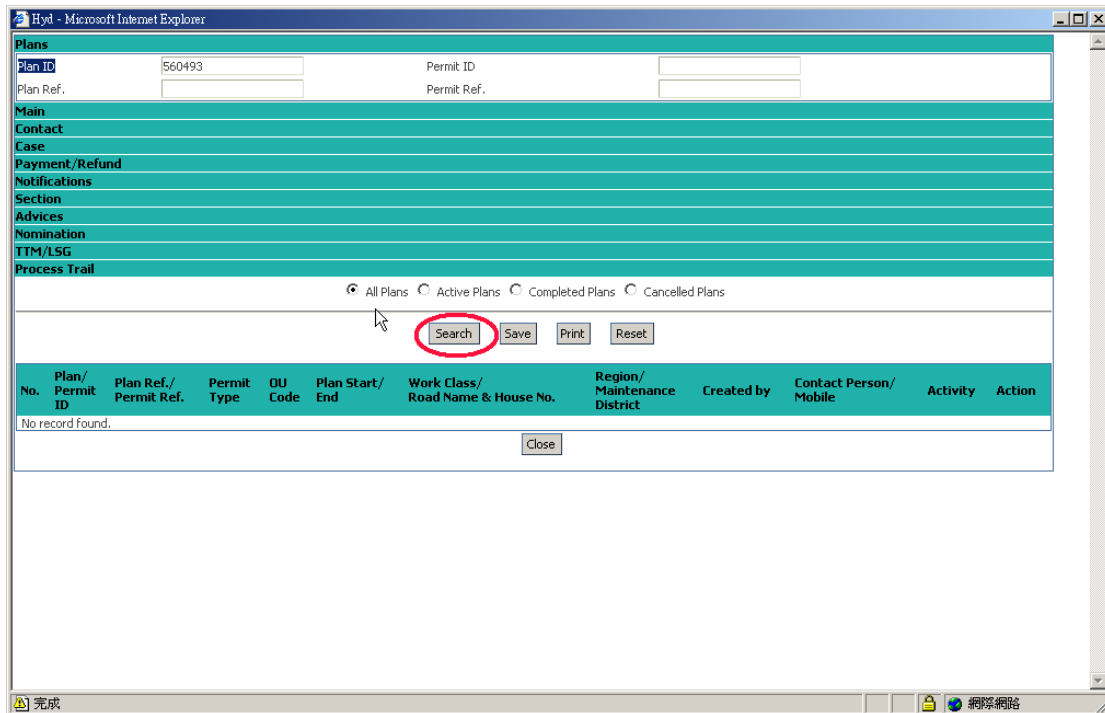
Location	Username	Password
Hong Kong Island	otherhk	HYDxpmpass
Kowloon	otherkl	HYDxpmpass
New Territories	othernt	HYDxpmpass



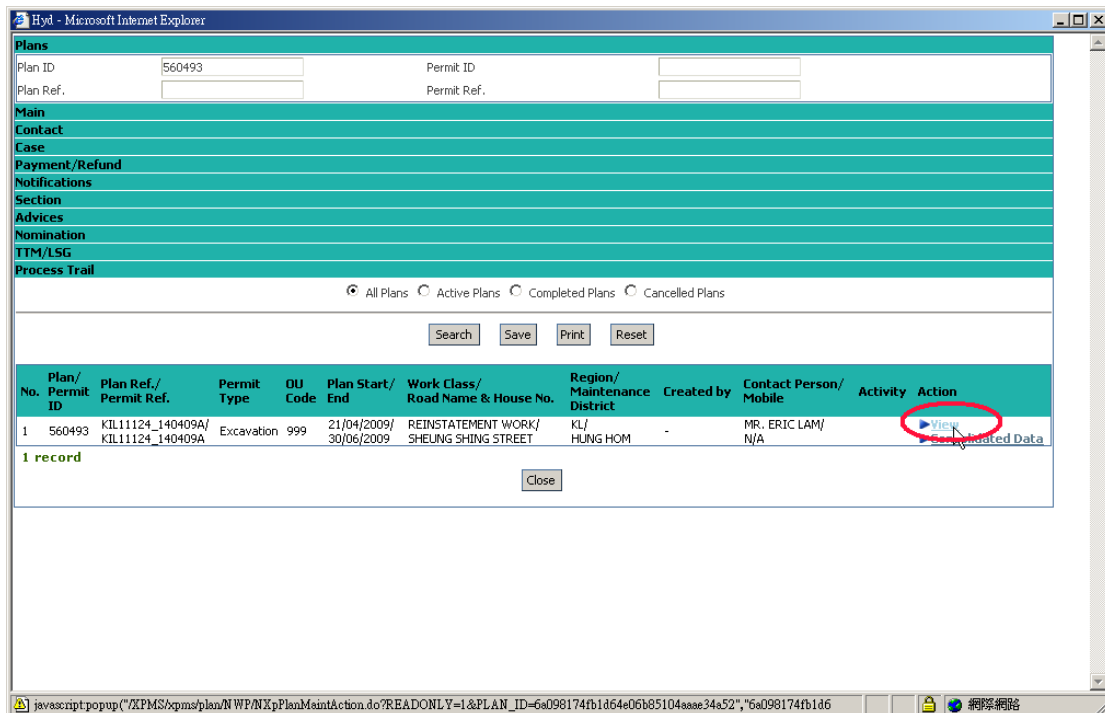
4.) Click “Search” and then “Plan” to search a plan.



5) Type the permit number in the field “Plan ID” and click “Search”.



6) Click the hyperlink “view” to retrieve the record



7) Click the tap “Attachments”

The screenshot shows the 'Hyd - Microsoft Internet Explorer' browser window. The top navigation bar includes tabs: Main, Contact, Map Details, Programme, Advices, Permit, Payment, Nomination, Notification, **Attachments** (circled in red), Photos, and Process Trail. The main content area is titled 'Plan Detail' and contains the following information:

Plan ID: 560493, Phase: Work Management, Current Activities: [Empty]
 UtilCode/User Group/User: 999/ukj/DBCONEV, Creation Date: 15/04/2009
 Organization Name: OTHERS UUJ/CONTRACTOR, Cancellation Date: [Empty]
 Permit ID: 560493, Plan Ref.: KIL11124_140409A

Plan Detail

Permit Type: Excavation Permit, Plan Ref.: KIL11124_140409A
 Proposed Start Date: 21/04/2009 (dd/mm/yyyy), Proposed End Date: 30/06/2009 (dd/mm/yyyy)
 Finance Code: [Empty], Night Work:
 Related Plan ID: [Empty]
Nature of Works
 Works Order No.: [Empty]
 Nature of Works: REINSTATEMENT WORK
Work Details
 REINSTATEMENT OF CARRIAGEWAY AND FOOTPATH
 Dig Permit Conditions applicable, Expressway Permit Conditions applicable

Works Location

Road Name: SHEUNG SHING STREET
 Chainage No.: [Empty], Lamp Post No.: [Empty]
 House No.: [Empty]
 Other: TIN KWONG ROAD

Road Category

District Distributor: [Empty]
 Works On:
 Carriageway, Footpath, Expressway
 Strategic Street, Sensitive Street, Remaining Street
 Pink Route, Red Route
 TIA, Day Time Ban

At the bottom of the browser window, a status bar shows a warning icon and the text: 已完成，但是網頁發生錯誤。 (Completed, but the website has an error.)

8) At the right hand bottom, Click the “Inspection Result” to view audit inspection results for the permit.

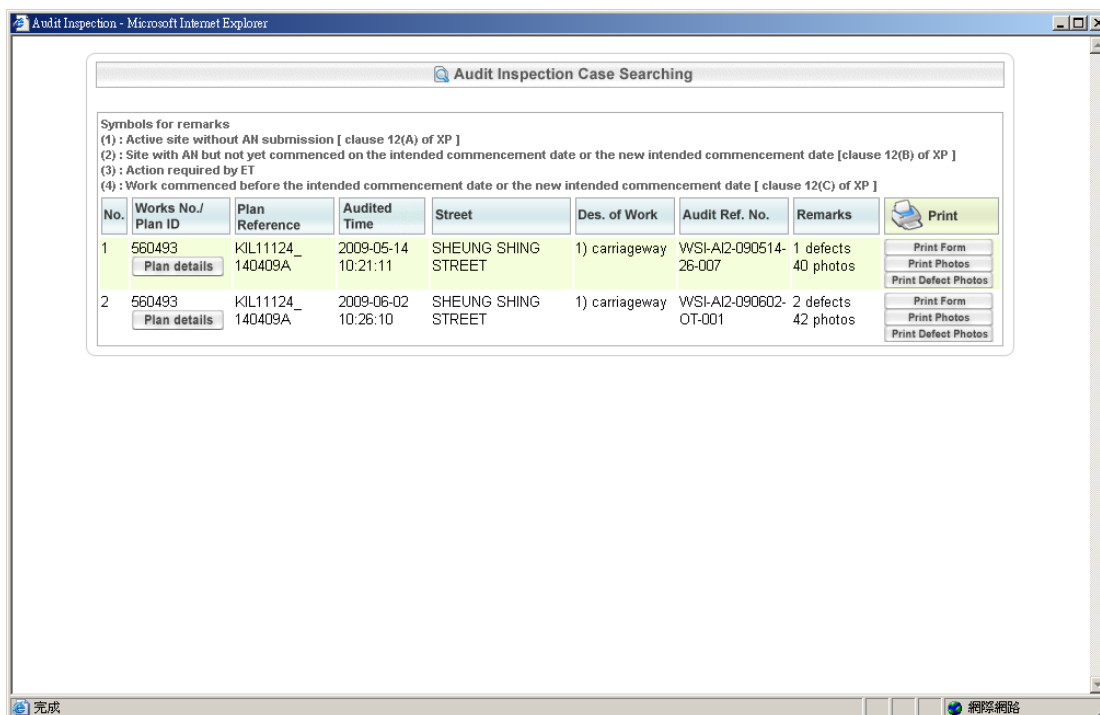
The screenshot shows the 'Hyd - Microsoft Internet Explorer' browser window. The top navigation bar includes tabs: Main, Contact, Map Details, Programme, Advices, Permit, Payment, Nomination, Notifications, **Attachments** (circled in red), Photos, and Process Trail. The main content area is titled 'List of Attachments' and contains the following table:

Document Type	Type	File Name	Version No.	Size (Bytes)	Uploaded by	Submit date	History	Remarks
Fact Sheet	PDF	Fact Sheet	1	0	SYSTEM	11/08/2009		
Other	TXT	560493_PPA_NonStd.txt	1	1024	DBCONEV	01/08/2009		Non-Standard works related to this plan converted from old system.
Unsigned Permit Snapshot	XML	PMT560493.xml	4	16384	DBCONEV	13/05/2009		
Unsigned Permit Snapshot	XML	PMT560493.xml	2	16384	DBCONEV	20/04/2009		
Unsigned Permit Snapshot	XML	PMT560493.xml	5	16384	DBCONEV	27/06/2009		
Unsigned Permit Snapshot	XML	PMT560493.xml	3	16384	DBCONEV	08/05/2009		

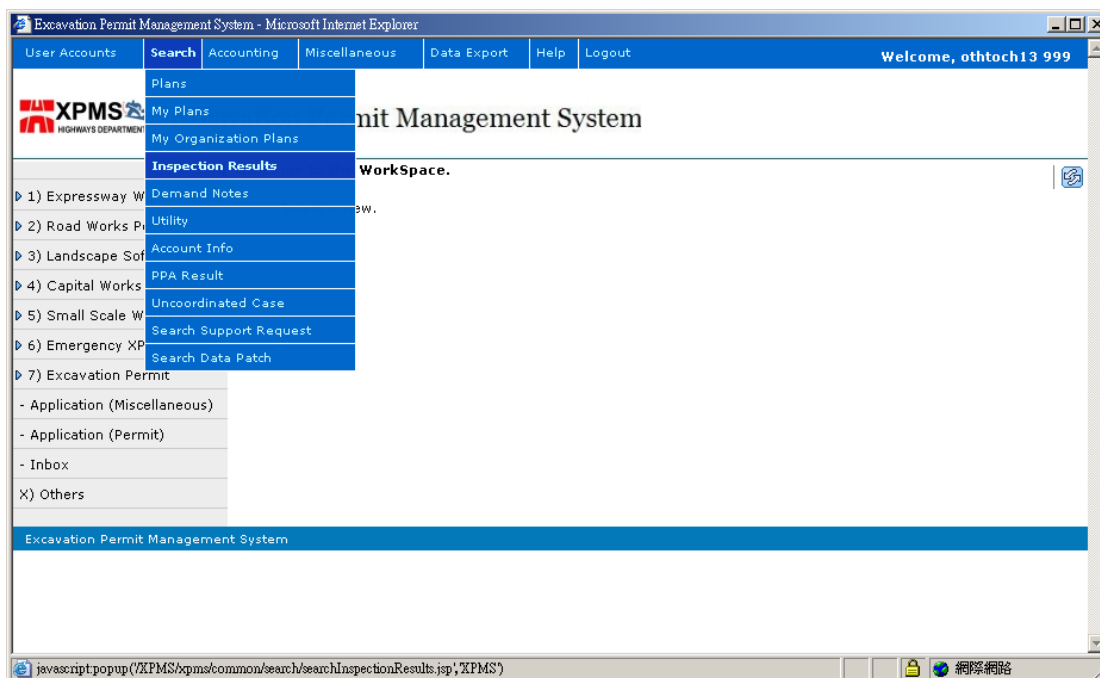
Below the table, there is a section titled 'Inspection Result' with a link [Inspection Result](#) circled in red.

At the bottom of the browser window, a status bar shows a warning icon and the text: 完成 (Completed).

9) A new window will pop up and display a list of audit inspection summary, if audit inspections have been carried out. Click the “Audit Ref. No.” hyperlink to see the details of the inspection.



10) On another way, click “Search” and then “Inspection Results” for date range searching.



11) Input the searching criteria and click “Search” button.

12) Inspection results will be listed in the window.

Symbols for remarks
 (1) : Active site without AN submission [clause 12(A) of XP]
 (2) : Site with AN but not yet commenced on the intended commencement date or the new intended commencement date [clause 12(B) of XP]
 (3) : Action required by ET
 (4) : Work commenced before the intended commencement date or the new intended commencement date [clause 12(C) of XP]

No.	Works No./ Plan ID	Plan Reference	Audited Time	Street	Des. of Work	Audit Ref. No.	Remarks	Print
1	556456 Plan details	HKU20090 306	2009-06-01 09:59:58	HILL ROAD	1) carriageway	WSII-AI22- 090601-OT-001	0 defects 57 photos	Print Form Print Photos Print Defect Photos
2	539475 Plan details	DTM/TMT L465-271	2009-06-01 10:11:42	SO KWUN WAT ROAD	1) carriageway	WSII-AI7- 090601-OT-001	8 defects 60 photos	Print Form Print Photos Print Defect Photos
3	550500 Plan details	NKIL3505 _090109	2009-06-01 10:35:13	KING LAM STREET	1) carriageway	WSI-AI3-090601- OT-002	0 defects 6 photos	Print Form Print Photos Print Defect Photos
4	545663 Plan details	DN/98039 NTA-0907	2009-06-01 10:58:21	KWU TUNG ROAD	1) carriageway	WSI-AI1-090601- 26-001	0 defects 80 photos	Print Form Print Photos Print Defect Photos
5	546401 Plan details	DN/98039 NTA-0937	2009-06-01 11:12:57	KWU TUNG ROAD	1) carriageway	WSI-AI1-090601- OT-001	0 defects 33 photos	Print Form Print Photos Print Defect Photos
6	559100 Plan details	PD/LC/C1 05- EW/15/R	2009-06-01 12:04:48	NAM LONG SHAN ROAD	1) carriageway	WSII-AI17- 090601-OT-001	2 defects 43 photos	Print Form Print Photos Print Defect Photos
7	350409 Plan details	CWXP/DC /2002/13	2009-06-01 14:15:33	DES VOEUX ROAD WEST	1) carriageway	WSI-AI4-090601- OT-001	0 defects 6 photos	Print Form Print Photos Print Defect Photos
8	532468 Plan details	HK(SAR) 20080711	2009-06-01 14:39:24	DAVIS STREET	1) carriageway	WSII-AI22- 090601-OT-002	4 defects 54 photos	Print Form Print Photos Print Defect Photos

13) Select the plan and click the row to see the details of the inspection.

No.	Works No./ Plan ID	Plan Reference	Audited Time	Street	Des. of Work	Audit Ref. No.	Remarks	Print
1	556456 Plan details	HKU20090 306	2009-06-01 09:59:58	HILL ROAD	1) carriageway	WSII-AI22- 090601-OT-001	0 defects 57 photos	Print Form Print Photos Print Defect Photos
2	539475 Plan details	DTM/TMT L465-271	2009-06-01 10:11:42	SO KWUN WAT ROAD	1) carriageway	WSII-AI7- 090601-OT-001	8 defects 60 photos	Print Form Print Photos Print Defect Photos
3	550500 Plan details	NKIL3505 _090109	2009-06-01 10:35:13	KING LAM STREET	1) carriageway	WSII-AI3-090601- OT-002	0 defects 6 photos	Print Form Print Photos Print Defect Photos
4	545663 Plan details	DN98039 NTA-0907	2009-06-01 10:58:21	KWU TUNG ROAD	1) carriageway	WSII-AI1-090601- 26-001	0 defects 80 photos	Print Form Print Photos Print Defect Photos
5	546401 Plan details	DN98039 NTA-0937	2009-06-01 11:12:57	KWU TUNG ROAD	1) carriageway	WSII-AI1-090601- OT-001	0 defects 33 photos	Print Form Print Photos Print Defect Photos
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8	532468 Plan details	HK(SAR) 20080711	2009-06-01 14:39:24	DAVIS STREET	1) carriageway	WSII-AI22- 090601-OT-002	4 defects 54 photos	Print Form Print Photos Print Defect Photos

14) Detail of the inspection is displayed in a new window.



Highways Department
Audit Inspection Management System

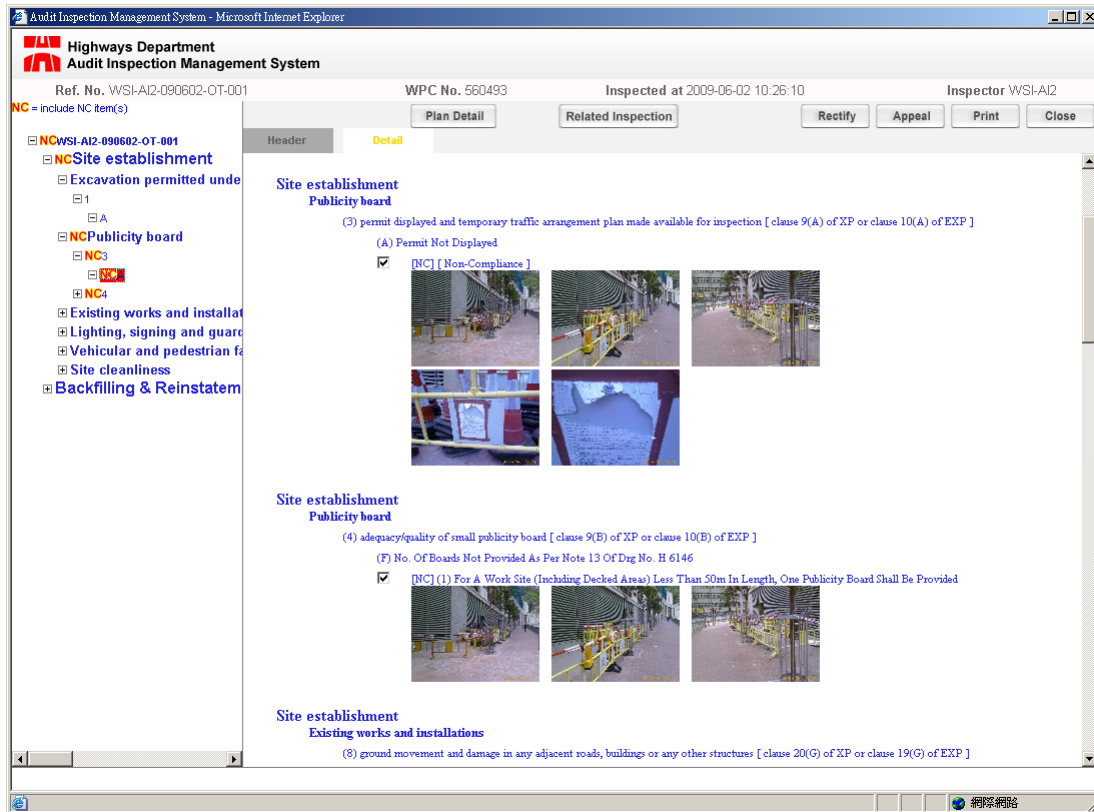
Ref. No. WSI-AI2-090602-OT-001 WPC No. 560493 Inspected at 2009-06-02 10:26:10 Inspector WSI-AI2

NC = include NC item(s)

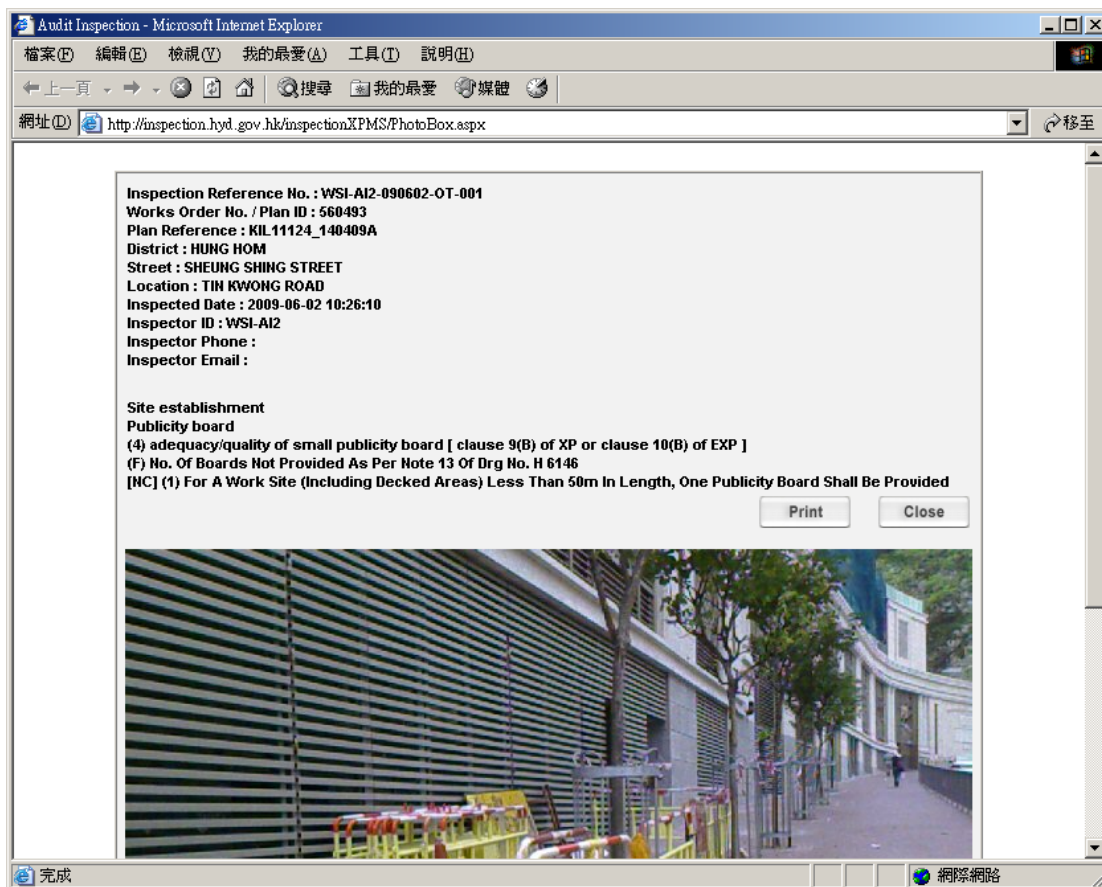
Plan Detail Related Inspection Rectify Appeal Print Close

NC WSI-AI2-090602-OT-001

- NC Site establishment
 - Excavation permitted under the Permit
 - Site occupied in accordance with the boundary of the approved plan under the Permit [clause 4 of XP or clause 4 of EXP]
 - (A) Site Occupied Not In Accordance With The Approved Plan
 - [Compliance]
 
 - Publicity board
 - (3) permit displayed and temporary traffic arrangement plan made available for inspection [clause 9(A) of XP or clause 10(A) of EXP]
 - (A) Permit Not Displayed
 - [NC] [Non-Compliance]
 



15) Click on the image to see a larger photo and details of inspection.



Report of Non-compliance Item(s) Rectified
 [Clause 6(B)(III) of XP or Clause 7(B)(III) of EXP]

From* _____ **To** CHE/R&D, HyD _____
Date _____ (*Attn.:* _____)
Contact Person _____ **Fax** 2714 5290 _____
Contact Tel. _____

With reference to the non-compliance (NC) checklist issued against the Excavation Permit below, we would like to inform that the rectification of the NC item(s) was/were completed on the date(s) shown below:

Permit No.	Audit Ref. No.	Date of Inspection	NC Item(s) Rectified	Date of Rectification

* Company/Organization

Enquiries about XP Applications or Request for Opening an Ad hoc XPMS Account

Highways Department

□ **Urban Region/ Hong Kong**

7/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.
Fax : 2576 6244

Please contact:

Engineer/Excavation Permit (Hong Kong North & West)
Tel: 2231 5632

Engineer/Excavation Permit (Hong Kong East & South)
Tel: 2231 5814

□ **Urban Region/ Kowloon**

13/F., Nam Fung Commercial Centre, 19 Lam Lok Street, Kowloon Bay, Kowloon.
Fax : 2758 3394

Please contact:

Engineer/Excavation Permit (Kowloon East)
Tel: 2707 7281

Engineer/Excavation Permit (Kowloon West)
Tel: 2707 7237

□ **New Territories Region**

19/F., One Sky Parc, 53 Hung To Road, Kwun Tong, Kowloon, Hong Kong
Fax : 2714 5228

Please contact:

Maintenance Engineer/Excavation Permit (East)
Tel: 3565 4202

Maintenance Engineer/Excavation Permit (West)
Tel: 3565 1847

Enquiries about Seeking Traffic Advice

Hong Kong Police Force

- Road Management Office (Hong Kong Island)
Room 304, 3/F., Happy Valley Police Station, 60 Sing Woo Road, Happy Valley, Hong Kong.
Tel: 3660 1887
Fax: 2803 4783

- Road Management Office (Kowloon West)
Room 208, 2/F., Traffic Kowloon West Operational Base, 8 Wai Wan Lane, Hung Hom, Kowloon.
Tel: 2773 5240
Fax: 2399 7659

- Road Management Office (Kowloon East)
1/F., Kowloon East Operational Base, 2 Siu Yip Street, Kowloon Bay, Kowloon.
Tel: 2755 3515
Fax: 2750 4456

- Road Management Office (New Territories South)
Room 1, G/F., E&C Block, New Territories South Operational Base, 4 Castle Peak Road, Tsuen Wan, New Territories.
Tel: 2611 3388
Fax: 2415 1636

- Road Management Office (New Territories North)
G/F., Tai Hing Operational Base, 80 Tsun Wen Road, Tuen Mun, New Territories.
Tel: 2467 7793
Fax: 2463 4236

Transport Department

- Traffic Engineering Division/ Hong Kong
37/F., Immigration Tower, 7 Gloucester Road, Wan Chai, Hong Kong.
Tel: 2829 5815
Fax: 2824 0399

- Traffic Engineering Division/ Kowloon
8/F., Mongkok Government Offices, 30 Luen Wan Street, Kowloon.
Tel: 2399 2471
Fax: 2397 8046

- Traffic Engineering Division/ New Territories East and
Traffic Engineering Division/ New Territories West
7/F., Mongkok Government Offices, 30 Luen Wan Street, Kowloon.
Tel: 2399 2194
Fax: 2381 3799

Enquiries about Seeking LCSD's Agreement

Leisure and Cultural Services Department

[Hong Kong Island]

- Southern District
4/F, Aberdeen Municipal Services Building, 203 Aberdeen Main Road, Hong Kong.
Contact Point: ADLM(S)5
Tel.: 2555 8967
Fax: 2552 8370
e-mail: adlms5@lcsd.gov.hk

- Central & Western District
Room 1001, 10/F, Sheung Wan Municipal Services Building, 345 Queen's Road Central, Hong Kong.
Contact point: ADLM(C&W)4
Tel.: 2853 2564
Fax: 2545 5866
e-mail: adlmcw4@lcsd.gov.hk

- Wan Chai District
9/F, Lockhart Road Municipal Services Building, 225 Hennessy Road and 224 Lockhart Road, Wan Chai, Hong Kong.
Contact point: ADLM(Wch)4
Tel.: 2879 5568
Fax: 2586 1935
e-mail: adlmwch4@lcsd.gov.hk

- Eastern District
3/F, Quarry Bay Municipal Services Building, 38 Quarry Bay Street, Hong Kong.
Contact point: ADLM(E)4
Tel.: 2564 2654
Fax: 2563 2013
e-mail: adlme4@lcsd.gov.hk

[Kowloon]

- Kwun Tong District
Unit 13 - 18 M1/F & Units 110 - 118 M2/F, Tsui Cheung House, Tsui Ping North Estate, Kwun Tong, Kowloon.
Contact Point: ADLM(KT)2
Tel.: 2797 3886
Fax: 2763 7240
e-mail: adlmkt2@lcsd.gov.hk

- Wong Tai Sin District
4/F, Ngau Chi Wan Municipal Services Building, 11 Clear Water Bay Road, Kowloon.
Contact Point: ADLM(WTS)4
Tel.: 2351 7531
Fax: 2328 9841
e-mail: adlmwts4@lcsd.gov.hk

- Kowloon City District
10/F, To Kwa Wan Market and Government Offices, 165 Ma Tau Wai Road, Kowloon.
Contact Point: ADLM(KC)3
Tel.: 2762 2456
Fax: 2713 6690
e-mail: adlmkc3@lcsd.gov.hk
- Yau Tsim Mong District
1/F., Kowloon Park Management Office, 22 Austin Road, Tsim Sha Tsui, Kowloon.
Contact Point: ADLM(YTM)4
Tel.: 2928 8189
Fax: 2736 9555
e-mail: adlmytm4@lcsd.gov.hk
- Sham Shui Po District
6/F, Sham Shui Po Government Offices, 55 Un Chau Street, Sham Shui Po, Kowloon.
Contact Point: ADLM(SSP)4
Tel.: 2370 9012
Fax: 2370 9018
e-mail: adlmssp4@lcsd.gov.hk

[New Territories & Islands]

- Kwai Tsing District
Room 805, 8/F, Kwai Hing Government Offices Building, 166-174 Hing Fong Road, Kwai Chung, N.T..
Contact Point: ADLM(KwT)2
Tel.: 2619 9732
Fax: 2425 1589
e-mail: adlmkwt2@lcsd.gov.hk
- Tsuen Wan District
3/F, Yeung Uk Road Municipal Services Building, Tsuen Wan, N.T..
Contact Point: ADLM(TW)4
Tel.: 2212 9749
Fax: 2944 8950
e-mail: adlmtw4@lcsd.gov.hk
- Tuen Mun District
3/F, Tuen Mun Government Offices Building, 1 Tuen Hi Road, Tuen Mun, N.T..
Contact Point: ADLM(TM)4
Tel.: 2430 9620
Fax: 2459 2175
e-mail: adlmtm4@lcsd.gov.hk
- Yuen Long District
2/F, Yuen Long Government Offices Building and Tai Kiu Market, 2 Kiu Lok Square, Yuen Long, N.T..
Contact Point: ADLM(YL)1
Tel.: 2475 0381
Fax: 2470 7551
e-mail: adlmyl1@lcsd.gov.hk

- North District
4/F, Shek Wu Hui Municipal Services Building, 13 Chi Cheong Road, Sheung Shui, N.T..
Contact Point: ADLM(N)3
Tel.: 2679 2823
Fax: 2671 5410
e-mail: adlmn3@lcsd.gov.hk

- Tai Po District
3/F, Tai Po Complex, 8 Heung Sze Wui Street, Tai Po, N.T..
Contact Point: ADLM(TP)4
Tel.: 3183 9044
Fax: 2651 0315
e-mail: adlmtp4@lcsd.gov.hk

- Sha Tin District
Unit 1207-1212, 12/F, Tower I, Grand Central Plaza, 138 Rural Committee Road, Sha Tin, N.T..
Contact Point: ADLM(ST)3
Tel.: 2634 0141
Fax: 2606 0541
e-mail: adlmst3@lcsd.gov.hk

- Sai Kung District
4/F, Sai Kung Government Offices Building, 34 Chan Man Street, Sai Kung, N.T..
Contact Point: ADLM(SK)3
Tel.: 2791 3135
Fax: 2194 4241
e-mail: adlmsk3@lcsd.gov.hk

- Islands
6/F, Harbour Building, 38 Pier Road, Central, Hong Kong, N.T..
Contact Point: ADLM(Is)3
Tel.: 2852 4581
Fax: 2854 3949
e-mail: adlmis3@lcsd.gov.hk

Enquiries about Obtaining Construction Noise Permit

Environmental Protection Department

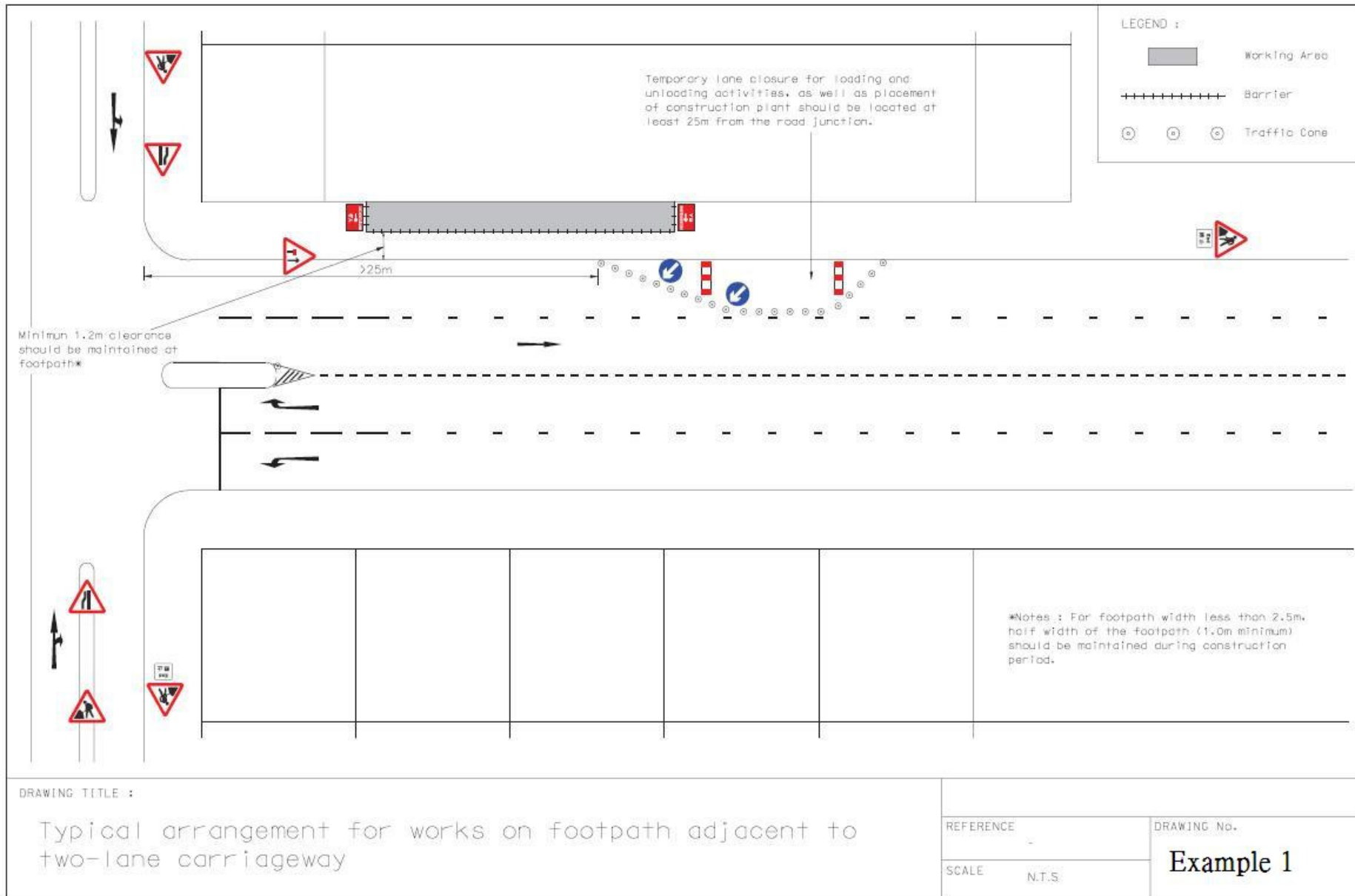
- Regional Office (East)
5/F., Nam Fung Commercial Centre, 19 Lam Lok Street, Kowloon Bay, Kowloon.
Tel: 2755 5518
[Control districts: Kwun Tong, Wong Tai Sin, Sai Kung, Yau Tsim Mong & Kowloon City]

- Regional Office (South)
2/F., Chinachem Exchange Square, 1 Hoi Wan Street, Quarry Bay, Hong Kong.
Tel: 2516 1718
[Control districts: Hong Kong Island & Islands]

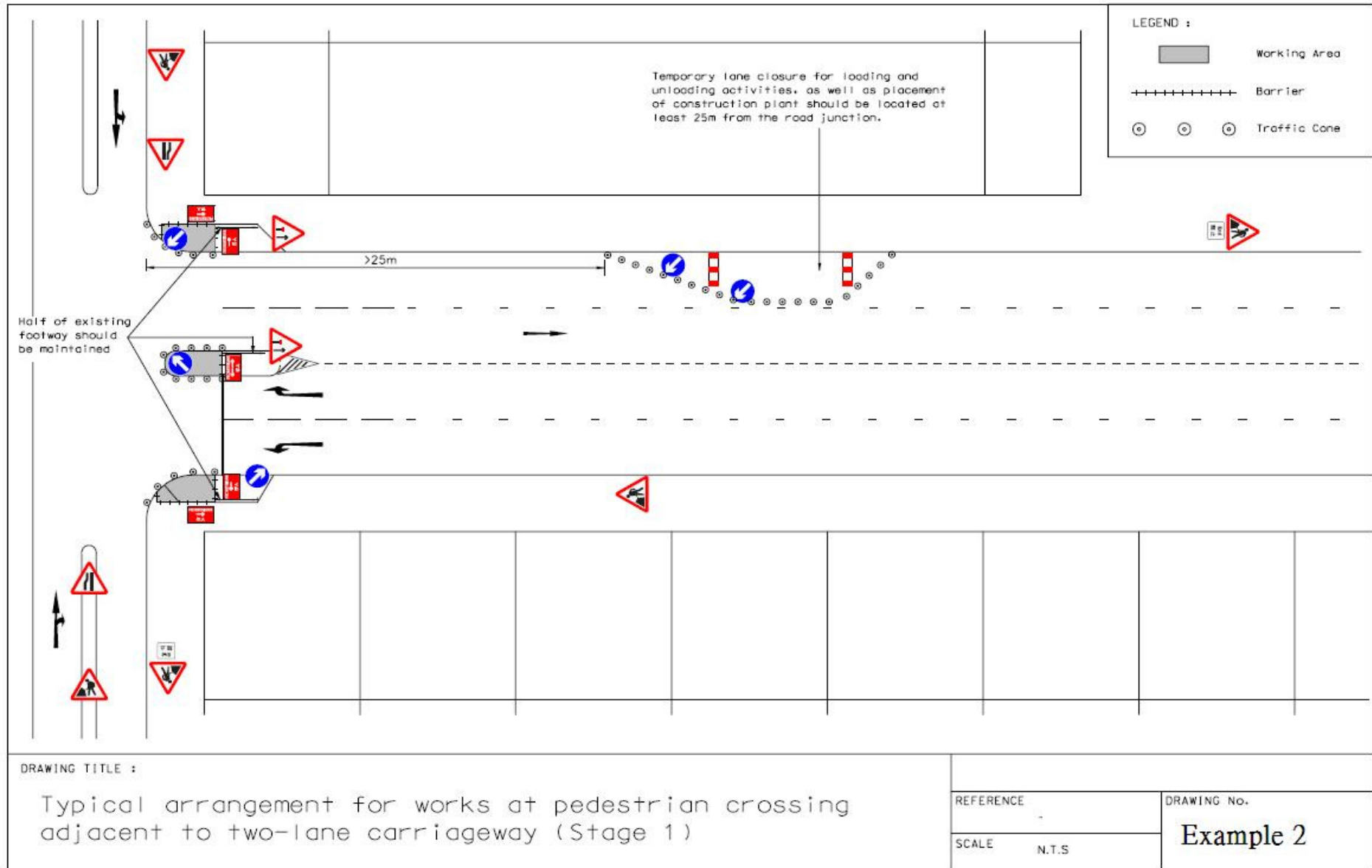
- Regional Office (West)
8/F., Tsuen Wan Government Offices, 38 Sai Lau Kok Road, Tsuen Wan, New Territories.
Tel: 2417 6116
[Control districts: Tuen Mun, Tsuen Wan, Kwai Tsing & Sham Shui Po]

- Regional Office (North)
10/F., Sha Tin Government Offices, No. 1 Sheung Wo Che Road, Sha Tin, New Territories.
Tel: 2158 5757
[Control districts: Yuen Long, Shatin, Tai Po & North]

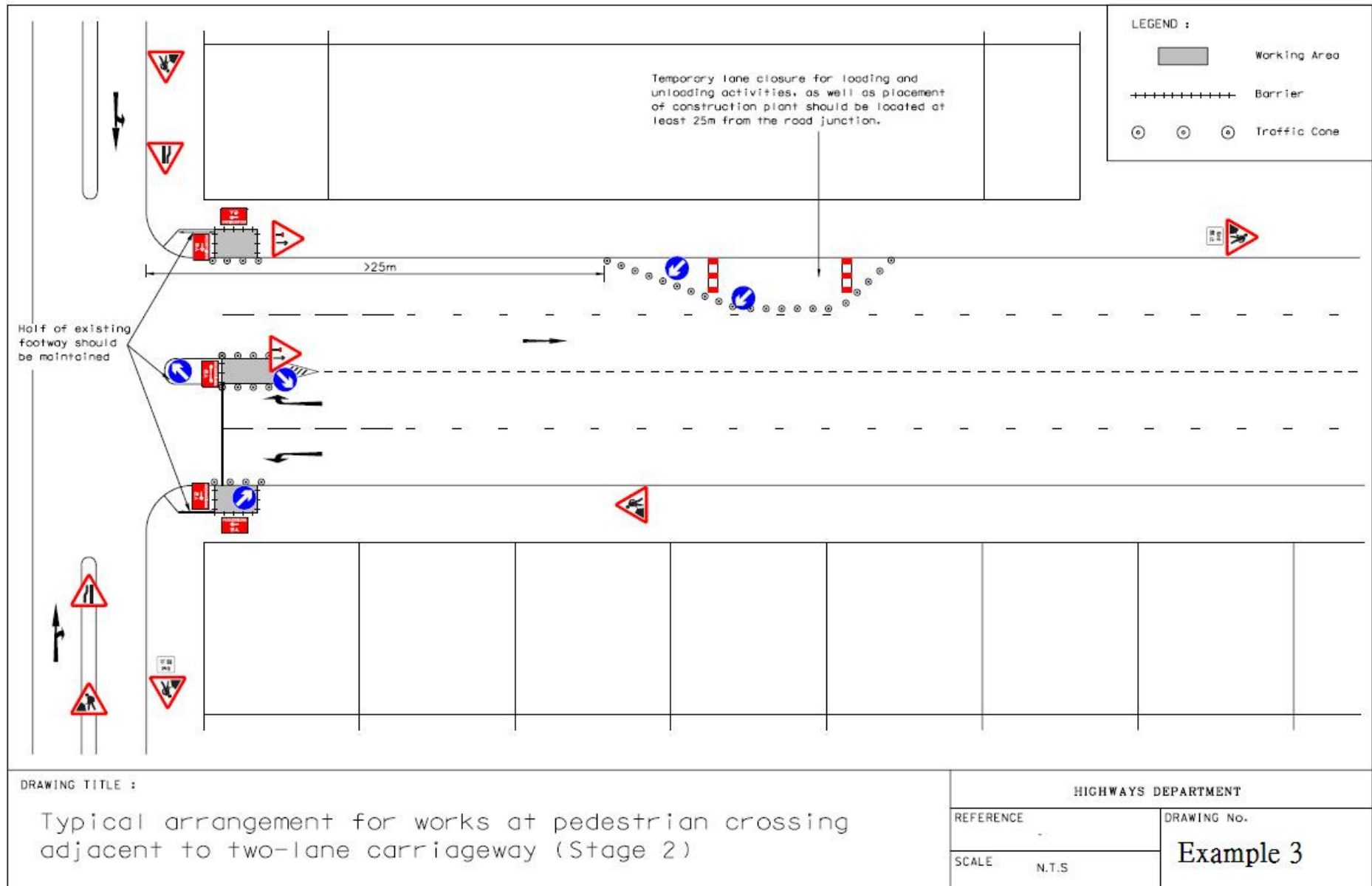
Examples of Temporary Traffic Management (TTM) Proposal



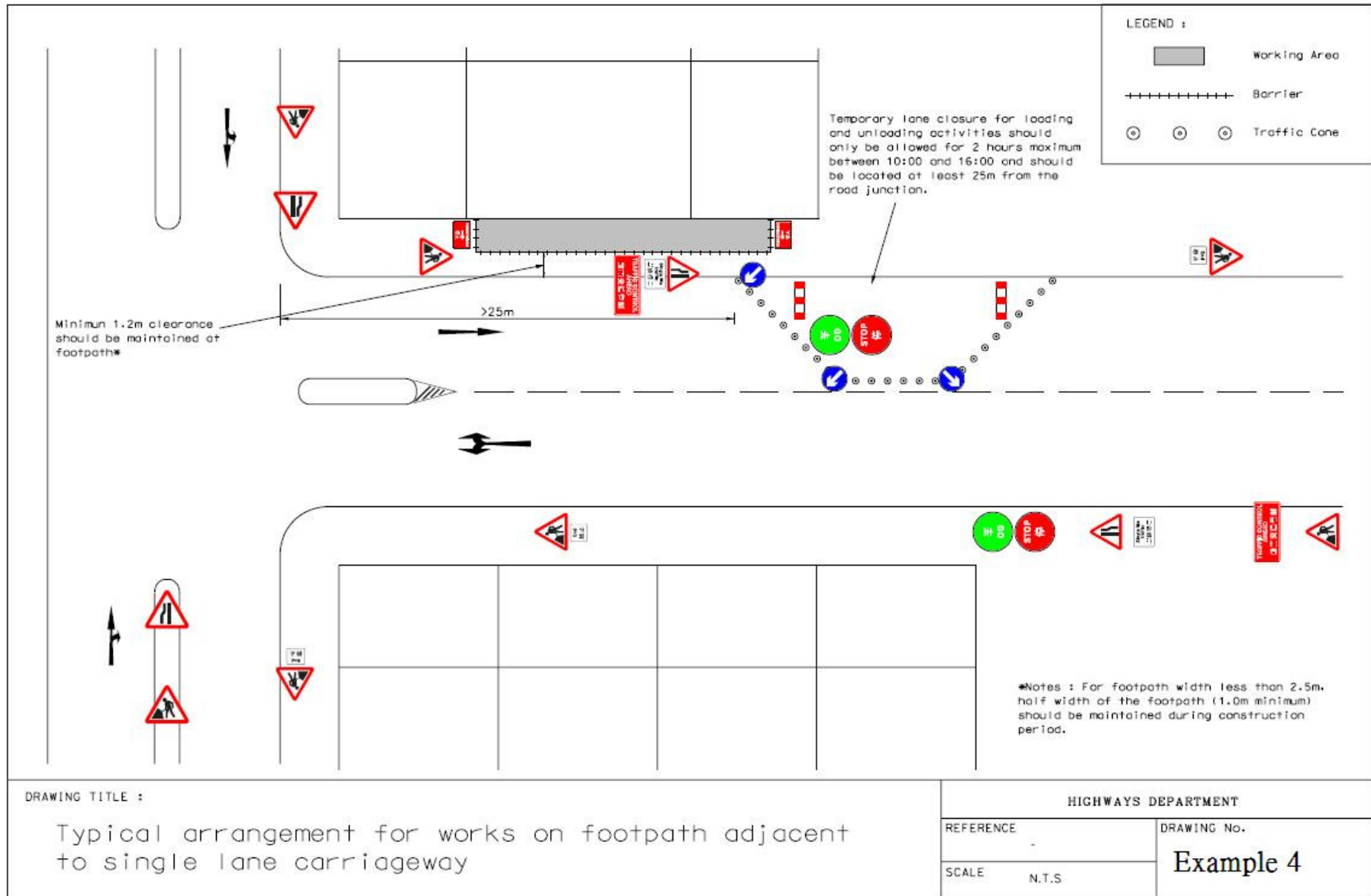
Examples of Temporary Traffic Management (TTM) Proposal



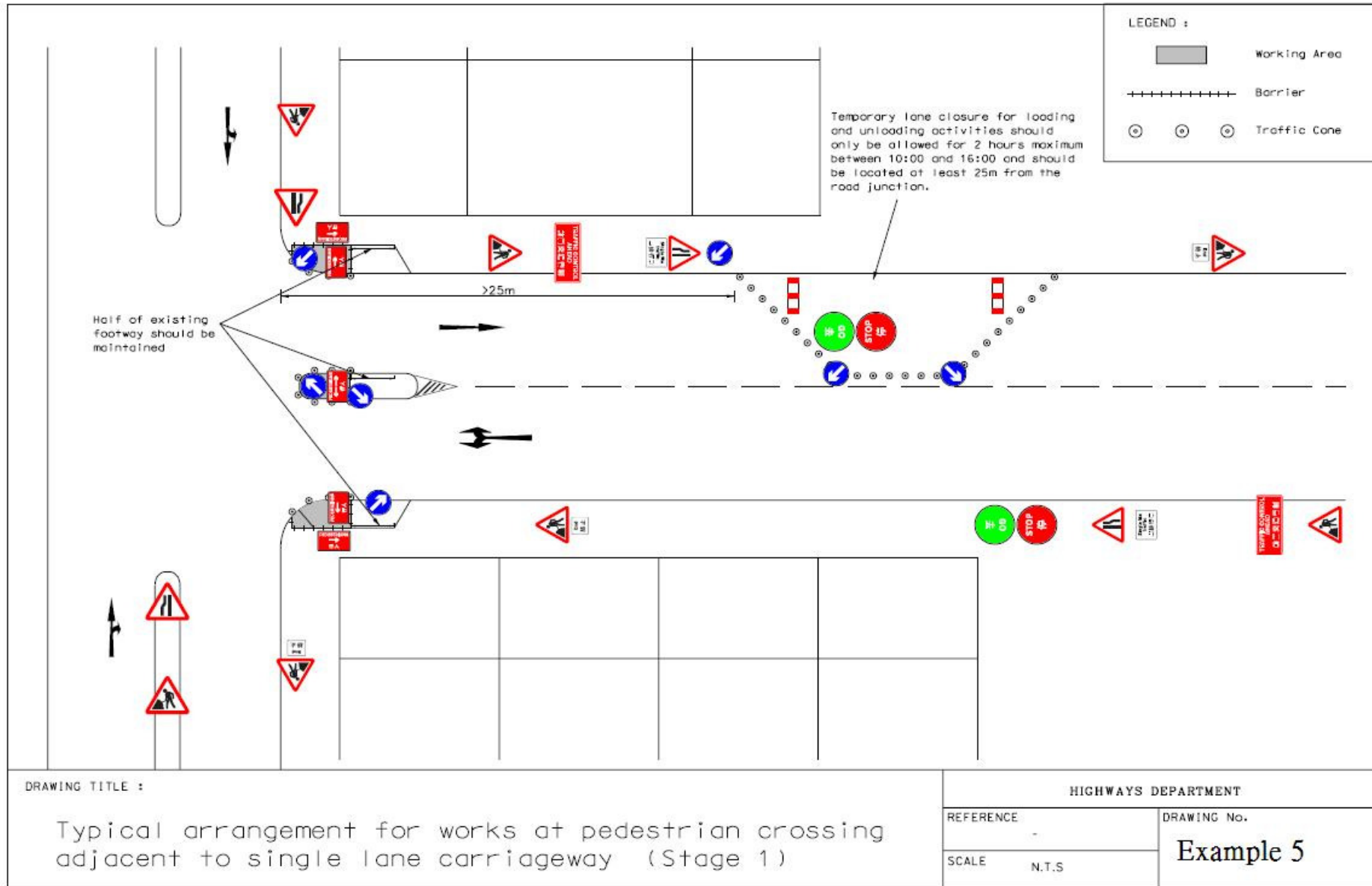
Examples of Temporary Traffic Management (TTM) Proposal



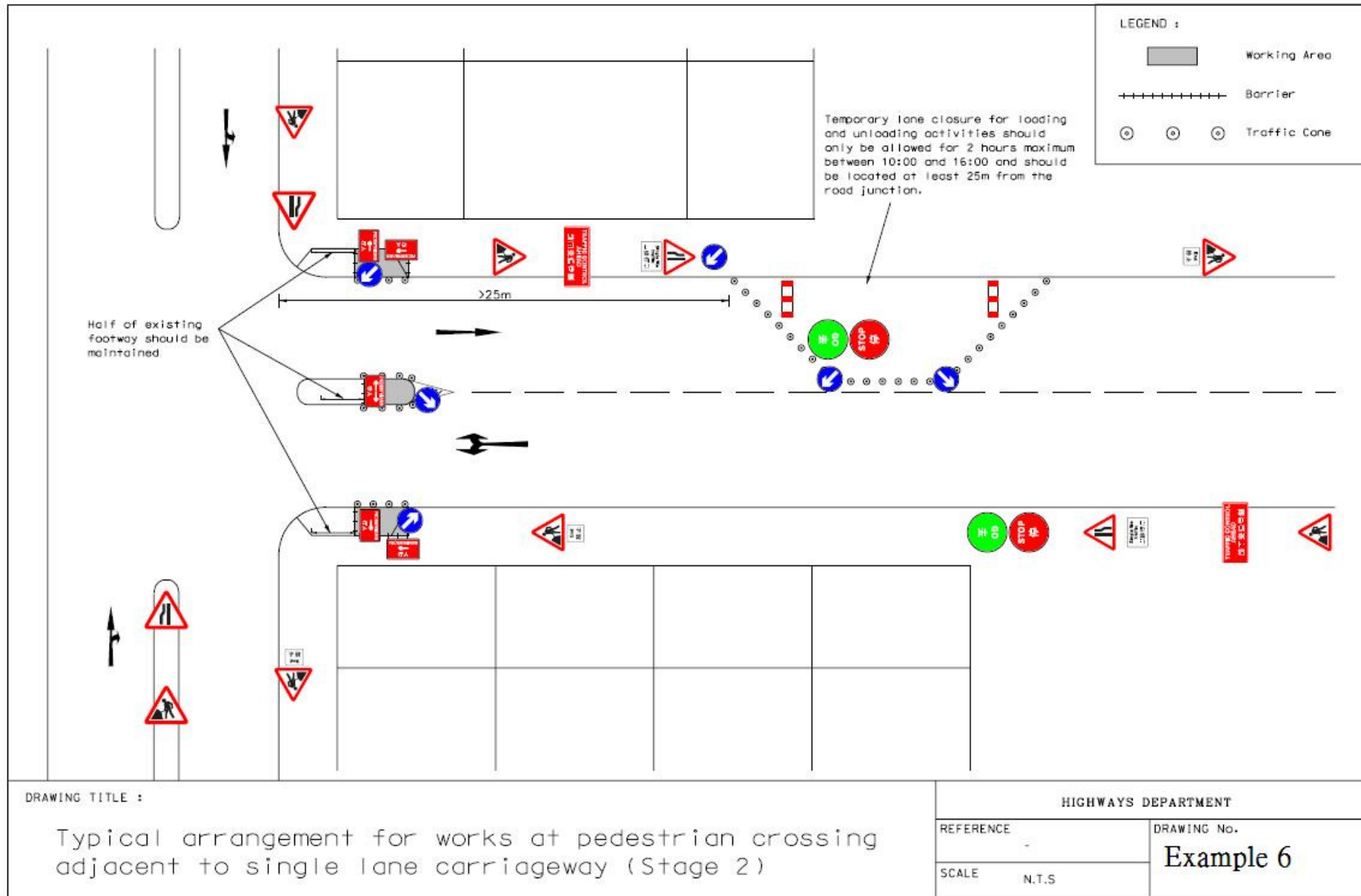
Examples of Temporary Traffic Management (TTM) Proposal



Examples of Temporary Traffic Management (TTM) Proposal



Examples of Temporary Traffic Management (TTM) Proposal



Chapter 5

Section 2 - Excavation Permit Administration Procedure for Landscape Softworks

1.0 Introduction

1.1 When landscape softworks involve excavation, the promoter requires an excavation permit to undertake the works.

2.0 Registration

2.1 As landscape softworks are generally minor in nature and disturbance to the public is minimal, advance registration is not required. An applicant who wants to apply for XPs for landscape softworks through the Excavation Permit Management System (XPMS).

2.2 As Leisure and Cultural Services Department (LCSD) and HyD Landscape Unit (LU) need to carry out landscape softworks frequently at different locations, they are allowed to apply an XP for landscape softworks covering an entire administrative region of the respective XP processing team for a maximum permit period of 1 year.

3.0 Permit Period Assessment

3.1 Except the special arrangement for LCSD and HyD LU mentioned in paragraph 2.2 above, all other applicants are required to select the district or mark the area with a polygon with respect to the works in XPMS together with the supporting information for assessment of the permit period.

4.0 Permit Application

4.1 For issue of an XP for landscape softworks, HyD will charge the applicant an appropriate prescribed fee (i.e. Registration fee plus Daily fee \times number of days of the whole duration of the XP). 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 8.4 to 8.7 of Chapter 4, Section 1 – Excavation Permit Administration Procedure.

4.2 For an applicant with a deposit account, the XPMS would issue the permit to the applicant after the deduction of the prescribed fee from the deposit account. For an applicant without deposit account, a Demand Note (DN) would be issued to the applicant via XPMS. After the confirmation of the settlement of DN, XPMS would issue the permit to the applicant.

5.0 Coordination of Works

5.1 Coordination of works with other parties within works area is not required for execution of landscape softworks having considered the nature and extent of works.

6.0 Traffic Advice

6.1 As landscape softworks do not require breaking up footway or carriageway, traffic advice is not required.

7.0 Advance Notification of Commencement of Works

7.1 The permittee is not required to submit an advance notification (AN) to the respective Regional Offices in advance of the intended commencement date.

8.0 Excavation Permit Extension

8.1 If landscape softworks cannot be completed within the permit period, the permittee shall apply and obtain an extension before the original XP expired. The procedure stated in Chapter 4, Section 1, Paragraph 10 should be followed for application of XP extension. For LCSD and HyD LU, the 1-year XP should not be extended upon expiry. A new 1-year XP should be applied instead.

9.0 Reinstatement of Works

9.1 Upon completion of landscape softworks, the permittee is not required to notify the E/CTO in view of the nature of works involved.

Chapter 5

Section 3 - Excavation Permit Administration Procedure for Parking Meters and Associated Facilities

1.0 Introduction

1.1 Parking meters are installed by Transport Department (TD) to regulate the use of parking spaces. In connection with traffic management schemes or special events, TD's parking meter contractor installs, maintains, suspends and/or removes parking meters and posts and/or parking signs in the territory. Parking meters are installed at a location adjoining the parking spaces on the footpath / pavement or in the parking lots. When the works for parking meters involve excavation, TD requires an excavation permit (XP) to undertake the works.

1.2 The block XP for Parking Meters and Associated Facilities (*hereafter called "XP for Parking Meters"*) is introduced for TD to carry out the parking meter installation, maintenance or removal works, which are small scale excavation, more efficiently while the Director of Highways (DH) as the Authority under Land (Miscellaneous Provisions) Ordinance (LMPO) can maintain his effective control over these works. Each XP for Parking Meters covers an entire administrative region of the respective Highways Department (HyD) Regional Office (i.e. one XP each for Hong Kong, Kowloon and New Territories Regions) and is valid for not more than 184 days unless it is terminated under section 10K of the LMPO. Before expiry of an XP for Parking Meters, the permittee may apply for a new one for the succeeding 184 days.

2.0 Scope of Works

2.1 The following conditions would be imposed on an XP for Parking Meters:-

Works affecting carriageway

(**Remark:** Excavation works in parking lot is **not** considered as "works affecting carriageway".)

- (i) Temporary traffic management (TTM) proposal shall have been agreed with Transport Department (TD) and Hong Kong Police Force (HKPF) prior to the execution of works;
- (ii) Lighting, signing and guarding (LSG) proposal shall have been agreed by HKPF prior to the execution of works;
- (iii) Total area of each excavation job (excluding the extent for permanent reinstatement) shall not exceed a 4m² boundary;
- (iv) Closure of any part of carriageway for each incident shall not exceed 24 hours. This time limit shall not include the period of inclement weather

- which includes the hoisting at the Hong Kong Observatory of-
- (a) the No.3 visual storm warning or above; and
 - (b) rainstorm warning;
- (v) No work on carriageway with road opening restriction is allowed unless with prior approval from the respective HyD Regional Office;

Works NOT affecting carriageway

- (vi) Total area of excavation of each excavation job (excluding the extent for permanent reinstatement) shall not exceed a 4m² boundary; and
- (vii) Each excavation job shall be completed within 48 hours counting from the commencement of excavation on site, excluding curing period. This time limit shall also not include the period of inclement weather which includes the hoisting at the Hong Kong Observatory of-
 - (a) the No.3 visual storm warning or above; and
 - (b) rainstorm warning.

It is permitted that more than one permittee carry out excavation at the same location concurrently. However, the permittees shall coordinate among themselves.

Particularly for excavation works not affecting carriageway, the permittee is not required to submit LSG proposal to HKPF for approval.

3.0 Permit Application

- 3.1 The applicant should register his application for an XP for Parking Meters through the Excavation Permit Management System (XPMS) at least 1 month before the applied commencement date of the XP.
- 3.2 The applicant may nominate his contractor as nominated permittee. Details are described in Section 7 - Nominated Permittee Approval/ Withdrawal/ Removal Procedures.
- 3.3 For issue of an XP for Parking Meter, HyD will charge the applicant an appropriate prescribed fee (i.e. Registration fee plus Daily fee × number of days of the whole duration of the XP for Parking Meters). For details of the prescribed fee, see Appendix 2.1.3. The processing procedures for payment of permit fee are same as that described in para. 8.4 to 8.7 of Chapter 4, Section 1 - Excavation Permit Administration Procedure. TD may apply for 3 XP for Parking Meters, one each for Hong Kong Island, Kowloon and the New Territories from respective Regional Office of HyD.

4.0 Coordination of Works

- 4.1 Coordination of works with other parties within works area will be carried out on site for the execution of works for parking meters and parking signs having considered the nature and extent of works.

5.0 Advance Notification of Commencement of Each Excavation Job

- 5.1 Whenever the need to carry out an excavation by using the XP for Parking Meters, the permittee should register the excavation job in XPMS, stating the location, proposed start and end date, and digitize the trench location.

- 5.2 When each excavation job is about to commence, advance notification (AN) is required to be submitted by the permittee to HyD through XPMS in advance of the intended commencement date in accordance with the following requirements:

for works affecting carriageway – AN shall be submitted through XPMS at least 2 working days, excluding Sunday and Public Holiday, in advance of the intended commencement date; and

for works NOT affecting carriageway - AN shall be submitted through XPMS at least half working day, excluding Sunday and Public Holiday, in advance of the intended commencement date.

Failure to comply with the above requirements will be considered as a non-compliance (NC) with the permit condition.

- 5.3 If an AN has been submitted and later it turns out that the intended commencement date must be postponed, the applicant should cancel the AN via XPMS immediately, and then submit a new AN once the commencement date is ascertained. The new AN is allowed to be submitted less than the lead time requirements stated in para. 5.2 above prior to the commencement of works.

6.0 Site Audit Inspection

- 6.1 Upon receipt of any AN, the Audit Inspection Team (AIT) will carry out audit inspections of the excavation site. Any 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 are described in Chapter 9 – Audit Inspection.

7.0 Completion of Each Excavation Job

- 7.1 The permittee is required to notify the E/CTO of respective HyD Regional Office

upon completion of each excavation job via XPMS.

- 7.2 On receipt of the notification, the E/CTO of the respective maintenance district in the HyD Regional Office should arrange site inspection to confirm completion of works and acceptance of reinstatement within 7 working days. After site inspection, the responsible Inspector of Works (IOW) will inform the permittee via XPMS whether he agrees that the works have been satisfactorily completed. If the IOW disagrees that the works have been satisfactorily completed, he will inform the permittee via XPMS about which items do not comply with the requirements/specifications and request the permittee to rectify as soon as practicable.

8.0 Refund of Daily Fee for Early Completion of XP for Parking Meters

- 8.1 The XP for Parking Meters will expire on the date specified on the permit. However, if -

- (i) the permittee notifies the E/CTO of the respective HyD Regional Office to terminate the permit before the expiry date of the block XP; and
- (ii) the E/CTO is satisfied that the permittee has reinstated the land to which the permit relates as required by the permit conditions,

the E/CTO may refund a sum which is equivalent to the daily fee paid in respect of the period commencing from the date next following such date of notification and expiring on the expiry date of the permit. Details of procedures for refund are described in Section 10 - Refund of Daily Fee and Economic Costs Procedure.

9.0 Reinstatement of Works within Defects Liability Period

- 9.1 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 notification of completion. 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 notification of completion, 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 maintenance district in the HyD Regional Office should arrange inspection to identify any defects

associated with the reinstatement before the end of the liability period. The permittee will be required to make good the defects if any.

- 9.2 If the permittee declines to make good the defects, the E/CTO of the respective maintenance district in the HyD Regional Office shall 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 from the permittee.

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.

Enquiries for XP Application

HyD Offices

□ **Urban Region/ Hong Kong**

7/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.
Fax : 2576 6244

For enquiries by phone, please contact:

Engineer/Excavation Permit (Hong Kong North & West)
Tel: 2231 5632

Engineer/Excavation Permit (Hong Kong East & South)
Tel: 2231 5814

□ **Urban Region/ Kowloon**

13/F., Nam Fung Commercial Centre, 19 Lam Lok Street, Kowloon Bay, Kowloon.
Fax : 2758 3394

For enquiries by phone, please contact:

Engineer/Excavation Permit (Kowloon East)
Tel: 2707 7281

Engineer/Excavation Permit (Kowloon West)
Tel: 2707 7237

□ **New Territories Region**

19/F., One Sky Parc, 53 Hung To Road, Kwun Tong, Kowloon, Hong Kong
Fax : 2714 5228

For enquiries by phone, please contact:

Maintenance Engineer/Excavation Permit (East)
Tel: 3565 4202

Maintenance Engineer/Excavation Permit (West)
Tel: 3565 1847

Enquiries about Traffic Advice

Hong Kong Police Force

- Road Management Office (Hong Kong Island)
Room 304, 3/F., Happy Valley Police Station, 60 Sing Woo Road, Happy Valley, Hong Kong.
Tel: 2835 5278
Fax: 2803 4783

- Road Management Office (Kowloon West)
Room 208, 2/F., Traffic Kowloon West Operational Base, 8 Wai Wan Lane, Hung Hom, Kowloon.
Tel: 2773 5240
Fax: 2399 7659

- Road Management Office (Kowloon East)
1/F., Kowloon East Operational Base, 2 Siu Yip Street, Kowloon Bay, Kowloon.
Tel: 2755 3515
Fax: 2750 4456

- Road Management Office (New Territories South)
Room 1, G/F., E&C Block, New Territories South Operational Base, 4 Castle Peak Road, Tsuen Wan, New Territories.
Tel: 2611 3388
Fax: 2415 1636

- Road Management Office (New Territories North)
G/F., Tai Hing Operational Base, 80 Tsun Wen Road, Tuen Mun, New Territories.
Tel: 2467 7793
Fax: 2463 4236

Transport Department

- Traffic Engineering Division/ Hong Kong
37/F., Immigration Tower, 7 Gloucester Road, Wan Chai, Hong Kong.
Tel: 2829 5815
Fax: 2824 0399

- Traffic Engineering Division/ Kowloon
8/F., Mongkok Government Offices, 30 Luen Wan Street, Kowloon.
Tel: 2399 2471
Fax: 2397 8046

- Traffic Engineering Division/ New Territories East and
Traffic Engineering Division/ New Territories West
7/F., Mongkok Government Offices, 30 Luen Wan Street, Kowloon.
Tel: 2399 2194
Fax: 2381 3799

Enquiries about Construction Noise Permit

Environmental Protection Department

- **Regional Office (East)**
5/F., Nam Fung Commercial Centre, 19 Lam Lok Street, Kowloon Bay, Kowloon.
Tel: 2755 5518
[Control districts: Kwun Tong, Wong Tai Sin, Sai Kung, Yau Tsim Mong & Kowloon City]

- **Regional Office (South)**
2/F., Chinachem Exchange Square, 1 Hoi Wan Street, Quarry Bay, Hong Kong.
Tel: 2516 1718
[Control districts: Hong Kong Island & Islands]

- **Regional Office (West)**
8/F., Tsuen Wan Government Offices, 38 Sai Lau Kok Road, Tsuen Wan, New Territories.
Tel: 2417 6116
[Control districts: Tuen Mun, Tsuen Wan, Kwai Tsing & Sham Shui Po]

- **Regional Office (North)**
10/F., Sha Tin Government Offices, No. 1 Sheung Wo Che Road, Sha Tin, New Territories.
Tel: 2158 5757
[Control districts: Yuen Long, Shatin, Tai Po & North]

CHAPTER 6

NOTIFICATION PROCEDURE

Chapter 6

Section 1 - Notification Procedure

1.0 Introduction

1.1 The Director of Highways (DHy) acting as the Authority or his delegate under some sections of the Land (Miscellaneous Provisions) Ordinance (LMPO) is required to serve notice on the parties including permittee, nominated permittee or to notify the Secretary for Development (SDEV). This procedure is to ensure that all notices are served strictly in compliance with the LMPO.

2.0 Service of Notice

2.1 As stipulated in section 10V of the LMPO, a notice shall be deemed to be served under the following circumstances:-

- (i) In case of an individual, it is:-
 - (a) delivered to him;
 - (b) left at his last known address for service, or at his last known place of residence or business, in Hong Kong;
 - (c) sent by post to him at his last known address for service, or at his last known postal address, in Hong Kong; or
 - (d) send by telex, facsimile transmission or other similar method to him at his last known address for service, or at his last known postal address, or at his last known place of residence or business, in Hong Kong.

- (ii) In case of a company, it is:-
 - (a) given to or served on a director or manager of the company;
 - (b) left at the company's last known address for service, or at its last known place of business, in Hong Kong;
 - (c) sent by post to the company at its last known address for service, or at its last known postal address, in Hong Kong; or
 - (d) send by telex, facsimile transmission or other similar method to the company at its last known address for service, or at its last known postal address, or at its last known place of business, in Hong Kong.

- (iii) In case of a partnership, it is:-
 - (a) delivered, left or sent in accordance with paragraph (i) above in respect of any partner who is an individual; or
 - (b) given, left or sent in accordance with paragraph (ii) above in respect of any partner which is a company.

- (iv) in case of a person (“attorney”) holding a power of attorney under which the attorney is authorized to accept service in respect of another person on whom it is required to be sent or served, it is-
 - (a) where the attorney is an individual, delivered, left or sent in accordance with paragraph (i) above;
 - (b) where the attorney is a company, given, left or sent in accordance with paragraph (ii) above;
 - (c) where the attorney is a partnership, delivered, left or sent in accordance with paragraph (i) in respect of any partner who is an individual; or
 - (d) where the attorney is a partnership, given, left or sent in accordance with paragraph (ii) above in respect of any partner which is a company.

2.2 Basically, in respect of service of notice in excavation permit (XP) administration and processing, the applicants are divided into two categories namely Excavation Permit Management System (XPMS) user and non-XPMS user.

- (i) For XPMS users such as utility undertakings and government departments, the notice shall be:-
 - (a) sent to him through XPMS; or
 - (b) sent by facsimile transmission to him at fax number stated in the application form if XPMS has broken down; or
 - (c) sent by post to him at the address stated in the application form if XPMS has broken down and he has not provided his contact fax number in the form.

- (ii) For non-XPMS users such as Authorized Person for private project, the notice shall be:-
 - (a) sent by facsimile transmission to him at fax number stated in the application form; or

- (b) sent by post to him at the address stated in the application form if he has not provided his contact fax number in the form.

2.3 In respect of notifying the SDEV, the memo shall be:-

- (i) delivered to the officer in charge; or
- (ii) sent by dispatch or facsimile transmission to the officer in charge.

2.4 Sections of the LMPO under which DHy or his delegate is required to serve notice on the permittee, nominated permittee or to notify the SDEV are shown in the Appendix 6.1.1.

List of sections of LMPO under which DHy or his delegate is required to serve notice

Section	DHy's delegate responsible for serving notice	To whom the notice shall be served	Related Issue
10E(3)	E/CTO of the respective Regional Office	Applicant of permit or permit extension	Refusal of issue of permit or extension permit
10F(3)	E/CTO of the respective Regional Office	Permittee	The Engineer's assessment on the extension period applied by the permittee who submitted the application not more than 4 working days before the expiry of the permit (i.e. late application for extension of XP).
10J(2)(b)	E/CTO of the respective Regional Office	Permittee and nominated permittee	Withdrawal of approval to the nomination of a contractor as a nominated permittee.
10K(1)(a)	CHE of the respective Regional Office	Permittee and the nominated permittee (if any)	Termination of XP or emergency excavation permit (EXP).
10M(2)	E/CTO of the respective Regional Office	Permittee	Result of the Engineer's assessment on the permittee.
10M(4)	CHE of the respective Regional Office	Permittee	Result of the Chief Engineer's review on the Engineer's assessment.
10M(8)	SE/QM, HyD HQ	SDEV	Notify the SDEV who will set up a Review Board in accordance with section 10O of LMPO.

10M(11)	SE/QM, HyD HQ	Permittee	Review Board's decision on the permittee's appeal.
10P(4)	SE/QM, HyD HQ	SDEV	Notify the SDEV in case there is an equality of votes

CHAPTER 7

GAZETTE PROCEDURE

Chapter 7

Section 1 – Gazette Notice

1.0 Introduction

1.1 The Director of Highways (DHy) as the Authority may, by notice published in the Gazette-

- (i) designate any street or part of a street as a strategic street, a sensitive street or a remaining street;
- (ii) specify time limit for submission of an application for excavation permit (XP) and extension of permit period; and
- (iii) specify road opening restriction on newly constructed street

under relevant sections of the Land (Miscellaneous Provisions) Ordinance (LMPO).

2.0 Designation of Strategic Street, Sensitive Street and Remaining Street

2.1 Under section 10U(1)(a) of the LMPO, DHy may publish a notice in the Gazette to-

- (i) designate any street or part of a street as a strategic street, a sensitive street or a remaining street after taking into consideration the economic costs of traffic delay in a carriageway caused or likely to be caused by an excavation carried out on the street; and
- (ii) amend or revoke any such designation.

2.2 Research and Development (R&D) Division of Highways Department (HyD) should arrange the gazette notice stated in para. 2.1 above for the 1st publication. The respective HyD Regional Office should be responsible for subsequent updating of the lists of strategic streets, sensitive streets and remaining streets and preparing gazette notice when taking over any new street for maintenance. At the same time, the Regional Office should update the Day-time Ban Route/ Traffic Impact Assessment Route, if necessary.

2.3 Each HyD Regional Office should have a complete set of plans indicating the above-mentioned designated streets for inspection by members of the public free of charge during office hours.

3.0 Time Limit for Submission of an Application for Excavation Permit and Extension of Permit Period

3.1 Under section 18C(1)(a) of the LMPO, DHy may publish a notice in the Gazette specifying the time limit for the submission of an application for-

- (i) the issue of an XP or emergency excavation permit (EXP) in relation to an excavation or any class of excavation; or
- (ii) the extension of the period for which an XP is valid in relation to an excavation or any class or excavation.

3.2 The 1st publication and subsequent updating of gazette notices stated in para. 3.1 above should be arranged by R&D Division of HyD.

4.0 Road Opening Restriction on Newly Constructed Street

4.1 Under section 18C(1)(b) of the LMPO, DHy may publish a notice in the Gazette to specify road opening restriction on newly constructed street

4.2 The 1st publication and subsequent updating of gazette notices stated in para. 4.1 above should be arranged by R&D Division of HyD.

4.3 Each HyD Regional Office should have a set of drawings which it may be updated from time to time showing all streets which have been classified as newly constructed streets for inspection by members of the public free of charge during office hours.

CHAPTER 8

ASSESSMENT REVIEW

CHAPTER 8

ASSESSMENT REVIEW

8.1 This Chapter is to provide guidance on assessment review.

8.2 This Chapter comprises the following sections

Section 1 Assessment Review Procedure

Section 2 Guidance Notes for Review Panel and Review Board

Chapter 8

Section 1 – Assessment Review Procedure

1 Introduction

Under the Land (Miscellaneous Provisions) Ordinance Cap 28 (the Ordinance), a public officer of the rank of Chief Technical Officer (CTO), Engineer (E) or Senior Engineer (SE) of Regional Office of Highways Department (the Department) shall make an assessment on matters relating to the duration of an excavation permit (XP) or its extended period, duration of initial period of an emergency excavation permit (EXP), and refund of daily fee and/or economic costs paid for extension of an excavation permit as stipulated in section 10M(1) (a) – (i) of the Ordinance. If the permittee of XP/EXP is aggrieved by this assessment, he may apply in writing to Chief Engineer (CE) of Regional Office for review. CE of Regional Office shall then make a review of the application under section 10M(4) of the Ordinance.

If the permittee is aggrieved by the decision made by the CE, he may further apply in writing to the Director of Highways (DHy) for a review of CE's decision under section 10M(7) of the Ordinance. The Secretary for Development (SDEV) will then set up a Review Board (RB) under section 10O of the Ordinance to hear the review application.

This document sets out the procedures for reviewing the assessments made under section 10M of the Ordinance. This document should be read in conjunction with the Ordinance, related legislation and procedures, and Guidance Notes issued by the Department.

2 Assessment Review By Chief Engineer of Regional Office

2.1. Checking of Validity Period and Permittee's Assessment

Upon receiving an application submitted by the permittee for review of CTO/E/SE's assessment made under section 10M(1) (a) – (i) of the Ordinance, the CE shall check whether:

- (a) the application is submitted within the statutory validity period (i.e. 28 days from the date of service of the notice of the result of the CTO/E/SE's assessment); and
- (b) the permittee has set out his own assessment.

If the application is submitted beyond this validity period, CE shall inform the permittee in writing of his application being considered as invalid within 7 days from the date of receiving the application.

2.2. Chief Engineer's Review

- 2.2.1 If the application is submitted within the validity period stated in para. 2.1 above, CE will review the CTO/E/SE's assessment and serve a notice of his review result on the permittee within 28 days from the date of receipt of the permittee's application for review.
- 2.2.2 If CE fails to serve notice of his review result to the permittee within the specified period stated in para. 2.2.1 above, then:
- (a) the permittee's own assessment if he has submitted together with his application for review; or
 - (b) in any other case, the CTO/E/SE's assessment, where appropriate, shall be taken to be the CE's review result.
- 2.2.3 In the CE's review result, CE may:
- (a) vary the CTO/E/SE's assessment complained of;
 - (b) require the permittee to pay extra prescribed fee; and
 - (c) refund the prescribed fee or any part of prescribed fee paid by the permittee, where appropriate.

3 Assessment Review By Review Board

3.1 Checking of Validity Period and Permittee's Assessment

Upon receiving an application for review of CE's decision, Senior Engineer/Quality Management (SE/QM) of the Department shall check whether:

- (a) the application is submitted within the statutory validity period (i.e. 28 days from the date of service of the notice of the result of the CE's review); and
- (b) the permittee has set out his own assessment.

If the application is submitted beyond this validity period, SE/QM shall inform the permittee in writing of his application being considered as invalid within 7 days from the date of receiving the application.

3.2 Notification to SDEV

If the application is submitted within the validity period stated in 3.1 above, SE/QM shall within 7 days from the date of receiving the application:

- (a) prepare a memo for DHy to notify SDEV; and
- (b) submit a list of potential candidates as RB members to SDEV for setting up a RB.

3.3 Setting Up a Review Board

3.3.1 SE/QM shall liaise with SDEV in order to ensure that:

- (a) SDEV has served a notice on the list of potential RB members requiring them to make declaration as to whether they have direct or indirect interest in the review;
- (b) all declarations from the potential RB members are made within 7 days from the date of service of SDEV's notice;
- (c) SDEV has served a notice on the permittee notifying him the names of the members shortlisted and his right to raise any objection to the appointment of any member on ground of direct / indirect interest of any members;
- (d) the permittee's objection is made within 7 days from the date of service of SDEV's notice;
- (e) objection be made in writing and accompanied by all written statements and other documentary evidence;
- (f) within 14 days from the expiry of the period of declaration of interest and the raising of objections, SDEV will finalize the composition of RB with DHy as Chairman, SE/QM as Secretary of RB and appoint either of the following as RB members:
 - (a) one Government Engineer (GE) from HyD, one Review Panel¹ member and one other person as SDEV thinks fit; or
 - (b) one GE from HyD, one Review Panel member and three other persons as SDEV thinks fit.

3.3.2 SE/QM will, within 7 days from the date of receiving SDEV's notification of establishment of RB, inform the applicant and the CE in writing of the establishment and composition of RB. The CE will also be informed of details of the applicant's own assessment and his right to submit a written response to the application if he wishes to do so within 7 days from the date of issue of notification of RB's establishment. SE/QM will also keep the applicant informed of CE's written response, if any.

3.4 Review Board's Review

3.4.1 Upon setting up of a RB, SE/QM shall arrange to fix a time and place for RB to hear the application for review.

¹ Guidance for setting-up Review Panel is outlined in section 10(N) of the Ordinance.

- 3.4.2 SE/QM will arrange to invite the permittee and the CE to present case in the RB.
- 3.4.3 SE/QM shall check whether all RB members are present before proceeding to hearing. The RB shall not proceed to hear the application unless all members appointed are present in the RB. SE/QM shall keep records of RB meeting.
- 3.4.4 In the RB meeting, RB members shall review the application and make a decision by a majority of vote of the members. The Chairman shall not vote at the hearing.
- 3.4.5 SE/QM shall ensure that a notice of RB's decision on the permittee be served by DHy within 14 days from the date of RB's decision.
- 3.4.6 If DHy fails to serve notice of RB's decision to the permittee within the specified period stated in para. 3.4.5 above, then:
- (a) the permittee's own assessment if he has submitted together with his application for review; or
 - (b) in any other case, CE's decision, where appropriate, shall be taken to be RB's review result.
- 3.4.7 In the RB review result, RB may:
- (a) vary the CE's decision;
 - (b) require the permittee to pay extra prescribed fee; and
 - (c) refund any prescribed fee or any part of prescribed fee paid by the permittee.

3.5 Rehearing of Review Case

- 3.5.1 Equality of Vote
- (i) When there is an equality of vote in the RB meeting, DHy shall discharge the RB. SE/QM shall prepare a memo for DHy's signature to notify SDEV for discharging the RB.
 - (ii) SE/QM shall liaise with SDEV to ensure that another RB is appointed to rehear the review case. Rehearing will normally be conducted not later than 90 days from the date of first hearing.
 - (iii) A new RB shall then rehear the review case and make a decision by a majority of vote of RB members.
 - (iv) If equality of vote arises again in the RB's review under item (iii) above,

then:

- (a) the permittee's own assessment if he has submitted together with his application for review; or
 - (b) in any other case, the CE's decision, where appropriate,
- shall be taken to be the RB's decision and the RB may, in accordance with this result, exercise its power stated in para. 3.4.7 above.

3.5.2 Discovery of Conflict of Interest

- (i) If at any time during the review proceedings, it is discovered that any RB member has a direct or indirect conflict of interest in the review, DHy may adjourn the review and inform SDEV.
- (ii) SE/QM shall liaise with SDEV for terminating the appointment of the RB member who has a conflict of interest and appoint other RB members by going through the procedures in para. 3.3 above.
- (iii) A new RB shall then rehear the review case wholly or in part.

4 Appeals against Review Board's Decision

SE/QM will provide support, if necessary, to the Administrative Appeals Board (AAB) in case a person, who is aggrieved by RB's decision made under section 10M(13) relating to an assessment made under section 10M(1)(d), (g), (h) & (i) of the Ordinance and appeals to the AAB under section 18B of the Ordinance.

Chapter 8

Section 2 - Guidance Notes for Review Panel and Review Board

1. Introduction

- 1.1 Under the Land (Miscellaneous Provisions) Ordinance, Cap 28 (the Ordinance), road excavation promoters have to pay excavation permit fees and daily fees for the duration of the permit. For excavation in carriageway a daily economic cost will be charged for the period extended for completion of the road excavation works. Such daily economic cost varies depending on the type of carriageway in traffic terms. For details, see Appendix 2.1.3. The purpose is to encourage the promoters to carry out their work diligently within the period approved so that disruption to traffic can be minimized. The fees and economic costs for excavations on streets maintained by HyD are prescribed in Parts I and III of Schedule 3 to the Land (Miscellaneous Provisions) Regulations (Cap 28A). Despite that methodical ways of assessing permit periods are developed, circumstances may still arise in which the promoters do not agree with the permit periods approved, and in the case of permit extensions, on the economic costs charged.
- 1.2 The Ordinance provides for a review mechanism in which an applicant who is aggrieved by the assessment made by Highways Department (HyD), normally by an engineer, on the duration an excavation permit or its extension and so on, to apply in writing for review to the Chief Engineer (CE) of the permit-issuing office. If the applicant is not satisfied with the decision of the CE and the matter is not settled at this level, he may further apply in writing for a review to the Director of Highways (DH) who chairs a Review Board to review the case.
- 1.3 This guidance serves to give some guidance on the operation of Review Board.

2. The Review Panel and its Formation

- 2.1 In order to conduct the review process in an impartial manner, there will be a Review Panel appointed by the Secretary for Development (SDEV). The Ordinance authorises the SDEV to appoint a panel of not more than 20 persons whom he considers suitable to sit as members of a Review Board to review the CE's decision. In order to achieve greater independence and credibility in a review case, only non-government officers are appointed to be the Review Panel members.

2.2 To ensure more representative in the review, potential members of the Review Panel are invited from various sectors, such as contractors, property developers, academia, learned societies, and consultants. Potential members nominated from organisations of these sectors will then be submitted by DHy to SDEV for formation of the Review Panel. A table showing the composition of the current Review Panel as follows:

Sectors	Nominating Organisations	No. of panel member
Academia	a) The University of Hong Kong	1
	b) The Hong Kong Polytechnic University	1
	c) The Hong Kong University of Science and Technology	1
	d) City University of Hong Kong	1
Learned Societies	a) The Hong Kong Institution of Engineers	2
	b) The Hong Kong Institute of Architects	2
Utilities Undertakings	Joint Utilities Policy Group	3
Consultants	The Association of Consulting Engineers of Hong Kong	3
Contractors	The Hong Kong Construction Association	3
Developers	The Real Estate Developers Association of Hong Kong	1
Others	MTR Corporation Limited	2

Total number of panel members = 20

3. The Review Board and its Composition

Upon receipt of an application for reviewing CE's decision, a Review Board shall be established by the SDEV. The Review Board may comprise 3 or 5 members (excluding the Chairman), and to ensure that the majority of members are non-government officers, the composition of the Review Board would:-

Either

AD/T, HyD + 1 Review Panel member + 1 other person as SDEV thinks fit;

or

AD/T, HyD + 1 Review Panel member + 3 other persons as SDEV thinks fit.

The Chairman of Review Board is DHy. The Review Board is serviced by a Secretary, Senior Engineer/Quality Management (SE/QM) of HyD, who will keep records of Review Board meeting. The terms of reference of the board is shown in Appendix 8.2.1.

4. The Review Process

Basically, the review process follows the Assessment Review Procedures (Section 1 of Chapter 8). Prior to the hearing, all comments received from the applicant and CE will be sent to the Review Board members for perusal. The Review Board members will make a decision by a majority of vote after considering all written representation from the applicant and the CE, and the presentation of both parties at the hearing.

5. Review Cases

The review cases handled by the Review Board may in general comprise the followings:

- (a) duration of excavation permit and emergency excavation permit,
- (b) extension for excavation permit,
- (c) refund for daily fee and/or economic costs, etc.

Review Board under the Ordinance

I. Composition of Board

Chairman: DHy

Members: AD/T, HyD

1 nominated from a list of Review Panel members*, and

1 or 3 other persons as SDEV thinks fit.

Secretary: SE/QM, HyD

(Notes: In order to maintain the majority of members are non-government officers, the board shall have the following compositions, either-

3 members (AD/T, HyD + 1 Review Panel member + 1 other person as SDEV thinks fit), or

5 members (AD/T, HyD + 1 Review Panel member + 3 other persons as SDEV thinks fit)

II. Terms of Reference**

1. Chairman to notify the SDEV for setting up a Review Board;
2. Fix a time and place for the hearing;
3. Invite permittee and the CE to present their case;
4. Hear the review case and decide by a majority of vote; and
5. Exercise the powers under section 10M(13) of the Ordinance:-
 - (a) vary the CE's decision;
 - (b) require the Permittee who submitted the application for review to pay extra daily fees and/or economic costs; and
 - (c) refund any daily fee and/or economic costs already paid by the permittee.

III. Frequency of Board Meetings

Monthly or as determined by Chairman

* A list of 20 Review Panel members are appointed by the SDEV under section 10N of the Ordinance. The current list of Review Panel members can be accessed via this link: <https://www.info.gov.hk/cml/eng/cbc/a191.htm>

** The terms of reference of the Review Board are abstracted from sections 10M and 10P of the Ordinance as appropriate. It shall be read in conjunction with these sections of the Ordinance and the relevant procedures contained in the Excavation Permit Processing Manual.

CHAPTER 9

AUDIT INSPECTION

CHAPTER 9

AUDIT INSPECTION

9.1 The procedures in this Chapter are to provide guidance on the audit inspection.

9.2 This Chapter comprises the following sections

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

Section 2 Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team

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.

Division of Duties and Responsibilities on the Standard Conditions of Permit

XP Clause No.	EXP Clause No.	To be complied with by	Responsible Party	Duties and Responsibilities
1	1*	-	-	-
2	2	P & NP	Regions	To check compliance with all the relevant provisions of the Land (Miscellaneous Provisions) (Amendment) Ordinance 2003 and the provisions of any other legislation relating to the work covered by this Permit except for those activities to be checked by AIT in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
3	3	P	Regions	To vet and approve the Permittee's road work specifications upon application and copy any approval to AIT where appropriate.
4	4*	P & NP	AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
5	5	P & NP	AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
-	6(A)	P	AIT	To check validity of use of EXP in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
-	6(B) to (D)	P	AIT	To check compliance of reporting emergency incidents.
6(A) to (B)	7(A) to (B)	P	AIT	To deal with the Permittee for any non-compliance of site activities covered by the "Permit Site Audit Inspection Checklist" in accordance with the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
			Regions	To deal with the Permittee for any non-compliance other than those site activities covered by the "Permit Site Audit Inspection Checklist" in accordance with the "Procedures for Checking of Compliance with Permit Conditions under the Duties and Responsibilities of the Regional Offices".
7(A)(I)	8(A)(I)	P	Regions	To agreed with the Permittee on the specifications and copy them to AIT, and check if the Permittee has made arrangement to include such specifications in the Work.
7(A)(II)	8(A)(II)	NP	AIT	To check compliance on site in accordance with the agreed specifications.
			Regions	To deal with the Permittee for any non-compliance with the approved specification noticed.
7(B)(I)	8(B)(I)	P	Regions	To issue such instructions where necessary and copy them to AIT.
7(B)(II)	8(B)(II)	NP	AIT	To check on site compliance of such instructions given by the Regions.
			Regions	To deal with the Nominated Permittee for any non-compliance to comply with the instructions.
8(A) & (B)	9(A) & (B)	P	Regions	To check compliance of the requirements.
9(A) to (D)	10(A) to (D)	NP	AIT	To check compliance in accordance with the "Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
9(E)	10(E)	P	AIT	To check compliance in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
10	11	P	Regions	To exercise authority when deemed necessary.
11(A) & (B)	12(A) & (B)	P	Regions	To exercise authority where necessary.
			AIT	To handle matters related to AN submission.
12(A) & (B)	-	P	AIT	To check any active site without AN or any site with AN but not yet commenced on the intended date in accordance with the "Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
12(C)	-	NP	AIT	To check compliance on site in accordance with the submitted AN.
13, 14 & 15	13*, 14* & 15*	P	Regions	To handle matters related to compliance of the requirements.
16	16*	P	AIT	To check site with valid permit in accordance with the "Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
17(A) & (B)	17(A) & (B)*	P	Regions	To handle matters related to compliance of the details of the responsible person and/or the as-built records.
18(A) & (B)	18(A) & (B)	P & NP	AIT	To check compliance with minimum depth requirement on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team" during audit inspection.
			Regions	To carry out on-site manhole inspection on randomly sampled XPs with CN submitted to check for the compliance of the requirements.

XP Clause No.	EXP Clause No.	To be complied with by	Responsible Party	Duties and Responsibilities
18(C)	18(C)	P & NP	Regions	To exercise authority where deemed necessary.
			AIT	To check compliance on site in accordance with the Authority's instruction.
18(D)	18(D)	P & NP	Regions	To deal with application for waiver of the minimum cover requirement.
19	-	NP	Regions	To handle Permittee's application for a maximum length of excavation to be fenced off and open at any one time in the XP period assessment stage, subject to no other restrictions imposed by TD and Police, and copy any approval to AIT where appropriate.
			AIT	To check compliance of trench length restriction on site in accordance with the maximum length of excavation as approved by Regions.
20(A) & (B)	19(A) & (B)	P	Regions	To handle matters related to compliance of the requirement.
20 (C) to (F)	19(C) to (F)	NP	AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
20(G)	19(G)	NP	AIT	To check any damages on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team" and, if any, refer the audit inspection result to the Region concerned for follow-up action.
			Regions	To deal with follow-up matters related to such damages.
21	20	P	Regions	To handle matters related to compliance of the requirement.
22(A) to (C)	21(A) to (B)	NP	AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
23	22	NP	AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
24(A) & (B)	23(A) & (B)	NP	Regions	To handle the Permittee's request upon application and copy any approval to AIT where appropriate.
			AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
25	-	NP	AIT	To check on site any unauthorized tree felling in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
26(A) & (B)	24(A) & (B)	NP	AIT	To check compliance of lighting, signing & guarding requirements on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
27	25	P	Regions	To carry out the remedial work where necessary and recover the cost from the Permittee.
28	26	NP	AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
29	27	NP	AIT	To check if the arrangement of pedestrian diversion is properly done in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
30	28	NP	AIT	To check if temp. decking properly done and any works carried out within restricted hours in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
31(A) & (B)	29(A) & (B)	NP	AIT	To check if temp. road markings done properly in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
32(A) & (B)	30(A) & (B)	P & NP	Regions	To handle matters related to compliance of notification requirements.
33(A) to (C)	31(A) to (C)	NP	AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
34(A) to (C)	32(A) to (C)	NP	AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
35	33	NP	AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
36(A) to (C)	34(A) to (C)	NP	AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
37(A) to (C)	35(A) to (C)	NP	AIT	To check any unattended site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
37(D)	35(D)	P & NP	Regions	To take over the site remained unattended without any reason accepted by the Authority.

XP Clause No.	EXP Clause No.	To be complied with by	Responsible Party	Duties and Responsibilities
38 (A) to (D)	36(A) to (D)	NP	AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
39(A) to (C)	37(A) to (C)	P	Regions	To give advice to the Permittee when issue of permit and copy to AIT where appropriate. If no permanent reinstatement is done or to the full width upon submission of completion notice, Regions shall issue a letter to demand the Permittee for rectifications.
			AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
40	38	NP	Regions	To provide advice on existing conditions where necessary.
			AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
41(A) to (D)	39(A) to (D)	P & NP	AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
42(A) & (B)	40(A) & (B)	P & NP	AIT	To check compliance of temporary reinstatement of the streets on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
			Regions	To deal with the Permittee and the Nominated Permittee for rectifications.
43(A) & (B)	41(A) & (B)	NP	AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
44(A) & (B)	42(A) & (B)	P	Regions	To handle matters related to submission of test results.
44(C)	42(C)	P & NP	Regions	To handle matters related to non-compliance test results.
45(A) & (B)(I)	43(A) & B(I)	P & NP	AIT	To check compliance on site in accordance with the "Permit Site Audit Inspection Checklist" and the "Guidelines for marking of defective items in Permit Site Audit Inspection Checklist" in the "Procedures for Checking Compliance with Permit Conditions under the Duties and Responsibilities of the Audit Inspection Team".
45(B)(II) & (C)	43(B)(II) & (C)	P	Regions	To check its compliance, carry out permanent reinstatement and recover its cost.
46	44	P	Regions	To decide on the acceptance of the reinstatement and taking over of the site as the maintenance agents of the Authority.
			AIT	To check any active site with submission of completion notice.
47	45	P	Regions	To monitor conditions of backfilling and temporary reinstatement, and take necessary action where necessary.
48	46	P	Regions	To monitor conditions of backfilling and permanent reinstatement, and take appropriate action where necessary, e.g. to issue a letter to demand the Permittee for rectifications.
49	47	P & NP	Regions	To exercise authority to amend and add conditions/specifications where necessary, e.g. to issue a letter to demand the Permittee for rectifications.

Note:- 1. XP = Excavation Permit; EXP = Emergency Excavation Permit; P = Permittee; NP = Nominated Permittee; AIT = Audit Inspection Team

2. All checks carried out by AIT are of auditing nature.

3. All audit checks are limited to compliance with performance specifications but not method specifications.

* Although the clause numbers are the same for XP and EXP, their wordings are different.

Chapter 9**Section 2 - Procedures for Checking Compliance with Permit Conditions under Duties and Responsibilities of Audit Inspection Team****1. Introduction**

- 1.1 A centralized audit inspection team (AIT) in Research and Development (R&D) Division of HyD is responsible for carrying out audit inspections of all excavation permit (XP) and emergency excavation permit (EXP) sites in a fair and open manner. The objective of the audit inspections is to monitor the performance of the permittees and nominated permittees (NPs) in compliance with permit conditions, which in turn to minimize inconvenience to the public by the excavation works; to prevent potential hazard to the public; and to ensure the best practical steps being taken by the permittees and/or NPs to stop any non-compliance with permit conditions and avoid recurrence of any like non-compliance.

2. Control of Permit Sites

- 2.1 The AIT should take up only the auditing role by means of visual inspection of permit sites. The overall responsibility of site supervision, management and control over the act and performance of NPs and contractors still lies with the permittees.

3. Monitoring of Permit Site Inspections**3.1 Audit inspection checklist**

- 3.1.1 To facilitate effective and efficient audit inspections of permit sites, a “Permit Site Audit Inspection Checklist” (Appendix 9.2.1) is prepared to dovetail with the standard permit conditions.
- 3.1.2 In general, each checklist item is created corresponding to a requirement specified in a clause or sub-clause of the standard permit conditions. Some checklist items may have more than one sub-item. The site audit staff of AIT, who are generally the Works Supervisors (WSs), should follow “Guidelines for Marking of Defective Items in Audit Inspection Checklist” (Appendix 9.2.2) in carrying out audit inspections.
- 3.1.3 HyD Regional Offices may on top of the standard permit conditions impose additional conditions in particular circumstances. In this regard, the HyD Regional Office should send the following to AIT for audit inspections–
- (a) List of additional conditions;
 - (b) List of relevant check items; and
 - (c) Associated guidelines for marking the items.

3.2 Consistency and standard of audit inspections

- 3.2.1 The “Guidelines for Marking of Defective Items in Audit Inspection Checklist” are drawn up with a view to–
- (a) Establishing open, fair and objective audit inspections;
 - (b) Providing transparent requirements in the standard of audit inspections; and

- (c) Providing guidelines for AIT to maintain consistent standard in their audit inspections.

3.2.2 The engineers of AIT should have regular meetings with their site audit staff to discuss and align any inconsistent standard of marking the checklist items.

3.3 Audit inspection frequency

3.3.1 The present departmental target for overall audit inspection frequency of permit sites is at least once in every 10 active permit days on average. Active permit days are calendar days calculated from the date of permit commencement to the date of reporting completion.

3.3.2 In general, the AIT should strive to achieve the above departmental target for the overall audit inspection frequency for all permit sites on average, except for the following situations–

- (a) The audit inspection frequency may be increased for sites with poor performance records;
- (b) The audit inspection frequency may be reduced for sites with consistently good performance records;
- (c) The audit inspection frequency may be increased for sites with substantial impact or potentially substantial impact on the public and/or the traffic; and
- (d) The audit inspection frequency may be adjusted with due regard to the daily route planning and resources available.

3.4 Spot-checks by inspectorate staff

3.4.1 The inspectorate staff (IS) of AIT should carry out checks on a minimum of 5% of all active permit sites inspected by the site audit staff in order to maintain the consistent standard of the audit inspections. The IS should compare their spot-check results with the audit inspection results so as to identify any excessively over or under rating in the markings. If there is any irregularity discovered in the markings, the IS should enquire and clarify with the subject site audit staff.

3.5 Vetting of audit inspection results and monitoring of audit inspection frequency

3.5.1 The engineers of AIT should randomly select a minimum of 5% of the audit inspection results including the completed checklists and record photos uploaded to the Audit Inspection Management System (AIMS) by the site audit staff for their vetting. With reference to the “Guidelines for Marking of Defective Items in Audit Inspection Checklist”, the engineers may compare the audit inspection results amongst different site audit staff so as to identify any excessively over or under rating in the markings. If there is any irregularity discovered in the markings, the engineers should enquire and clarify with the subject site audit staff.

3.5.2 R&D Division should produce monthly statistics on audit inspection frequency to ensure that the bi-monthly audit inspection frequency target is achieved. The Maintenance Working Group (MWG) will monitor and review the bi-monthly audit inspection statistics from R&D Division.

4. Audit Inspection Procedures

4.1 General

- 4.1.1 The AIT will carry out audit inspections of permit sites on a district basis. The site audit staff should have acquired reasonably good knowledge of characteristic sites within their districts before the actual audit inspections. This is important in planning their daily itinerary for audit inspections.
- 4.1.2 The site audit staff are required to be well conversant with the current version of the following documents–
- (a) Standard XP conditions, standard EXP conditions and any additional conditions;
 - (b) Code of Practice for the Lighting, Signing and Guarding of Road Works (CoP for LSG);
 - (c) Guide to Trench Excavations (Shoring Support and Drainage Measures);
 - (d) Guidance Notes RD/GN/024 on display board for motorists explaining the reason for idle road works;
 - (e) Guidance Notes RD/GN/014 on permanent trench reinstatement;
 - (f) Guidance Notes RD/GN/019 on publicity boards for motorists;
 - (g) Relevant HyD Standard Drawings on reinstatement of pavement, notice/publicity/display boards, vehicle crossings over trench opening, minimum depth requirement for underground services, etc.;
 - (h) Permit Site Audit Inspection Checklist;
 - (i) Guidelines for Marking of Defective Items in Audit Inspection Checklist;
 - (j) Relevant provisions in the General Specification for Civil Engineering Works on earthworks, carriageways, traffic signs, road markings, etc.; and
 - (k) Relevant guidelines and codes of practice issued by the Tree Management Office of Development Bureau and other relevant tree maintenance authorities on tree preservation, tree removal, etc.
- 4.1.3 If there is any doubt on the interpretation of the above documents, the site audit staff should consult their supervisors for advice.

4.2 Planning for audit inspections

- 4.2.1 For daily inspections by the site audit staff, the IS should do a proper planning with the aid of AIMS, which includes–
- (a) Compiling a daily list of active permit sites on a district basis from the Excavation Permit Management System (XPMS) with the following criteria–
 - i) Any permit sites with permit commencement date elapsed (including those just to commence on the day of audit inspection);
 - ii) Emergency excavation permit sites with emergency incident number registered in XPMS;
 - iii) Small Scale Works (SSW) permit sites with SSW job registered in XPMS;
 - iv) Any permit sites with completion notice not yet submitted or just submitted on or after the previous working day, or with completion notice rejected by the relevant HyD Regional Offices.

- (b) Selecting permit sites from the daily list of active permit sites with the following order of priority to draw up a daily inspection list–
 - i) Permit sites with poor performance records;
 - ii) Permit sites not inspected in the past 10 active permit days, with the following order of priority–
 - new permit sites (i.e. those without previous audit inspections) with advance notice (AN) submitted; and
 - existing permit sites and new permit sites without AN submitted; and
 - iii) Permit sites with consistently good performance records.
- (c) Planning routes for each site audit staff to minimize detouring.

4.3 During audit inspections

4.3.1 Upon arrival at a permit site, the site audit staff should record the permit number, location and names of the permittee and NP/contractor, if observable, on the checklist. He should check if the permit period has expired. The box of “Action required by ET (Enforcement Team)” in the checklist should be ticked for any of the following cases–

- (a) For normal excavation works (including Capital Works (CW)):
 - i) Permit period expired and no extension application received.
- (b) For emergency excavation works:
 - i) Permit period expired;
 - ii) Excavation registered as emergency incident but not of emergency nature;
 - iii) Initial period of emergency incident expired and no relevant permit application received; or
 - iv) Relevant permit period expired and no extension application received.
- (c) For SSW:
 - i) Permit period expired;
 - ii) Excavation registered as SSW job but not of SSW nature; or
 - iii) Time limit of SSW job expired.

4.3.2 Points to note during audit inspections–

- (a) Record any active permit site exceeding the horizontal extent/depth permitted under the permit.
- (b) Record any active permit site without AN submitted.
- (c) Record any permit site with AN submitted but has no sign of any site activities.
- (d) Pay particular attention to items related to road safety. Check any non-conformance with the CoP for LSG. Check any non-conformance with the agreed temporary traffic management plans, if any.
- (e) Check items related to site cleanliness and unattended site.
- (f) Check any non-conformance with all relevant HyD Standard Drawings, specifications and/or any approved alternatives.
- (g) Take photographic records, in particular for NC items observed on site during audit inspections. Fill out relevant checklist items for record purpose even no NC item may be observable.
- (h) During the journey to the next permit site, keep a watchful eye on, if observable, any excavation without valid permit, any emergency work/SSW/CW sites that are not registered in XPMS, and any abuse of EXP or block SSW XP. Record details of such sites for follow-up action.

4.3.3 Points to note for personal safety during audit inspections–

- (a) In accordance with the CoP for LSG, all persons working on or near carriageway of any road must wear high visibility jackets incorporating reflective stripes or patches. Wear safety helmet, reflective apparels and appropriate attires in compliance with relevant statutory provisions for site safety at all times during audit inspections.
- (b) If a vehicle is provided for audit inspections, the vehicle should be parked at a place without causing nuisance or danger to other road-users. The warning lights on top of the transport vehicle, if available, should be lighted up at all times during audit inspections.
- (c) In the face of intimidation, disturbance, assault or potential violence, the site audit staff should immediately contact the police.

4.4 Post-audit inspections

- 4.4.1 After audit inspections, the site audit staff should upload all marked-up checklists and photographic records taken on site to AIMS by the day of inspection.
- 4.4.2 The IS should review all the uploaded audit inspection results and, if necessary, correct the markings after studying the record photographs. The audit inspection results shown in AIMS will be treated as final by 1:00 p.m. on the working day following the day of the audit inspections; except for audit inspections carried out preceding Saturday, the results of which as shown in AIMS will be treated as final by 1:00 p.m. on the first working day in the following week.
- 4.4.3 For those permit sites with any NC items, the relevant engineer of AIT should, making use of AIMS, send email notifications on the audit inspections to the email addresses of the relevant parties of the permits, which have been registered in XPMS. The email notifications may be sent before the status of the audit inspections are confirmed final in AIMS. However, there may be situations that such notifications could not be received by the relevant parties (e.g. the relevant parties did not properly register/update their contact details in XPMS, etc.). It should not be a ground for the denial of responsibilities based on such situations. The permittees/NPs should ensure that their contact details are kept up to date in XPMS, and should check the audit inspection results in XPMS daily for follow-up actions. After all, the permittees/NPs are responsible for their own supervision, management and control to prevent contravention of the permit conditions, and any adverse consequences such as the sanctioning measure in paragraph 8 and enforcement action in Chapter 10.

5. Appeals against Audit Inspection Results

- 5.1 A permittee or a NP who is aggrieved by the audit inspection result may make an appeal to AIT within 9 working days from the date of audit inspection result finalized and shown in AIMS. Unless justification is provided, appeals made beyond the time limit will not be processed.
- 5.2 To improve efficiency and save papers, a permittee or a NP, who is an XPMS account holder, should make appeals on-line through AIMS. Unless justification (e.g. AIMS is inaccessible during system maintenance while earlier application is impractical) is provided, appeals made in hard copies by XPMS account holders will not be processed. However, in event appeals made in hard copies are allowed, the procedure as stated in paragraphs 5.3 and 5.4 below should be followed.

- 5.3 A permittee, who is not an XPMS account holder, should make appeals by using the Standard Appeal Application Form in Appendix 9.2.4, in writing or by facsimile to CHE/R&D, HyD. Unless justification is provided, appeals made beyond the time limit as stated in paragraph 5.1 above will not be processed. CHE/R&D, HyD should notify the permittee concerned, using the Standard Appeal Reply Form in Appendix 9.2.5, in writing or by facsimile, of the result of his review within 7 working days from the date of receipt of the appeal. In addition, the result of the review will be shown in AIMS.
- 5.4 A NP, who is not an XPMS account holder, is allowed to make appeals against any NCs in the audit inspection results to be complied with by him. The requirement for the use of the Standard Appeal Application Form in Appendix 9.2.4 and the time limit for appeal are the same as those stated in paragraph 5.3 above. In order to ensure the permittee would undertake his management duty, the NP should submit appeals via the permittee. The NP should complete the box exclusive for appeal application submitted directly by the NP via the permittee in the Standard Appeal Application Form to state that he has discussed with the permittee about the appeal cases and indicate whether or not they could reach a consensus, and copy the appeals to the permittee. HyD will consider appeals submitted by the NP though the permittee may have reservations about the NP's view point on the appeal cases. However, if the NP fails to indicate that he has discussed the appeal cases with the permittee, HyD will not process the appeals and will return the appeals to the permittee.
- 5.5 The checklist items and reasons related to the appeals should be collected for analysis to monitor and improve the audit inspection process as the analysis may identify–
- (a) Requirement, condition or standard not clearly specified;
 - (b) Unclear guideline on marking a checklist item;
 - (c) Inconsistent standard of marking a checklist item;
 - (d) Subjective inspection; and
 - (e) Abuse of the appeal mechanism.

6. Actions against Non-compliances with Permit Conditions

- 6.1 The engineers of AIT should immediately refer the following cases to the Enforcement Team (ET) for further action–
- (a) Excavation without valid excavation permit (XP/EXP/block SSW XP/CWXP);
 - (b) Excavation with excavation permit period expired and no extension application received;
 - (c) Emergency incident with initial period expired and no relevant excavation permit application received;
 - (d) Excavation registered as emergency incident but not of emergency nature;
 - (e) SSW job with the time limit expired; and
 - (f) Excavation registered as SSW job but not of SSW nature.
- 6.2 In addition to the cases listed in paragraph 6.1 above, the engineers of AIT should, making use of AIMS, issue advisory letters to the relevant parties of the excavation permit, using the contact details which have been registered in XPMS during permit application, and/or referral memos to the ET, as to observation of more serious contravention and/or repetitive contravention of the permit conditions. However, there may be situations that the advisory letters could not be received by the relevant parties (e.g. the relevant parties did not properly register/update their contact details in XPMS, etc.). It should not be a ground for denial of responsibilities based on such situations.

The permittees/NPs should ensure that their contact details are kept up to date in XPMS, and should check the audit inspections of the permits in XPMS daily for follow-up action. After all, the permittees/NPs are responsible for their own supervision, management and control to prevent contravention of the permit conditions, and any adverse consequences such as the sanctioning measure in paragraph 8 and enforcement action in Chapter 10.

- 6.3 If the performance % of any group ¹ for the permit sites of a permittee in any month is less than 70% or the overall performance % for the permit sites of a permittee in any month is less than 80%, the permittee is required to submit site progress photos for all his active permit sites in the subsequent month in accordance with the current version of the “Guideline on submission of site progress photographs by utility undertakings”. The above mentioned performance % is just a benchmark to trigger the monitoring measure and its achievement is not reckoned as a criterion for acceptance of the permittee’s performance. The permittees should strive to achieve performance % as high as possible. MWG will review the monthly performance % of groups or overall performance % of permit sites triggering submission of site progress photos as and when required.

7. Referring Public Complaints regarding XPs

- 7.1 HyD Regional Offices and other HyD Offices should refer all public complaints regarding XPs directly to ET for enforcement action in Chapter 10, and copy to AIT for reference.

8. Demerit Point System and Sanctioning Measure

8.1 Demerit Point System

- 8.1.1 The Demerit Point System has been developed to record the performance of works promoters and contractors in a quantified manner, and shall be universally and impartially applied to all permittees and NPs, including both Government departments and utility undertakings, to ensure its fairness.
- 8.1.2 A NC revealed from audit inspection will attract a demerit point, amplified with appropriate multiplying factors assigned in accordance with pre-determined risk weightings, which are related to the following three aspects –
- (a) Severity of NC item;
 - (b) Repeating of NC item; and
 - (c) Timely rectification of immediately rectifiable NC item.
- 8.1.3 Severity of NC item – All NC items in the Permit Site Audit Inspection Checklist have been classified into “Severe”, “Major” or “Minor” in respect of its severity. Appropriate demerit point according to the respective risk weighting shall be imposed to each NC item.
- 8.1.4 Repeating of NC item – To deter permittees/NPs from committing repeated NC within a comparatively short period at the same permit site, multiplying factors shall be imposed to repeated NC item.

¹ Performance % of groups is calculated in accordance with the performance appraisal in Appendix 9.2.3.

- 8.1.5 Timely rectification of immediately rectifiable NC item – To encourage permittees/NPs to take prompt action on rectifying immediately rectifiable NC item, demerit point of NC item incurred will be reduced by a merit multiplying factor provided that (1) the immediately rectifiable NC item has been rectified and reported in AIMS within 48 hours, and (2) the rectification work is reasonably satisfactory to HyD.
- 8.1.6 In addition, demerit points will be assigned to the permittee who fails to comply with the relevant permit condition due to delayed rectification of rejected permanent reinstatement, failure to submit certified as-built records, overdue submission of test certificates/reports, delayed rectification of shallow depth service, delayed rectification of damaged/deteriorated manhole and drawpit covers, and abuse of emergency excavation permit respectively. Demerit point will be generated weekly on Saturdays.
- 8.1.7 Pre-determined multiplying factors are shown in Appendix 9.2.6.

8.2 Demerit Point Level

- 8.2.1 Demerit Point Level (DPL) is evaluated to reflect the performance of a Permittee-Division-Contractor combination in a quantified manner. DPL is calculated by the following formulas –

$$\text{DPL 1} = \frac{\Sigma \left\{ \begin{array}{l} \text{Rolling 3-month cumulative demerit point of the responsible} \\ \text{party combination revealed from audit inspections} \end{array} \right\}}{\text{Total number of audit inspections carried out for permit sites of that} \\ \text{responsible party combination within the 3-month period}}$$

$$\text{DPL 2A} = \frac{\Sigma \left\{ \begin{array}{l} \text{Rolling 7-month cumulative demerit point of the responsible} \\ \text{party combination contravened the relevant permit condition} \\ \text{for delayed rectification of rejected permanent reinstatement} \\ \times \text{corresponding Risk Weighting} \end{array} \right\}}{\text{Total number of permits with rejected permanent reinstatement} \\ \text{assessed on the permits of that responsible party combination within the} \\ \text{7-month period}}$$

$$\text{DPL 2AA} = \Sigma \left\{ \begin{array}{l} \text{Cumulative demerit point of the responsible permittee,} \\ \text{irrespective of any different Division/Contractor involved,} \\ \text{for rejected permanent reinstatement remaining outstanding} \\ \text{for prolonged period and not yet satisfactorily rectified} \\ \times \text{corresponding Risk Weighting} \end{array} \right\}$$

$$\text{DPL 2B} = \frac{\Sigma \left\{ \begin{array}{l} \text{Rolling 3-month cumulative demerit point of the responsible} \\ \text{party combination contravened the relevant permit condition} \\ \text{due to overdue submission of certified as-built records} \\ \times \text{corresponding Risk Weighting} \end{array} \right\}}{\text{Total number of permits requiring submission of certified as-built} \\ \text{records assessed on the permits of that responsible party combination} \\ \text{within the 3-month period}}$$

$$\text{DPL 2C} = \frac{\Sigma \left\{ \begin{array}{l} \text{Rolling 3-month cumulative demerit point of the responsible} \\ \text{party combination contravened the relevant permit condition} \\ \text{due to overdue submission of test certificates/reports} \\ \times \text{corresponding Risk Weighting} \end{array} \right\}}{\text{Total number of permits requiring submission of test certificates/reports} \\ \text{assessed on the permits of that responsible party combination within the} \\ \text{3-month period}}$$

$$\text{DPL 2D} = \Sigma \left\{ \begin{array}{l} \text{Cumulative demerit point of the responsible party} \\ \text{combination contravened the minimum depth requirements} \end{array} \right\}$$

$$\text{DPL 2E} = \Sigma \left\{ \begin{array}{l} \text{Cumulative demerit point of the responsible permittee,} \\ \text{irrespective of any different Division/contractor involved, for} \\ \text{confirmed case of delayed rectifications of} \\ \text{damaged/deteriorated manhole or drawpit covers} \end{array} \right\}$$

$$\text{DPL 2F} = \Sigma \left\{ \begin{array}{l} \text{Rolling 3-month cumulative demerit point of the responsible} \\ \text{party combination for confirmed case of abuse of emergency} \\ \text{excavation permit revealed from audit inspections} \end{array} \right\}$$

$$\text{DPL 2G} = \Sigma \left\{ \begin{array}{l} \text{Cumulative demerit point of the responsible party} \\ \text{combination for confirmed case of delayed removal of} \\ \text{temporary structure/equipment or installation} \end{array} \right\}$$

8.2.2 The definition of DPL 2A, DPL 2AA, DPL 2D, DPL 2E and DPL 2G, are described in detail in Appendix 9.2.7.

8.2.3 The overall DPL of the responsible party combination is the summation of DPL 1, DPL 2A, DPL 2AA, DPL 2B, DPL 2C, DPL 2D, DPL 2E, DPL 2F and DPL 2G. A worked example is attached in Appendix 9.2.8 for reference.

8.2.4 DPL will be generated weekly on Saturday. Permittees and contractors can view their own DPL in XPMS.

8.3 Sanctioning Measure

8.3.1 The main objectives of the sanctioning measure are to–

- (a) Enhance alertness of permittees to supervise their contractors;
- (b) Oblige and assist permittees/NPs to manage excavation works; and
- (c) Deter permittees/NPs from committing NCs against permit conditions.

8.3.2 The conditions where sanctioning measure will be imposed are set out in the table below:

	Conditions where sanctioning measure will be imposed	Sanctioning period
(a)	Overall DPL at or above 4.0	At least three months and until the overall DPL drops below 4.0.
(b)	Long outstanding rectifications of: (i) rejected permanent reinstatements with prolonged period over 2 years (ii) shallow depth services with prolonged period over 15 months after the initial rectification period (iii) rejected removal of temporary structure/ equipment/ installation with prolonged period over 2 years	At least three months and until there is: (i) no rejected permanent reinstatement with prolonged period over 2 years (ii) no shallow depth service with prolonged period over 15 months after the initial rectification period, to the satisfaction of the relevant HyD Regional Office (iii) no rejected removal of temporary structure/equipment/installation with prolonged period over 2 years

8.3.3 When a party combination is being sanctioned, the relevant contractor will not be approved as a NP in any new application for nomination of NP. The previously approved nominations will remain not affected.

8.3.4 For application for nomination of NP submitted during the sanctioning period but still being processed after the sanctioning measure revoked (i.e. the conditions as stated in 8.3.2), the permittee may cancel the application and re-submit one for automatic approval, since the relevant contractor should have been re-introduced in the pre-approval NP list under the relevant division of the relevant permittee.

Inspection Ref. No.: _____

Highways Department
Permit Site Audit Inspection Checklist

District: _____ **Date of Inspection:** ___/___/___ **Time of Inspection:** _____

Location: _____ **Street name:** _____

Name of Permittee: _____ **Name of Nominated Permittee:** _____

Responsible Officer: _____ **Contact Tel. No.:** _____

Valid Permit [section 10 of the Land (Miscellaneous Provisions) Ordinance]

I. Normal Excavation Work

Permit No.: _____ (from data of XPMS)

1. completion notice submitted (from data of XPMS)

(If box 1 gives a tick, no need to show boxes 2 & 3)

2. expired & 3. no extension application received (from data of XPMS)

(If either box 2 or 3 gives no tick, no need to show box 4)

4. action required by ET (A tick to be given by the audit staff if the site is checked still active.)

II. Emergency Excavation Work

Emergency Permit No.: _____ (from data of XPMS)

5. expired (from data of XPMS)

(If box 5 gives no tick, no need to show box 6)

6. action required by ET (A tick to be given by the audit staff if the site is checked still active.)

Emergency Serial No.: _____ (from data of XPMS)

7. no emergency incident reported

(A tick to be given by the audit staff if emergency serial no. given blank)

8. not an emergency incident defined in section 2 of the amendment Ordinance

(A tick to be given by the audit staff if not an emergency work in the list downloaded from XPMS)

9. action required by ET (A tick is given automatically if either box 7 or 8 ticked.)

10. completion notice submitted (from data of XPMS)

(If box 10 gives a tick, no need to show boxes 11 & 12)

11. initial period expired & 12. no permit application received (from data of XPMS)

(If either box 11 or 12 gives no tick, no need to show box 13)

13. action required by ET (A tick to be given by the audit staff if the site is checked still active.)

Permit No.: _____ (from data of XPMS)

14. completion notice submitted (from data of XPMS)

(If box 14 gives a tick, no need to show boxes 15 & 16)

15. expired & 16. no extension application received (from data of XPMS)

(If either box 15 or 16 gives no tick, no need to show box 17)

17. action required by ET (A tick to be given by the audit staff if the site is checked still active.)

III. Small Scale Works

Small Scale Works Permit No.: _____ (from data of XPMS)

18. expired (from data of XPMS)

(If box 18 gives no tick, no need to show box 19)

19. action required by ET (A tick to be given by the audit staff if the site is checked still active.)

Small Scale Works Identification No.: _____ (from data of XPMS)

20. no small scale works incident reported

(A tick to be given by the audit staff if small scale works identification no. given blank)

21. not a small scale works in accordance with the criteria as stated in the Small Scale Works permit:

a. total aggregate area of excavation (excluding the extent for permanent reinstatement) exceeded 4 sq. m

b. total aggregate length (measured along the longest side) of excavation (excluding the extent for permanent reinstatement) exceeded 6m

(A tick to be given by the audit staff if not fulfill the above criteria for a small scale works)

22. action required by ET (A tick is given automatically if either box 20 or 21 ticked.)

23. completion notice submitted (from data of XPMS)

(If box 23 gives a tick, no need to show box 24)

24. the time limit of 24 or 48 hours (as the case may be in accordance with the criteria as stated in the Small Scale Works permit) expired (calculated from data of XPMS)

(If box 24 gives no tick, no need to show box 25)

25. action required by ET (A tick to be given by the audit staff if the site is checked still active and no inclement weather was reported in the past 24 or 48 hours as the case may be)

Advance Notification (AN)

26. AN submitted Intended or new intended commencement date _____ (from data of XPMS)

(The followings to be checked by the audit staff.)

27. active site with AN submission

28. active site without AN submission [clause 12(A) of XP conditions]

29. site with AN but not yet commenced on the intended commencement date or the new intended commencement date [clause 12(B) of XP conditions]

30. work commenced before the intended commencement date or the new intended commencement date [clause 12(C) of XP conditions]

Site Establishment

◆ Excavation permitted under the Permit

- (1) horizontal extent and depth of excavation permitted under the Permit [section 10(1) of LMPO]
- NC a. Excavation outside the horizontal extent permitted under the Permit/depth of excavation exceeded the depth permitted under the Permit
- 1 2
- (2) length of excavation permitted to be fenced off and opened at one time [clause 19 of XP conditions]
- NC a. Length of excavation fenced off and opened exceeding approved length
- 1 2

◆ Publicity board

- (3) permit displayed and temporary traffic arrangement plan made available for inspection [clause 9(A) of XP conditions or clause 10(A) of EXP conditions]
- NC a. Permit not displayed
- NC b. TTA plan not made available for inspection
- (4) adequacy/quality of small publicity board [clause 9(B) of XP conditions or clause 10(B) of EXP conditions]
- NC a. Incorrect type of small publicity board used
- 1 2
- NC b. Information not provided as per Drg no. H 6144 or 6145
- 1 2 3 4 5
- NC c. Details not provided as per Drg nos. H 6144, 6145, 6146 & 6147 or Permittee's drawing(s) approved by the Authority
- 1 2 3 4 5 6 7 8 9 10
- NC d. Board not securely mounted on a stable structure (e.g. temporary barrier, hoarding or railing)
- NC e. Board not erected at a prominent location orientated towards pedestrians for public's reference
- NC f. No. of boards not provided as per note 13 of Drg no. H 6146
- 1 2 3
- (5) adequacy/quality of publicity board for motorists [clause 9(C) of XP conditions or clause 10(C) of EXP conditions]
- NC a. Incorrect type of publicity board for motorists used
- 1 2
- NC b. Information not provided as per Drg no. H 6148 or 6149
- 1 2 3 4
- NC c. Details not provided as per Drg nos. H 6146, 6147, 6148 & 6149 or Permittee's drawing(s) approved by the Authority
- 1 2 3 4 5 6 7 8 9 10
- NC d. Board not securely and safely supported as per Drg nos. H 6165, 6166 & 6167 or Permittee's drawing(s) approved by the Authority
- NC e. Board not erected at a prominent location inside the site oriented towards approaching motorists
- NC f. No. of boards not provided as per Guidance Notes No. RD/GN/019
- 1 2 3 4 5
- NC g. Board not located at least a distance from any temporary/permanent traffic signs or signals as per Guidance Notes No. RD/GN/019
- NC h. Board not erected to a height such that its line of sight is not obstructed as per Guidance Notes No. RD/GN/019
- (6) information on publicity board is updated [clauses 9(D) of XP conditions or clauses 10(D) of EXP conditions]
- NC a. Information on board not updated
- (7) enquiry telephone reachable at all times [clauses 9(E) of XP conditions or clauses 10(E) of EXP conditions]
- NC a. Enquiry telephone not reachable at all times

◆ Existing works and installations

- (8) ground movement and damage in any adjacent roads, buildings or any other structures [clause 20(G) of XP conditions or clause 19(G) of EXP conditions]
- NC a. Apparent ground movement/damage observed or identified
- (9) inform the concerned utility undertakings of the existence of utility pit covers prior to hoarding erection [clause 22(A) of XP conditions or clause 21(A) of EXP conditions]
- NC a. Written proof of such notification not produced
- (10) access to utility pits and opening of pit covers for site enclosed by hoardings [clause 22(B) of XP conditions or clause 21(B) of EXP conditions]
- NC a. Access obstructed

- (11) access to fire hydrants, valves, manholes, channels, gullies and other street hardware [clause 23 of XP conditions or clause 22 of EXP conditions]
- NC a. Access to fire hydrants and valves obstructed
- NC b. Reasonable access to watermains, stormwater drains and sewers, manholes, channels, gullies and other street hardware not maintained

- (12) remove/cover/relocate street name plates, street furniture, drainage facilities, mail boxes and traffic aids [clause 24 of XP conditions or clause 23 of EXP conditions]
- NC a. Removed/covered/relocated without consent of relevant authority
- 1 2

◆ **Lighting, signing and guarding**

- (13) lighting, signing and guarding provided at road opening works as per Code of Practice for LSG [clause 26(A) of XP conditions or clause 24(A) of EXP conditions]

- NC a. Correct length of approach and exit tapers not provided
- 1 2 3 4^(Obsoluted) 5 6 7
- NC b. Site boundaries on carriageway not delineated by adequate traffic cones and cylinders (size, spacing at tapers and along excavation)
- 1 2 3 4 5 6 7 8 9 10
- 11
- NC c. Road hazard warning lanterns not provided as per CoP for LSG (type, height & spacing)
- 1 2 3 4 5 6 7 8 9 10
- 11 12 13 14
- NC d. Signs not provided as per CoP for LSG (type, size, location, height, orientation & number)
- 1 2 3 4 5 6 7 8^(Obsoluted) 9 10
- 11 12 13 14 15 16 17 18 19 20
- 21 22 23 24 25 26 27 28 29 30
- 31 32 33 34 35 35 37 38 39 40
- NC e. Advance warning signs and 'Road Work Ends' sign not placed with correct number & siting distances
- 1 2 3 4 5
- NC f. No continuous barriers to fence off obstruction/excavation from pedestrian flow
- 1 2
- NC g. Traffic control equipment not provided as per CoP for LSG
- 1 2 3 4 5
- NC h. Water-filled barriers without stipulated containment level not provided as per CoP for LSG
- 1 2 3 4 5
- NC i. Works on Expressway not carried out as per CoP for LSG
- 1 2 3 4^(Obsoluted) 5 6 7 8 9 10
- 11 12 13 14 15 16
- NC j. Works on Tramway Track not carried out as per CoP for LSG
- 1 2 3
- NC k. Temporary safety barriers with stipulated containment level not provided as per CoP for LSG
- 1 2 3 4

- (14) condition and quality standard of lighting, signing and guarding provided [clause 26(A)&(C) of XP conditions or clause 24(A) &(C) of EXP conditions]

- NC a. Condition/quality of signs unsatisfactory (material type & reflectiveness, thickness, clean, free from damage, rigidly fixed, radius at corners & condition of edges)
- 1 2 3 4 5 6 7 8 9
- NC b. Condition/quality of cones or cylinders unsatisfactory (reflectorized white/red portions, clean & free from damage)
- 1 2 3 4 5
- NC c. Condition/quality of barriers unsatisfactory (properly hooked/fastened, painted, stable & substantial)
- 1 2 3 4 5 6 7
- NC d. Condition/quality of lanterns unsatisfactory (comply with specification & operating during hours of darkness)
- 1 2 3 4 5 6

◆ **Temporary traffic arrangement and control**

- (15) name and contact telephone of the responsible technician displayed at the back of temporary traffic light signal [clause 28 of XP conditions or clause 26 of EXP conditions]

- NC a. Name and contact telephone of the responsible technician not displayed
- NC b. Enquiry telephone not reachable at all times

- (16) arrangement for diversion of pedestrians onto carriageway [clause 29 of XP conditions or clause 27 of EXP conditions]

- NC a. Correct length of approach and exit tapers not provided
- 1 2
- NC b. No continuous barriers to fence off obstruction/excavation from pedestrian flow
- 1 2
- NC c. Barriers/plastics barricades not provided on carriageway with adequate cones (type, size, spacing at tapers and along diversion route)

- NC d. Signs not provided as per CoP for LSG (type, size, siting distance, location, number, height, orientation & condition)
 1 2 3 4 5 6 7
- NC e. Road hazard warning lanterns not provided as per CoP for LSG (type, height, spacing & fixing details on barriers)
 1 2 3 4
- NC f. Road hazard warning lanterns not operating as per CoP for LSG
 1 2
- NC g. Temporary platform with ramps not provided as per Drg. no. H 1133 as reasonably practicable to facilitate people in wheelchair
- (17) temporary road markings used and properly maintained for temporary traffic diversion [clause 31(A) of XP conditions or clause 29(A) of EXP conditions]
- NC a. Inappropriate road markings provided (type, color, line width, length & gap)
 1 2 3 4 5
- NC b. Temporary road markings not reflectorized
- (18) cover or remove existing road markings when replaced by temporary or new road markings [clause 31(B) of XP conditions or clause 29(B) of EXP conditions]
- NC a. Existing markings, only required to be covered temporarily, not masked with proprietary black tape
- NC b. Existing markings, made redundant by reason of work, not masked nor removed
- NC c. Covering or removing an existing marking not applied over a rectangular area covering the marking but just the shape of it

◆ **Vehicular and pedestrian facilities**

- (19) no operations interfering unnecessarily or improperly with convenience of the public or the access to public/private roads or footpath or properties [clause 33(A) of XP conditions or clause 31(A) of EXP conditions]
- NC a. Operation interfering with convenience of public or the access to public/private roads or footpath or properties
 1 2
- (20) establish and maintain pedestrian/vehicular access or any temporary diversion [clause 26(A)&(D) / clause 33(B) of XP conditions or clause 24(A)&(D) / clause 31(B) of EXP conditions]
- NC a. Minimum clear footway width not provided and maintained for pedestrians
 1 2 (Obsoluted) 3 (Obsoluted) 4
- NC b. No adequate alternative pedestrian diversion route provided and maintained
- NC c. Pedestrian access to or of properties not properly established & maintained
- NC d. Minimum unobstructed carriageway width not provided and maintained for vehicular access
 1 2 3
- NC e. Vehicular access (including run-in) to or of properties not properly maintained
- NC f. Correct length of approach and exit tapers not provided as per the agreed temporary traffic arrangement plan
- NC g. Signs not provided as per the agreed temporary traffic arrangement plan
 1 2 3 4 5 6
- NC h. Parking place/space occupied without authorization
- (21) unobstruction to emergency exits and emergency vehicle access [clause 33(C) of XP conditions or clause 31(C) of EXP conditions]
- NC a. Emergency exit/Emergency vehicle access obstructed

◆ **Unattended site and idle sites**

- (22) excavation not left open without being actively worked on [clause 37(A) of XP conditions or clause 35(A) of EXP conditions]
 * (This item is considered as non-compliance only when both NC boxes in the morning and afternoon give a tick.)
- NC Site unattended without display board during inspection in the morning
- NC Site unattended without display board during inspection in the afternoon
- (23) Excavation not to be actively worked on covered with steel plates or decking for re-open to passage of vehicular/pedestrian traffic [clause 37(B) of XP conditions or clause 35(B) of EXP conditions]
- NC a. Excavation not actively worked on not covered with steel plates/ or decking safely and reasonably nuisance-free
- NC b. Idle site exceeding 14 consecutive working days and does not allow the area to be reopened for the safe and reasonably nuisance-free passage of vehicular or pedestrian traffic
- (24) small display board explaining reasons for idle road works [clause 37(B) / clause 37(C)(I),(II)&(IV) of XP conditions or clause 35(B) / clause 37(C) (I),(II)&(IV) of EXP conditions]
- NC a. Information not provided as per Drg no. H 6133
 1 2 3 4 5 6
- NC b. Details not provided as per notes of Drg no. H 6133, 6134 or Permittee's drawing(s) approved by the Authority
 1 2 3 4 5 6 7 8 9 10
- NC c. Not securely mounted on a stable structure (e.g. temporary barrier, hoarding or railing)
- NC d. Not erected at a prominent location orientated towards pedestrians for public's reference
- NC e. No. of boards not provided as per note 12 of Drg no. H 6134 or otherwise approved by the Authority
 1 2 3
- NC f. Non-standard reason for idle site is provided without prior approval
- NC g. The reason for idle site displayed not manifestly reflecting the genuine situation of the idle site

- NC h. Works resumption date displayed is not legitimate or exceeds 14 consecutive working days beyond the date of inspection
1 2 3
- NC i. Display board for idle site erected where a site is being actively worked on

(25) display board for motorists explaining reasons for idle road works [clause 37(B) / clause 37(C)(I),(III)&(IV) of XP conditions or clause 35(B) / 35(C)(I),(III)&(IV) of EXP conditions]

- NC a. Information not provided as per Drg no. H 6133 or 6138
1 2 3 4 5 6
- NC b. Details not provided as per notes of Drg no. H6133, 6134, 6138 or Permittee's drawing(s) approved by the Authority
1 2 3 4 5 6 7 8 9 10
- NC c. Not supported as per Drg nos. H 6165, 6166 & 6167 or Permittee's drawing(s) approved by the Authority
- NC d. Erected at a prominent location inside the site oriented towards approaching motorists
- NC e. No. of boards not provided as per Guidance Notes No. RD/GN/024
1 2
- NC f. Not located at least a distance from any temporary/permanent traffic signs or signals as per Guidance Notes No. RD/GN/024
- NC g. Not erected to a height such that its line of sight is not obstructed as per Guidance Notes No. RD/GN/024
- NC h. Non-standard reason for idle site is provided without prior approval
- NC i. The reason for idle site displayed not manifestly reflecting the genuine situation of the idle site
- NC j. Works resumption date displayed is not legitimate or exceeds 14 consecutive working days beyond the date of inspection
1 2 3
- NC k. Display board for idle site erected where a site is being actively worked on

◆ Site cleanliness

(26) litter and waste removed from the site and properly disposed of daily [clause 38(A) of XP conditions or clause 36(A) of EXP conditions]

- NC a. Litter/rubbish found in the fenced off site
- NC b. Waste generated from work not removed off site
- NC c. Site not cleared and cleaned up before site vacation

(27) any overspill or wash-away of excavation and construction materials onto adjacent land removed and cleaned up immediately [clause 38(B) of XP conditions or clause 36(B) of EXP conditions]

- NC a. Excavation/construction debris spilled over adjacent land not removed
- NC b. Excavation/construction materials washed away onto adjacent land not cleaned up

(28) anti-mosquito measures to prevent mosquito breeding places [clause 38(C) of XP conditions or clause 36(C) of EXP conditions]

- NC a. Equipment/materials not stored, covered or treated to prevent water from being retained
1 2 3 4

(29) dust suppression measures to prevent dust generated from the site [clause 38(D) of XP conditions or clause 36(D) of EXP conditions]

- NC a. Generation of dust is observed and the dust suppression measures are not taken on site
1 2 3 4 5
- NC b. Dump trucks not properly covered to prevent and control dust emission

Location of Utilities

◆ Use of non-destructive detectors

(30) use of non-destructive underground services detectors [clause 20(C)(I)&(III) of XP conditions or clause 19(C)(I)&(III) of EXP conditions]

- NC a. Site record photos and investigation results not available

◆ Trial pits

(31) hand-dug trial pits or any suitable investigation prior to using mechanical plant for road breaking and excavation [clause 20(C)(II)&(III) of XP conditions or clause 19(C)(II)&(III) of EXP conditions]

- NC a. Site record photos and investigation results not available

Excavation and Service Installation

◆ Break up road surface, remove spoil and protect trees

(32) site supervising personnel 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 practices issued by the relevant authorities [clause 20(D) of XP conditions or clause 19(D) of EXP conditions]

- NC a. Site supervising personnel not provided to oversee the operation of mechanical plant
- NC b. Excavation close to or around underground services not carried out by hand digging method or relevant guidelines/CoP
1 2

(33) tree protection

- NC a. Pruning, felling, transplanting, drilling, lopping, cutting or any other forms of damaging of trees without authorization [clause 25(B) of XP conditions]
- NC b. Records of informing the relevant tree maintenance authorities not available when tree damage is observed [clause 25(A) of XP conditions or clause 23a of EXP conditions]

(34) materials unsuitable for backfilling removed from the site daily [clause 34(C) of XP conditions or clause 32(C) of EXP conditions]
* (This item is considered as non-compliance only when both NC boxes give a tick.)

- NC a. Unsuitable materials not removed off site
- NC b. Previous unsuitable materials still not removed off site during inspection in the following day

◆ **Trench excavation and shoring installation**

(35) adequate support to trench excavation to prevent collapse of the trench excavation [section 10(T)(1) of LMPO]

- NC a. Adequate support not installed in trench excavation with depth greater than 1.2m
- NC b. Adequate safe access to and egress from trench not provided
- NC c. Safe method of withdrawing support during backfilling not used

(36) adequate drainage measures to prevent flooding in the trench excavation [section 10(T)(1) of LMPO]

- NC a. No pumps of sufficient capacity working at proper sumps on site
1 2
- NC b. Upstands along either side of the trench not provided
- NC c. Gaps/voids between support and the vertical trench sides not filled up to prevent surface runoff

(37) remove obstruction to the full number of traffic lanes of carriageway/sufficient footway for safe and free passages of vehicular traffic/pedestrians during restricted hours [clause 30 of XP conditions or clause 28 of EXP conditions]

- NC a. Excavation not plated over & obstruction not removed for vehicular traffic/pedestrians during restricted hours
1 2

(38) excavation materials used for backfilling properly contained within the site and prevented them from wash-away by rain [clause 34(A) of XP conditions or clause 32(A) of EXP conditions]

- NC a. Materials to be used for backfilling not properly contained

(39) excavation materials removed from the site within the next day of notification to maintain pedestrian or vehicular access [clause 34(B) of XP conditions or clause 32(B) of EXP conditions]

- NC a. Excavation materials not removed off site to maintain pedestrian or vehicular access within next day of notification

(40) temporary pedestrian crossing or other suitable means approved by the Authority to maintain access to adjoining premises for excavation along building frontages [clause 35 of XP conditions or clause 33 of EXP conditions]

- NC a. Temporary pedestrian crossing (e.g. Drg no. H 1132) or other approved means over trench not provided to maintain access
1 2
- NC b. Temporary decking not securely fixed
- NC c. Significant deflection of temporary decking under pedestrian load observed

(41) steel plates over trench opening for concrete carriageway [clause 36(A) of XP conditions clause 34(A) of EXP conditions]

- NC a. Vehicle crossing over trench not provided as per Drg nos. H 6136/1 and 6136/2
1 2 3 4 5 6 7 8 9 10
- NC b. Temporary decking not securely fixed
- NC c. Significant deflection of steel plate under vehicle load observed

(42) steel plates over trench opening for bituminous carriageway [clause 36(B) of XP conditions clause 34(B) of EXP conditions]

- NC a. Vehicle crossing over trench not provided as per Drg no. H 6135
1 2 3 4 5 6 7 8 9 10
- NC b. Temporary decking not securely fixed
- NC c. Significant deflection of steel plate under vehicle load observed

◆ **Support and protect utilities**

(43) safe working practices adopted to prevent damaging installations and services in accordance with guidelines and CoP issued by the relevant authorities [clause 20(E) of XP conditions or clause 19(E) of EXP conditions]

- NC a. Ground movement adjacent to installations and services due to excavation observed
- NC b. Service across trench not properly supported
- NC c. Warning signs to prevent damaging other existing services not provided

◆ **Service installation**

- (44) minimum depth measured vertically to the top of the underground services or installations including pipes, cables, ducts, joints, etc. [clause 18(A) of XP conditions or clause 18(A) of EXP conditions]
- NC a. A minimum depth not provided
1 2 3 4 5 6
- (45) minimum depth measured vertically to the top of the underground services or installations running along the “Kerb Zone” [clause 18(B) of XP conditions or clause 18(B) of EXP conditions]
- NC a. A minimum depth along kerb zone not provided

Backfilling and Reinstatement

◆ Backfilling

- (46) each layer of backfill materials properly compacted with a power rammer, vibratory plate or vibratory roller [clause 41(A) of XP conditions or clause 39(A) of EXP conditions]
- NC a. Backfilling not properly compacted with appropriate compaction plant to road formation
- (47) suitable backfilling materials [clause 41(B) of XP conditions or clause 39(B) of EXP conditions]
- NC a. Backfilling with unsuitable materials or exceeding 75mm maximum particle size
1 2
- (48) suitable compaction of backfilling materials adjacent to gas plant and watermains [clause 41(D) of XP conditions or clause 39(D) of EXP conditions]
- NC a. Backfilling materials adjacent to gas plant and watermains not suitably placed and compacted by hand-rammer
- (49) no heavy excavator or compaction roller passed over buried utility installations with less than 1m overburden cover [clause 20(F) of XP conditions or clause 19(F) of EXP conditions]
- NC a. Heavy excavator or compaction roller passed over buried utility installations with less than 1m overburden cover
- (50) backfilling in pavement of paving slab/block construction to be permanently reinstated by the Authority [clause 45(B)(I) of XP conditions or clause 43(B)(I) of EXP conditions]
- NC a. Compacted backfill and granular sub-base not placed up to the formation level as per Drg no. H 1131

◆ Pavement reinstatement

- (51) reinstatement of pavement in compliance with the standards of the Authority [clause 42 of XP conditions or clause 40 of EXP conditions]
- NC a. No saw cut along reinstatement limits
- NC b. Sub-base layer reinstatement not properly constructed (material type & thickness, compaction and finished surface)
1 2 3 4 5 6 7 8
- NC c. Kerbs not properly constructed as per Drg no. H 1101, 1102 or 1103
- NC d. Bituminous pavement reinstatement not properly laid and compacted (laying, compaction, type & thickness of materials to be put back and finished surface)
1 2 3 4 5
- NC e. Concrete carriageway reinstatement not properly constructed (details as per Drg no. H 1124, joints reinstatement, concrete placing & compaction, finished surface, curing and protection)
1 2 3 4 5 6 7 8
- NC f. Concrete footway & run-in reinstatement not properly constructed (details as per Drg nos. H 1127 and 1128, joint spacing & reinstatement, concrete placing & compaction, finished surface and curing)
1 2 3 4 5 6 7 8 9
- NC g. Paving slab/block reinstatement not properly constructed (details as per Drg no. H 1131, paving block laying and finished surface)
1 2 3 4 5
- NC h. Extent of pavement not reinstated to the Authority’s requirement (Drg nos. H 1125, 1128, 1130, 1131 or otherwise advised by the Authority)
1 2 3 4 5
- (52) reinstatement of concrete staircase [clause 43(A) of XP conditions or clause 41(A) of EXP conditions]
- NC a. Concrete staircase not reinstated to the original details, dimensions, lines, levels, etc
1 2
- (53) reinstatement of masonry staircase and granite kerb [clause 43(B) of XP conditions or clause 41(B) of EXP conditions]
- NC a. Masonry steps staircase and granite kerb not reinstated to the original state
1 2
- (54) temporary reinstatement of pavement in compliance with HyD standard drawing [clause 45(A) of XP conditions or clause 43(A) of EXP conditions]
- NC a. No saw cut along reinstatement limits (obsolete requirement)
- NC b. Pavement not temporarily reinstated as per Drg no. H1123

- | | | | | | | | |
|--------------------------|-----------------------------|----|---|----------------------------|----------------------------|----------------------------|----------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> NC | c. | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |
| | | | Defect(s) identified on temporary reinstatement of pavement | | | | |
| | | | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |

◆ **Reinstatement of road markings, traffic signs & street furniture**

- (55) reinstatement of affected street furniture/traffic aids/road markings/any other installations to the conditions existing before [clause 40 of XP conditions or clause 38 of EXP conditions]
- | | | | | | | | |
|--------------------------|-----------------------------|----|--|----------------------------|----------------------------|----------------------------|----------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> NC | a. | Traffic aids/signs not correctly reinstated (location, orientation) | | | | |
| | | | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | | | |
| <input type="checkbox"/> | <input type="checkbox"/> NC | b. | Railing not properly reinstated | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> NC | c. | Permanent road markings not properly reinstated | | | | |
| | | | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | | | |
| <input type="checkbox"/> | <input type="checkbox"/> NC | d. | Temporary road markings not completely removed | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> NC | e. | Affected street furniture/installations not properly reinstated. | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> NC | f. | Inappropriate temporary road markings provided (type, color, line width, length & gap) | | | | |
| | | | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> | <input type="checkbox"/> NC | g. | Temporary road markings not reflectorized | | | | |
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Guidelines for Marking of Defective Items in Audit Inspection Checklist

Site Establishment

◆ Excavation permitted under the Permit

- (1) a.
 1. Excavation outside the horizontal extent permitted under the Permit
 2. Depth of excavation exceeded the depth permitted under the Permit
- (2) a. Site fenced off and opened exceeds
 1. trench length restriction imposed by TD or Police; or
 2. other trench length permitted by HyDwhichever is shorter, at the permit period assessment stage.

◆ Publicity board

- (3) a. No permit (or any permit extension) is displayed on sign face of notice boards for pedestrian and/or back of publicity boards for motorist.
 - b. No temporary traffic arrangement plans as agreed by TD and/or Police is available for inspection upon request.
- (4) a.
 1. Type 'A' small publicity board is not used as the site does not appear to be divided into separate sections with different completion dates.
 2. Type 'B' small publicity board is not used as the site is divided into separate sections with different completion dates, where a separate section should normally be not less than–
 - 100m long on urban roads with shop frontages, or
 - 200m long on roads with through traffic with no shop frontages.
- b. The following information is not provided–
 1. name and/or logo of “the promoter of the works”.
 2. cartoon figure and the apology statement.
 3. telephone number manned 24 hours a day by “the promoter of the works” for enquiry/complaint.
 4. description of works (refer to Drg no. H 6147 or Permittee’s drawings approved by the Authority).
 5. commencement date, original completion date and anticipated completion date for a section and/or all sections of work where appropriate.
- c. The following detail(s) is(are) not provided as per Drgs no. H 6144-7 or Permittee’s drawings approved by the Authority–
 1. aluminium backing plate (conforming to BS EN485) of 3mm thick.
 2. plastic backing plates (the face shows no signs of deterioration, such as cracking, scaling, blistering, delamination and corrosion) and correct sign colours to BS5252F (1976).
 3. the face of the board is reflectorized (constructed with Class Ref 1 reflective materials to BS EN 12899-1).
 4. size of the board.
 5. size of the figure.
 6. size of the cartoon logo.
 7. size of the telephone figure.
 8. size of lettering.
 9. the information shall be in English and Chinese in printed words, i.e. not free-hand writing.
 10. the information shall be clear and legible.

- d. The board is not securely mounted on a stable structure (e.g. temporary barrier, hoarding or railing).
 - e. The board is not displayed at a prominent location and orientated towards pedestrians for public's reference.
 - f. No. of board(s) is(are) not provided in accordance with the following requirement(s)–
For a work site (including decked areas) less than 50m in length,
 1. one publicity board shall be provided.For a work site (including decked areas) longer than 50m in length,
 2. publicity boards shall be provided at ends of the site.
 3. publicity boards shall be provided along the site at a maximum spacing of 50m.
- (5) a.
1. Type 'A' publicity board for motorists is not used as the site does not appear to be divided into separate sections with different completion dates.
 2. Type 'B' publicity board for motorists is not used as the site is divided into distinct sections with different completion dates, where a distinct section should normally be–
 - not less than 100m long on urban roads with shop frontages, or
 - not less than 200m long on roads with through traffic with no shop frontages.
 - a road section fronting a street block or between two road junctions.
 - works on each of the two bounds of carriageway or a divided road.
- b. The following information is not provided–
1. name and/or logo of “the promoter of the works”.
 2. cartoon figure and the apology statement.
 3. telephone number manned 24 hours a day by “the promoter of the works” for enquiry/complaint.
 4. commencement date, original completion date and anticipated completion date for a section and/or all sections of work where appropriate.
- c. The following detail(s) is(are) not provided as per Drgs no. H 6146-49 or Permittee's drawings approved by the Authority–
1. the 3 mm thick aluminium backing plate (conforming to BS EN485)
 2. the faces of the board and insert plates constructed with Class Ref 1 reflective materials to BS EN 12899-1.
 3. correct sign colours to BS 5252F (1976).
 4. size of the board.
 5. size of the logo.
 6. size of the cartoon figure.
 7. size of the telephone figure.
 8. size of lettering.
 9. the information shall be in English and Chinese in printed words, i.e. not free-hand writing.
 10. the information shall be clear and legible.
- d. The board is not supported as per Drgs no. H 6165-67 or Permittee's drawings approved by the Authority.
- e. The board is not displayed at a prominent location inside the site oriented towards approaching motorists.

- f. No. of board(s) is(are) not provided in accordance with Guidance Notes No. RD/GN/019–

For type ‘A’ publicity board,

1. One number of type ‘A’ publicity board shall be provided where the length of carriageway affected is less than 100m of a straight stretch of road.
2. Where the work site is longer than 100m, each bound of traffic should have a type ‘A’ publicity board to display the required information. Additional publicity boards should be provided at 100m spacing in prominent locations for projects along a straight stretch of road or after turning a bend.

For type ‘B’ publicity board, one number of publicity board shall be provided at each distinct section with a different completion date, where a distinct section should normally be–

3. a road section not less than
 - 100m on urban roads with shop frontages, or
 - 200m on roads with through traffic without shop frontages.
4. a road section fronting a street block or between two road junctions.
5. works on each of the two bounds of carriageway or a divided road.

(For works with anticipated carriageway occupation period less than one month or works not on major roads (expressways, trunk roads, primary distributors and district distributors), no publicity board for motorists is required)

Note: When the original anticipated carriageway occupation period has been extended more than one month, publicity board for motorist should be provided in accordance with Guidance Notes No. RD/GN/019.

- g. The board is not located at least 25m clear of any temporary or permanent traffic signs or signals. The board is erected such that it will cause danger to any road users.
- h. The board is not erected to a height such that its line of sight is not obstructed by materials or plants on site.
- (6) a. The information on board such as anticipated completion date for a section and/or all sections of work, as the case may be, is not updated.
- (7) a. No one answers a call when it is made by dialing the telephone number. Spot-check for the compliance of this item will be conducted by the audit staff.

◆ Existing works and installations

- (8) a. Any apparent ground movement or damage of roads, buildings, slopes and any other structures, or services under or above ground adjacent to or within the site is observed/identified.
- (9) a. Written proof of such notification to the concerned utility undertakers cannot be produced upon request.
- (10) a. Access to the utility pits and opening of the pit covers is obstructed.
- (11) a. Access to fire hydrants and valves is obstructed.
- b. Reasonable access to watermains, stormwater drains and sewers, manholes, channels, gullies and other street hardware is not available when required.
- (12) a.
 1. Street name plates, street furniture, drainage facilities and mail boxes are removed, covered or relocated without the consent of the Authority. The approval documents from relevant Authority are not available for inspection.
 2. Traffic aids are removed, covered or relocated without the consent of TD. The approval documents from relevant Authority are not available for inspection.

◆ **Lighting, signing and guarding**

(13) a. Length of approach/exit taper is not in accordance with the following requirement, or is not provided as agreed with relevant authorities–

Width of hazard (m) including lateral safety clearance zone		2.4	2.7	3.0	3.4	3.7	4.3	4.9	5.5	6.1	6.7	7.3
Speed Limit (km/h)		Approach Taper Length (m)										
1.	80 or above	60	69	76	84	91	108	122	138	152	168	182
2.	70	45	51	58	63	69	78	90	102	114	126	138
3.	Below 70	30	34	38	42	46	52	60	68	76	84	90

4. (Obsoleted)

5. Where traffic control, either by use of portable traffic light signals or Stop/Go signs, is used, a much shorter approach taper formed at 45⁰ to the line of the road is required. (i.e. approach taper length = obstruction width)
6. At the end of temporary carriageway restriction, the exit taper shall be formed at 45⁰ to the line of the road. (i.e. exit taper length=obstruction width)
* In general, width of hazard is the width of obstruction in carriageway (c/w)
7. Approach tapers shall not be used for entering or exiting the works site.

b. Site boundaries not delineated with cones and cylinders in accordance with the following requirement–

Minimum Height of Traffic Cone/Cylinder

1. 750mm high for roads with speed limit of 70 km/h or below
2. 1000mm high for roads with speed limit of 80 km/h or above

Maximum Spacing of Traffic Cone/Cylinder

A) At tapers

3.	normal approach tapers	2m
4.	45° approach tapers where traffic control is used or temporary pedestrian ways adjoins a c/w	1m
5.	end tapers	1m
B)	Along edges of temporary pedestrian ways encroaching onto c/w and traffic diversion routes not along existing traffic lanes	
6.	both sides of temporary traffic lane diversions not along the edges of the existing traffic lanes	2m
7.	edges of temporary pedestrian ways encroaching onto a c/w	1m
C)	Along and parallel to the edges of existing traffic lanes	
8.	for roads with speed limit up to but not more than 50 km/h	3m
9.	for roads with speed limit of 70-80 km/h, or at tight bends and near slip roads with speed limit over 80 km/h	4.5m
10.	for roads with speed limit over 80 km/h, or expressways, except at tight bends or near slip roads	9m
D)	Within site area for works on carriageway	
11.	The interface of longitudinal safety clearance zone and works area	1m

c. Road hazard warning lanterns are not provided in accordance with the following requirement–

Lantern Type

1. low intensity battery operated lamps of the flashing type to delineate temporary edge of carriageways, footways or cycleways. (The lanterns shall comply with the requirements of BS3143-2:1990 or equivalent.)
2. high intensity battery operated beacons of the flashing type to draw drivers' attention to hazard.
 - used at approach taper
 - used in conjunction with advance warning signs (in particular to supplement signs indicating the beginning of a temporary diversion on expressways or roads other than expressways with speed limit over 80 km/h).
 Revolving lanterns to draw drivers' attention in works on expressway by placing at entry/exit points of lane closure and mounting on vehicles. (The lanterns shall comply with the requirements of BS 3143-4:1985 or equivalent.)

Lantern Height

3. Lanterns shall face oncoming vehicles and shall be mounted on stands or cones, with the centre of lens not exceeding 1.2m above the road surface, except that on roads with speed limit of over 70km/h, mounting on cones is the only acceptable method.

Maximum Lantern Spacing

- | | |
|--|-----|
| A) At tapers | |
| 4. normal approach tapers | 8m |
| 5. 45° approach tapers where traffic control is used | 1m |
| 6. End tapers | 4m |
| B) Along edges of temporary pedestrian ways adjoining and encroaching onto c/w and traffic diversion routes not along existing traffic lanes | |
| 7. both sides of temporary traffic lane diversions not along the edges of the existing traffic lanes | 4m |
| 8. edge of temporary pedestrian ways adjoining and encroaching onto a c/w | 4m |
| C) Along and parallel to existing traffic lanes | |
| 9. For roads with speed limit up to but not more than 50 km/h | 3m |
| 10. For roads with speed limit of 70km/h to 80 km/h, or at tight bends and near slip roads with speed limit over 80km/h. | 9m |
| 11. For roads with speed limit over 80 km/h or expressways, except at tight bends or near slip roads. | 18m |
| 12. placed midway between successive traffic cones | |
| D) At barriers used to fence off the obstruction from pedestrian/cyclists flow | |
| 13. the maximum spacing of each lantern at rail shall not be more than 4 m | |
| 14. at least 1 lantern to be provided near each corner of the delineated area | |
- d. Traffic signs are not correctly provided in the aspects of type, size, location, height and orientation.

Advance Warning Signs

1. TS491 – “Road Works Ahead”
2. TS415 – “Road Narrows on Both Sides Ahead”
3. TS416/417 – “Road Narrows on Right Ahead” / “Road Narrows on Left Ahead”
4. TS492-497 – “Lane Closed Ahead” for each lane closure” for 3 lanes c/w
5. TS499-500 – “Right/Left Lane Closed Ahead” for 2 lanes c/w
6. TS503 & 504 – “Temporary sharp deviation” & “Barricade”

Regulatory Signs

7. TS109/110 – “Keep Left/Right”
8. (Obsoleted)
9. TS107/108 – “Turn Left/Right”
10. TS111/112 – Turn Left/Right Ahead”
11. TS106 – “Ahead Only”

Signs for Pedestrians

12. TS510 – “Crossing Not in Use”
13. TS511-513 – “Route for Pedestrians”

Signs for Traffic Control

14. TS409 & 219 – “Traffic Signals Ahead” & “When Red Light Shows Wait Here”
15. TS103/104 & 509 – “Stop/Go Sign” & “Traffic Control Ahead”

End of Road Works

16. TS491 & 767 – “End of Road Works”

Diversion Signs

17. TS501/502 – “Diversion to Another Carriageway to Right/Left Ahead”
18. TS220 & 508 – “Road Closed” & Road Ahead Closed”
19. “Diversion Ahead”, “Diversion”, “Diverted Traffic” & “Diversion Ends”

Miscellaneous

20. TS505 & 506 – “Ramp” & “Ramp Ahead”
21. TS407 – “Two Way Traffic”
22. TS434, 488 & 489 – “Uneven Road Surface”, “Loose Chippings Ahead” & “Slippery Road”
23. TS737 & 738 – “Reduce Speed Now” & “Single File Traffic” supplement to “Road Narrows” signs

Special Temporary Warning Signs

24. “Slow, Road Works”
25. “Reduce Speed Now, Works Ahead”
26. “Slow, Sharp Bend Ahead”

(Special temporary warning signs are required when there is : (a) diversion of vehicular traffic away from original carriageway onto a temporary pavement through a work site; (b) temporary complete closure of a section of carriageway; or (c) road construction projects involving one or more traffic lanes of length longer than 100m being fenced off for one month or more.)

Temporary Directional and Other Worded Signs

27. These signs should have black legends and borders on a yellow background, and comply with paragraphs 4.4 to 4.7 of the CoP for LSG and the visibility requirement of the “Transport Planning and Design Manual”.

Flashing Arrow Sign (FAS)

28. Signface details and luminance requirements of FAS should be in accordance with Appendix E of the CoP for LSG.
29. The mounting height (measured from the road surface to the bottom of sign) shall not be less than 2.4m on a vehicle or be less than 1.5m on a trailer.
30. For works on expressway, high speed roads and roads with speed limit of 70km/h or above, the mounting height of a FAS on vehicles shall not be less than 3.3m.
31. For indicating lane closure on expressways, high speed roads and roads with speed limit of 70 km/h or above, FAS shall be placed on top of the barricade sign.

Signs on Tramway Tracks

32. “No Entry Except Trams”

Signs for Cyclists

33. TS227 – “Cycling Restriction”
34. TS228 – “End of Cycling Restriction”
35. TS480 & 483 – “Cyclists Dismount”

Informatory Sign

36. TS602 – “Pass Either Side”

Temporary Variable Message Signs (VMS)

37. Temporary VMS conforming to BS EN 122966-1:2014 and with optical performance Level 1 as defined in TR 2516B “Performance Specification for Discontinuous Variable Message Sign” shall be used for road works on expressways with hard shoulders of width no less than 3m in addition to advance warning signs.
38. Temporary VMS shall be approximately 1100 mm wide and 1100 mm high.

39. Temporary VMS shall be with automatic dimming control and capable of displaying bilingual text messages and graphical messages to provide information of lane closure ahead.
40. To provide additional warning, a temporary VMS mounted on a vehicle, a trailer or a frame shall be placed at least 200m in advance of the first advance warning sign on the hard shoulder of an expressway.

e. Advance warning signs and “End of Road Works” sign are not placed in accordance with the following requirement–

Speed Limit (km/h)	Advance Warning Signs in Advance of Road Work			“End of Road Works” Sign
	Distance of the first sign (m)	Minimum number of signs	Minimum visibility distance of driver to the first sign (m)	Distance beyond the work (m)
1. Expressways	600	3	80	45 – 90m
2. over 80	300 – 600	3	80	45 – 90m
3. 70-80	100 – 300	3	70	30 – 35m
4. 50-Below 70	40 – 100	2	60	30 – 35m
5. up to 50	40 – 100	2	60	10 – 30m

- f.
 1. Continuous temporary tubular barriers are not provided on those sides of an obstruction/excavation to restrict pedestrian flows or access, whether or not there is any special reason to expect blind and visually impaired people passing that location.
 2. Fixing details on barriers for road hazard warning lantern is not in accordance with Drg. no. H 6151 (The lantern should shield the fixing plate and bolt from the pedestrians, and when a lantern is not mounted, the steel plate must not protrude above the top rail. For plastic barrier, no part of the mounting mechanism shall protrude above the top rail after removal of the lantern))
- g.
 1. Traffic control equipment, either portable traffic signals or Stop/Go signs, is not used to operate alternate one-way traffic where the minimum width of a single carriageway for normal two-way traffic is less than 5.5m.
 2. Portable light signals are not used in the following situations–
 - where the length of control exceeds 30m;
 - where the length of control is less than 30m and the view of oncoming traffic is obscured; or
 - during the hours of darkness, irrespective of the length of control.

3. In the case of “Stop/Go” signs are used, they are not operated in accordance with the following requirements–
 - 2 signs, one at either end of the control length, shall be operated where the control length is not less than 15m; or
 - 1 sign, located centrally at the control length, shall be operated where the control length is less than 15m; and
 - the signs must be constructed in retroreflective materials and mounted between 1.5 and 2.5m above the carriageway surface.
 4. Truck mounted attenuator (TMA) is not mounted at the rear end of a shadow vehicle to protect road works personnel in the works areas in front or to escort works vehicles when performing mobile operation activities for lane closure and mobile operations on expressways, high speed roads and other roads with speed limit of 70km/h or above..
 5. Typical rear details of works vehicles / shadow vehicles with or without TMA on expressways, high speed roads and other roads with speed limit of 70km/h or above should be in accordance with Appendix D of CoP for LSG.
- h. Water-filled barriers without stipulated containment level (may be used as an alternative to pedestrian barriers and cones to separate the trafficked carriageway from adjacent footway or work zone) are not provided in accordance with the following requirements:
1. The barriers should be proprietary-made water fillable plastic containers with device for interlocking adjoining container units..
 2. The height of barriers shall not be less than 800mm. For use as an alternative to temporary tubular barriers, the height of the temporary barriers should not be less than 900mm and should comply with the general requirements on temporary tubular barriers in the CoP for LSG.
 3. The barriers should be placed in alternate red and white colours such that they stand out conspicuously in contrast to the works behind them and are visible by day and night.
 4. Top surface of the water-filled barrier shall be smooth and shall be capable of providing guiding and support to pedestrians, otherwise a separate handrail shall be provided.
 5. Water-filled barriers shall be filled with water at least up to the minimum water level according to the operating instruction of the manufacturer. Minimum and maximum water level marks shall be conspicuously imprinted on the barriers to facilitate checking of water level.
- i. Works on Expressway are not in accordance with the following requirements:
1. Size of warning sign to be 1200mm.
 2. First advance warning sign to be placed 600m ahead.
 3. 1000mm high cones to be used.
 4. (Obsoleted)
 5. Cone spacing to be 9m parallel to traffic lane (18m for short duration day time works not at tight bends nor near slip roads).
 6. Approach and end taper cone spacing to be 2m and 1m respectively.
 7. Temporary tubular barriers not to be used.

8. High intensity battery operated beacons to be used along tapers and in conjunction with advance warning signs.
 9. Road hazard warning lanterns to be mounted on cones 1.2m above road surface.
 10. Flashing arrow signs (FAS) to be used with barricade signs to indicate beginning of temporary diversion.
 11. Slow moving works vehicle to be mounted with FAS.
 12. High visibility clothing, incorporating retroreflective stripes or patches, to be worn by workers.
 13. Minimum 1.2m lateral safety clearance to be maintained.
 14. The paintwork of the vehicle used must be kept in good repair and the vehicle remains conspicuous to other traffic. The name of the contractor must be marked in black in at least one prominent position on each side of the vehicle.
 15. 50m longitudinal safety clearance to be maintained.
 16. Shadow vehicle with TMA in front of the 50m longitudinal safety zone to be placed before the works area as guarding provision
- j. Works on Tramway Track are not in accordance with the following requirements:
1. At the sides where the passage of trams will be obstructed, barriers to fence off the works area and traffic cones to form tapers should not apply.
 2. Conspicuous signs not less than 1m above the road surface should be displayed to give to any person adequate warning of the danger.
 3. Temporary road humps should be provided across the tramway track where additional warning to motorists is necessary.
- k. Temporary Safety Barriers with stipulated containment level are not provided in accordance with the CoP for LSG
1. Temporary Safety Barrier With Stipulated Containment Level is not provided on carriageways with the conditions specified in CoP for LSG Clause 5.24.
 2. Temporary safety barriers with containment level assembly and individual component must meet BS EN 1317-2:2010 containment level T2 or above. The containment level of temporary safety barriers shall be marked on the barriers for identification.
 3. Temporary safety barriers with containment level, if in form of water filled barriers, must be filled with water according to the manufacturer's recommendation.
 4. Temporary safety barriers with containment level shall stand out conspicuously and shall be provided with road hazard warning lanterns.
- (14) a. Condition/quality of signs found non-compliance with the following requirement–
1. Backing plates of signs must conform to one of the following :

- Aluminium plate shall comply with the requirements of BS EN 485-3:2003 or BS EN 485-4:1994, together with the requirements of BS EN 485-2:2004.
 - Plastic shall comply with the requirement on impact test in the CoP for LSG.
 - Temporary signs for emergency purposes and used for less than 24 hours may be mounted on flexible plastic board or other similar material. (The material should be strong enough to withstand normal wind load without excessive bending).
2. Sign-faces shall be reflective (All sign faces should be constructed in “Class Ref RA2” retroreflective material conforming to BS EN 12899-1:2007) In particular, ASTM D4956-16 “Type IX” retroreflective material shall be used for the signs mounted at the rear end of a works vehicle or shadow vehicle.
 3. The backing plate of a sign shall be fabricated from an aluminium plate of 3mm minimum thickness.
 4. Name of contractor must appear in both Chinese and English on the back of each sign. Relevant information of the works (including contract number, name of the promoter and/or contractor of the works, and telephone number for answering enquiries and complaints on the works) shall also be appeared on the back of sign in particular for signs or message boards placed far away from the works site.
 5. Clean and clear from damage with message clearly legible.
 6. Signs should be provided with stands so that they are held in a rigid position with at least 300mm above the adjacent roadway. (e.g. it should not be easily moved or rotated by the air turbulence of moving vehicles)
 7. Signs mounted on lighting columns should be smaller than 0.4m^2 , be securely fixed without damage to the column, and be positioned so as not to obstruct access to the joint box.
 8. All corners of a sign plate shall be rounded to a radius of not less than 18 mm unless otherwise stipulated in the relevant standard drawing(s) published by TD or HyD.
 9. All edges of a sign plate shall be ground to ensure that they are free from sharp edges, burrs, raggedness and tears.
- b. Condition/quality of traffic cones or cylinders found non-compliance with the following requirement–
1. The white portion must be retroreflective and the red portion may be retroreflective or have a fluorescent finish.
 2. Cones or cylinders should not become inconspicuous due to the reflectorised finish covered with dirt.
 3. Cones or cylinders should not be damaged or toppled. (They shall comply with BS EN 13422:2004. Cones must have heavy duty rubber bases and the weight of the whole 750mm and 1000mm cones shall not be less than 3.85kg and 6kg respectively).
 4. The use of bags filled with sand as ballast is not acceptable.
 5. Traffic cones or cylinders when used on one site shall be of the same height.
- c. Condition/quality of temporary tubular barriers found non-compliance with the following requirement–
1. Barriers should be hooked/fastened at ends of barriers to form continuous barriers which clearly separate pedestrians, cyclists from the works and trafficked carriageway and warn pedestrians and cyclists of their presence.

2. Temporary tubular barriers shall be painted so that they stand out conspicuously in contrast to the obstruction/excavation behind and are visible in day and night.
 3. Barriers shall be stable under adverse weather conditions and be substantial, and should not be easily toppled or moved by pedestrians or slipstreams of moving traffic.
 4. Temporary tubular barriers should be made of metal or plastic and should be designed to restrict pedestrian access effectively and not to obstruct visibility. Temporary tubular barriers should have handrails of at least 900mm but not exceeding 1150mm above ground, which should be reasonably smooth and rigid for guiding and providing some measure of support to pedestrians and be provided with tapping rails at not more than 280mm above ground.
 5. Temporary tubular barriers placed on carriageways adjacent to running traffic lanes shall be of the plastic type and be guarded by a line of traffic cones.
 6. Temporary tubular barriers with detachable horizontal members made of hard objects such as timber or steel poles should not be used.
 7. Temporary tubular barriers shall not be used on the carriageways of expressways and roads with speed limit over 80 km/h.
- d. Condition/quality of road hazard warning lanterns found non-compliance with the following requirements–
1. All lanterns must be yellow in colour with amber lenses.
 2. Each lantern shall be fitted with a supplementary reflector of at least 50cm² in area which must appear under headlamp illumination to be of a similar colour to the light emitted by the lantern.
 3. Lanterns should show an intermittent or revolving light.
 4. Lanterns/beacons shall flash or revolve at the rate of 90 -150 times per minute and should be kept operating at all times when the temporary diversion is in place. (Low intensity battery operated lamps to delineate temporary edge of carriageways or footways should comply with the requirements of BS 3143-2:1990 or equivalent. High intensity battery operated beacons to draw drivers' attention to hazards should comply with the requirements of BS 3143-4:1985 or equivalent.)
 5. The use of revolving lanterns to draw drivers in works on expressway by placing at entry/exit points of lane closure and mounting on vehicles should be in accordance with Appendices C & E respectively of the CoP for LSG. (The lanterns should comply with the requirements of BS 3143-4:1985 or equivalent.)
 6. During the hours of darkness or at times of poor visibility, all obstructions or road works must be properly lit with prescribed road hazard warning lanterns to indicate the limits of the works to the road users.

◆ **Temporary traffic arrangement and control**

- (15) a. Name and contact telephone number of the responsible technician are not displayed at the back of temporary traffic light signal
- b. No one answers a call when it is made by dialing the telephone number. Spot-check for the compliance of this requirement will be conducted by the audit staff.
- (16) a. 1. Sufficient length of approach taper according to (13)a is not provided; and
2. Exit taper is formed at 45° to the line of the road. (i.e. exit taper length=obstruction width)
- b. 1. Continuous barriers (i.e. hooked/fastened at ends of barriers to resist gentle push) are not provided on those sides of an obstruction/excavation to restrict pedestrian flow or access, whether or not there is any special reason to expect blind and visually impaired people passing that location.
2. Fixing details on barriers for road hazard warning lantern is not in accordance with Drg. no. H 6151 (The lantern should shield the fixing plate and bolt from the pedestrians, and when a lantern is not mounted, the fixing plate must not protrude above the top rail.)
- c. 1. Barriers/barricades are not provided to prevent pedestrians, in particular the blind and visually impaired people, from accessing to the carriageway.
Traffic cones are not provided in accordance with the following requirements–
2. type (the white portion must be retroreflective and the red portion may be retroreflective or have a fluorescent finish)
3. size (750 mm high minimum)
4. spacing at tapers and along temporary pedestrian ways (i.e. 1m max. spacing)
- d. The traffic sign(s) is (are) not provided in accordance with the requirements of Figure 5.3 in the CoP for LSG:–
1. “Road Works Ahead”
2. “Road Narrows on Right Ahead”
3. “Road Narrows on Left Ahead”
4. “Keep Right”
5. “Route for Pedestrians”
6. “End of Road Works”
7. condition of signs - clean and clear from damage with message clearly legible
- e. Road hazard warning lanterns are not provided in accordance with CoP for LSG:–
1. type
 - low intensity battery operated lamps to delineate temporary edge of carriageways, footways or cycleways
 - high intensity battery operated flashing beacons to draw drivers’ attention to hazard (e.g. used at lead-in tapers, in conjunction with advance warning signs and at end of exit taper).
2. height
 - mounted on stands or cones with a maximum of 1.2m above the ground when provided on carriageways
3. spacing along the line of the obstructions
 - the maximum spacing of each lantern at rail should not be more than 4 m; and
 - at least 1 lantern to be provided near each corner of the delineated area
4. spacing along edges of temporary pedestrian way adjoining and encroaching onto a carriageway
 - placed at a maximum spacing of 4m.
- f. Road hazard warning lanterns are not working in accordance with the following requirements–
1. lanterns should show an intermittent or revolving light during the hours of darkness.
2. flashing beacons should flash or revolve at the rate of 90 -150 times per minute and should be kept operating at all times when the temporary diversion is in place.

- g. A minimum of 1m wide temporary platform with a ramp of 1 in 6 max. gradient at both ends (details shown in Drg. no. H 1133) is not provided as reasonably practicable for persons in wheelchair.
- (17) a. Temporary road markings are not provided in accordance with the Road Traffic (Traffic Control) Regulations.
- 1. type
 - 2. colour
 - 3. line width
 - 4. line length
 - 5. gap between lines
- b. Temporary road markings are found not reflectorised.
- (18) a. For existing road markings only required to be covered temporarily, they are not masked with proprietary black tape.
- b. For existing road markings made redundant by reason of work, they are not removed nor masked with proprietary black tape.
- c. Where an existing road marking is masked with proprietary black tape or removed by grinding, the black tape or the grinding operation is not applied over a rectangular area covering the marking but just the shape of it.

◆ **Vehicular and pedestrian facilities**

- (19) a. 1. Operations in connection with the work of the Permittee are found interfering unnecessarily or improperly with the convenience of the public or the access to public/private roads or footpath or right-of-ways to or of properties whether in the possession of Government or of any other person.
2. Disruption to existing tactile guide paths occur as a result of the works without reprovision of temporary tactile guide paths of the affected section, or devising appropriate alternative methods for guiding visually impaired persons passing the obstruction or excavation.
- (20) a. 1. A minimum clear footway width of 1.5m in general is not provided and maintained for pedestrians except the following :
- (i) the affected footway is of a short length and with prior permission from TD/Police; or
 - (ii) emergency works constrained by site conditions in which cases the authorities should be consulted as soon as possible.
2. Obsoleted
3. Obsoleted
4. When works are carried out on the cycleway, a desirable minimum clear width of 1.8m is not maintained for cyclists to dismount and wheel their bicycles or tricycles passing the works area in two-way directions, or no appropriate alternative route is provided, unless the authorities are consulted.
- b. No adequate alternative pedestrian diversion route is provided where it is not practicable to provide the minimum unobstructed footway width (except arrangement endorsed by TD/Police due to physical constraint on site).
- c. Pedestrian access to or of properties is not properly established & maintained.

- d. 1. A minimum unobstructed carriageway width of one traffic lane is not provided & maintained for vehicular access.
 2. A minimum unobstructed carriageway width of 5.5m is not provided & maintained on a single carriageway for two-way traffic.
 3. A minimum unobstructed carriageway width of 3m is not provided & maintained with operation of traffic control by portable traffic light signals or Stop/Go signs.
 - e. A minimum unobstructed width of one traffic lane is not properly maintained for vehicular access (including run-in) to or of properties.
 - f. Length of approach/exit taper is not in accordance with the temporary traffic arrangement plans as agreed by TD and/or Police.
 - g. Traffic signs are not correctly provided in the aspects of type, size, location, height, orientation and number in accordance with the temporary traffic arrangement plans as agreed by TD and/or Police.
 1. type
 2. size
 3. location
 4. height
 5. orientation
 6. number
 - h. Approval of TD for occupying parking place/space on road is not available upon request.
- (21) a. Emergency exit or emergency vehicular access is found obstructed.

◆ **Unattended site**

- (22) The audit staff shall need to record whether an excavation site is being actively worked on and if not, whether display board(s) explaining reason(s) for the road works not being actively worked on at site is erected. An excavation site which is not being actively worked on and without the display board(s) erected is defined as an unattended site. When an excavation is found left open without being actively worked on with no display board(s) erected in morning inspection, a follow-up inspection in afternoon on the same day **must** be conducted to complete the checking of this item. If the site is still not being actively worked on and without the display boards erected in the follow up inspection, AIMS will automatically record a NC of unattended site for this item.

If a site is unattended due to inclement weather, unless Amber/Red/Black rainstorm warning thunderstorm warning, flood warning or Typhoon Signal No. 3 or above is hoisted or 3 hours after the lowering of these warnings/signals, a display board explaining the reason is required.

- (23) a. Excavation not to be actively worked on (except prior approval obtained from the Authority) is not covered by steel plates/ or decking safely and reasonably nuisance-free so as to allow the area to be reopened for the safe and reasonably nuisance-free passage of vehicular or pedestrian traffic.
- b. Idle site is defined where an excavation site is not being actively worked on but with display board(s) erected explaining reason for the road works not being actively worked on at site. Idle site (except prior approval obtained from the Authority) exceeding 14 consecutive working days (excluding Sunday and General Holiday) and does not allow the area to be reopened for the safe and reasonably nuisance-free passage of vehicular or pedestrian traffic. This requirement is not applicable to slope works where the excavation permit is solely applied for hoarding erection not affecting public roads.

The audit staff shall record whether the site is left idle during audit inspection. AIMS will record a NC for this item if the excavation site has been left idle exceeding 14 consecutive working days counting from the date of the last audit inspection provided it recorded an idle site incident.

- (24) a. The following information is not provided–
1. name and/or logo of “the promoter of the works”.
 2. cartoon figure and the apology statement.
 3. telephone number of “the promoter of the works” for enquiry/complaint.
 4. reason for leaving the site idle.
 5. anticipated date of work resumption.
 6. standard phrase, “Works temporarily suspended”.
- b. The following detail(s) is(are) not provided as per Drg nos. H 6133-4 or Permittee’s drawings approved by the Authority–
1. aluminium backing plate (conforming to BS EN485) of 3mm thick.
 2. plastic plates (the face shows no signs of deterioration, such as cracking, blistering, delamination and corrosion).
 3. the face of the board is reflectorized (constructed with Class Ref 1 reflective materials to BS EN 12899-1).
 4. size of the board.
 5. size of the logo.
 6. size of the cartoon figure.
 7. size of the telephone figure.
 8. size of lettering.
 9. the information shall be in English and Chinese in printed words, i.e. not free-hand writing.
 10. the information shall be clear and legible.
- c. The board is not securely mounted on a stable structure (e.g. temporary barrier, hoarding or railing).
- d. The board is not erected at a prominent location orientated towards pedestrians for the public’s reference.
- e. No. of board(s) is(are) not provided in accordance with the following requirement(s)–
- For a work site (including decked areas) less than 50m in length,
1. one display board shall be provided.
- For a work site (including decked areas) longer than 50m in length,
2. display boards shall be provided at ends of the site.
 3. display boards shall be provided along the site at a maximum spacing of 50m.
- f. Idle site reason shown on the display board(s) is not in accordance with the current version of Drg. no. H6134 and without prior approval granted by the Authority. The current version of Drg. no. H6134 contains a hyperlink connected to the List of Standard Reasons for Idle Site on Highways Department’s website.
- g. The reason for idle site displayed on site manifestly does not reflect the genuine situation of the idle site.
- h. Works resumption date shown on the display board(s) is not legitimate or exceeds 14 consecutive working days beyond the date of audit inspection in the following way(s) –
1. works resumption date had lapsed on the date of audit inspection,
 2. works resumption date left blank on the display board(s) with the following exemptions:
 - (i) Work at Night Time Only;
 - (ii) Work on Saturday, Sunday and General Holiday Only.
 - (iii) Underground pipeworks / cabling works in progress (for trenchless works only)
 3. works resumption date displayed on site exceeds 14 consecutive working days beyond the date of audit inspection without prior approval granted by the Authority unless the entire area is reopened for the safe and reasonably nuisance-free passage of vehicular or pedestrian traffic.
- i. When a site is actively worked on, the public is misled by the erection of a display board(s) explaining the reason for road works not being actively worked on at site.

- (25) a. The following information is not provided–
1. name and/or logo of “the promoter of the works”.
 2. cartoon figure and the apology statement.
 3. telephone number of “the promoter of the works” for enquiry/complaint.
 4. reason for leaving the site idles.
 5. anticipated date of work resumption.
 6. standard phrase, “Works temporarily suspended”.
- b. The following detail(s) is(are) not provided as per Drg no. H 6133, 6134, 6138 or Permittee’s drawings approved by the Authority–
1. the 3mm thick aluminium backing plate (conforming to BS EN485)
 2. sign face and insert plates constructed with Class Ref 1 reflective materials to BS EN 12899-1.
 3. correct sign colours to BS 5252F (1976).
 4. size of the board.
 5. size of the logo.
 6. size of the cartoon figure.
 7. size of the telephone figure.
 8. size of lettering.
 9. the information shall be in English and Chinese in printed words, i.e. not free-hand writing.
 10. the information shall be clear and legible.
- c. The board is not supported as per Drg nos. H 6165, 6166 and 6167.
- d. The board is not erected at a prominent location inside the site oriented towards approaching motorists.
- e. No. of board(s) is(are) not provided in accordance with Guidance Notes No. RD/GN/024–
1. one number of display board shall be provided.
 2. additional display board(s) shall be provided at prominent locations along the site where the length of carriageway affected is not less than–
 - 100m on roads with shop frontages, or
 - 200m on roads without shop frontages.
 - For works crossing two bounds of traffic on a dual carriageway or a divided road, each bound shall have one display board for explaining the reason for leaving the siteidle.

(For works with anticipated carriageway occupation period less than one month or works not on major roads (expressways, trunk roads, primary distributors and district distributors), no display board for motorists is required.)

Note: When the original anticipated carriageway occupation period has been extended more than one month, display board for motorist should be provided in accordance with Guidance Notes No. RD/GN/024.

- f. The board is not located at least 25m clear of any temporary or permanent traffic signs or signals. The board is erected such that it will cause danger to road users.
- g. The board is not erected to a height such that its line of sight is not obstructed by materials or plants on site.
- h. Idle site reason shown on the display board(s) is not in accordance with the current version of Drg.no. H6134 and without prior approval granted by the Authority. The current version of Drg. no. H6134 contains a hyperlink connected to the List of Standard Reasons for Idle Site on Highways Department’s website.
- i. The reason for idle site displayed on site manifestly does not reflect the genuine situation of the idle site.

- j. Works resumption date shown on the display board(s) is not legitimate or exceeds 14 consecutive working days beyond the date of audit inspection in the following way(s) –
1. works resumption date had lapsed on the date of audit inspection,
 2. works resumption date left blank on the display board(s) with the following exemptions:
 - (i) Work at Night Time Only;
 - (ii) Work on Saturday, Sunday and General Holiday Only.
 - (iii) Underground pipeworks / cabling works in progress (for trenchless works only)
 3. works resumption date displayed on site exceeds 14 consecutive working days beyond the date of audit inspection without prior approval granted by the Authority unless the entire area is reopened for the safe and reasonably nuisance-free passage of vehicular or pedestrian traffic.
- k. When a site is actively worked on, the public may be misled by the erection of a display board(s) explaining the reason for road works not being actively worked on at site.

◆ Site cleanliness

- (26) a. Litter/rubbish is found in the fenced off site.
- b. Debris/construction waste generated from work is not removed off site.
 - c. Excavation/construction material or plant (including any temporary work) which are not to remain on site after completion of work is not removed after site vacation.
- (27) a. Excavation/construction debris spilled over adjacent land is not removed.
- b. Excavation/construction material is washed away onto adjacent land is not cleaned up.
- (28) a.
 1. unused buckets/containers not stored in places with cover.
 2. disused carts for transporting concrete not turned upside down.
 3. water storage containers not covered with lids.
 4. construction materials (including pipes, steel bar, paving blocks and metal boxes etc.) not stacked orderly according to their shapes and not covered up so that water would not be trapped by them.
- (29) a. Generation of dust is observed and the following dust suppression measures are not taken on site.
1. pre-cut material off site which is prone to dust generation;
 2. using vacuum cleaner at source of dust; or
 3. screen and cover loose materials.
 4. clean up mud and slurry spills before they dry up and become airborne;
 5. spray earthwork materials with water to prevent dust generated from the site.
- b. Dump trucks (except loaded with wet soil) not covered properly before leaving the site.

Location of Utilities

◆ Use of non-destructive detectors

- (30) a. Site record photos and investigation results of using non-destructive underground services detectors to locate underground services in or near the proposed excavation area are not available upon request when related complaints received or incidents for damage of underground services occurred.

◆ **Trial pits**

- (31) a. Site record photos and investigation results of hand-dug trial pits or any suitable investigation prior to using mechanical plant for road breaking and excavation are not available upon request when related complaints received or incidents for damage of underground services occurred.

Excavation and Service Installation

◆ **Break up road surface, remove spoil and protect trees**

- (32) a. Site supervising personnel are not provided to oversee the operation of mechanical plant
b. Excavation close to or around underground services and installations is–
1. not carried out by hand digging method
2. not in accordance with guidelines and codes of practices issued by the relevant authorities
- (33) a. Approval for pruning, felling, transplanting, drilling, lopping, cutting or any other forms of damaging of any trees is not available upon request when pruning, felling, transplanting, drilling, lopping, cutting or any other forms of damaging of any trees is observed.
b. Records of informing the relevant maintenance authorities are not available upon request when tree damage has been arisen out of the execution or as a consequence of the work.
- (34) When material unsuitable for backfilling (e.g. concrete debris, materials of concrete and bituminous pavement breaking, etc.) is found on site, take a record and conduct another inspection in the following day to check if the material has not been removed off site.

◆ **Trench excavation and shoring installation**

- (35) a. Adequate support is not installed in a timely manner and ahead of excavation for trench with a depth greater than 1.2m. (Typical shoring arrangements are shown in Appendix A of Guide to Trench Excavations)
b. Adequate safe access to and egress from any trench deeper than 300mm is not provided and properly maintained.
c. Safe method of removing/withdrawing strut/support (e.g. only the minimum practicable number of struts/supports should be removed) during lowering of pipe/equipment or backfilling is not used.
- (36) a. 1. Flooding is observed in trench and there are no/inadequate pumps of sufficient capacity working on site when required during inclement weather.
2. No proper sumps, preferably lined with concrete, are provided for trench opened up in the wet season.
b. Upstands along either side of trench are not provided. (Typical detailed arrangements are shown in Figure B1 of Guide to Trench Excavations)
c. Gaps/voids between support and the vertical trench sides are not filled up to ensure water cannot get in. (Photos showing examples of good practice are given in Appendix B of Guide to Trench Excavations)
- (37) a. During restricted hours imposed by the Authority,
1. excavation is not properly plated over
2. obstruction (e.g. barrier, cone, sign, material or plant etc.) is not removed such that the full number of traffic lanes of carriageway/sufficient footway is not available for the safe and free passages of vehicular traffic/pedestrians.

- (38) a. Excavation materials used for backfilling is not properly contained by vertical boards or suitable containers within the fenced off site and is not prevented from being washed away by rain.
- (39) a. Excavated materials are not removed off site for the necessity of maintaining pedestrian or vehicular access within the next day of notification by the Authority, i.e. found on site during the inspection in the following day after the next day of notification. (unless application for other time limit is lodged by the Permittee with the Authority within the next day of notification)
- (40) a.
 - 1. Temporary pedestrian crossing (e.g. Drg no. H 1132) or other approved means over trench is not provided to maintain access to adjoining premises.
 - 2. Railings/barriers are not provided on both sides of crossing.
- b. Temporary decking is not securely fixed as rocking or sliding under pedestrian flow is observed.
- c. Significant deflection of temporary decking under pedestrian load is observed.
- (41) a. Vehicle crossing over trench opening is not provided for concrete carriageway in accordance with the following requirement(s) of Drg nos. H 6136/1 and 6136/2–
 - 1. top surface of steel plate treated with anti-skid dressing and marked with alternate black and yellow diagonal strips of 300mm wide.
 - 2. yellow markings shall have resistance and reflective characteristics equivalent to common thermoplastic road markings.
 - 3. other surfaces treated with protective painting.
 - 4. chamfer edges provided at ends of decking (if decking flushed with carriageway is not stipulated).
 - 5. name of roadwork undertaker marked on the steel plate for easy identification.
 - 6. steel channel details at underside of steel plate as per Drg no. H 6136/2 shall be adopted for trench width of 900mm or more.
 - 7. steel plate flushed with road surface as per Drg no. H 6136/1.
 - 8. steel plates shall be securely fixed together to prevent dislocation for decking with multiple steel plates.
 - 9. gaps between adjoining steel plates shall not be more than 5mm.
 - 10. surface of the steel plates shall not be higher than, and shall not be more than 3 mm lower than, the surface of the adjacent pavement/steel plates for steel plate flushed with road surface as per Drg. No. H6136/1.
- b. Temporary decking is not securely fixed as rocking or sliding under vehicular traffic is observed.
- c. Significant deflection of steel plate under vehicular load is observed.
- (42) a. Vehicle crossing over trench opening is not provided for bituminous carriageway in accordance with the following requirement(s) of Drg no. H 6135–
 - 1. top surface of steel plate treated with anti-skid dressing and marked with alternate black and yellow diagonal strips of 300mm wide.
 - 2. yellow markings shall have resistance and reflective characteristics equivalent to common thermoplastic road markings.
 - 3. other surfaces treated with protective painting.
 - 4. (obsolete requirement).
 - 5. Steel plate flushed with road surface.
 - 6. name of roadwork undertaker marked on the steel plate for easy identification.
 - 7. steel channel details at underside of steel plate as per Drg no. H 6136/2 shall be adopted for trench width of 900mm or more.
 - 8. steel plates shall be securely fixed together to prevent dislocation for decking with multiple steel plates.
 - 9. gaps between adjoining steel plates shall not be more than 5mm.
 - 10. surface of the steel plates shall not be higher than, and shall not be more than 3 mm lower than, the surface of the adjacent pavement/steel plates.

- b. Temporary decking is not securely fixed as rocking or sliding under vehicular traffic is observed.
- c. Significant deflection of steel plate under vehicular load is observed.

◆ **Support and protect utilities**

- (43) a. Ground movement adjacent to installations and services due to excavation is observed.
- b. Service across trench is not properly supported by either propping from underneath or hangers suspended from ground surface.
- c. Warning signs to prevent damaging other existing services within the excavation site are not provided (e.g. warning tapes, waterproof crayon/paint for marking location/depth).

◆ **Service installation**

- (44) a. Without prior approval to deviate from this requirement granted by the Authority, the following minimum depth measured vertically to the top of the underground services or installations including pipes, cables, ducts, joints, etc. is not provided—
For services other than high tension power cables of 33 kV or above laid under part of the street which is not carriageway (non-carriageway) including footway, cycle track, verge, side lane and back lane,
 - 1. 450 mm from the finished surface of the non-carriageway
 - 2. 900 mm from the finished surface of the non-carriageway if installations occupy more than half the combined width of the non-carriageway (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)
 - 3. 300 mm for non-energized underground services, which include telecommunication cables laid in ducts but exclude power cables, water mains and gas mains with a max. of 2 cable ducts of nominal diameter 115mm or less 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;
For services other than high tension power cables of 33 kV or above laid under carriageway,
 - 4. 900 mm from the finished surface of the carriageway
For high tension power cables of 33 kV or above laid under part of the street which is not carriageway (non-carriageway) including footway, cycle track, verge, side lane and back lane,
 - 5. 1000 mm from the finished surface of the non-carriageway
For high tension power cables of 33 kV or above laid under carriageway,
 - 6. 1000 mm from the finished surface of the carriageway
- (45) a. Without prior approval to deviate from this requirement granted by the Authority, a minimum depth of 1500 mm measured vertically from the finished surface of the carriageway to the top of the underground services or installations running along the "Kerb Zone" is not provided. ("Kerb Zone" 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 mm from the kerb line and the part of the carriageway within 2000 mm from the kerb line)

According to UTLC Paper No. 1/2012, the audit observation in regard of items (44) and (45) above will not be shown in the inspection report of AIMS. Notwithstanding, the record of suspected shallow depth services whenever observed on site will be kept. The observation results will be referred to Enforcement Team (ET) and Excavation Permit Processing Team

(XPPT) for reference. Upon receipt of CN submission, ET in collaboration with XPPT may consider verifying the depth of services in question through opening of manhole cover and/or excavating trial pit. Prosecution will be instituted where appropriate. The responsible permittee will be required to rectify revealed NC with minimum depth requirements no matter prosecution is instituted or not.

Backfilling and Reinstatement

◆ Backfilling

- (46) a. Each layer of backfill material is not properly compacted with appropriate plant such as a power rammer, vibratory plate or vibratory roller to the road formation.
- (47) a.
 - 1. Backfill material is found containing broken concrete, bricks, clay, bituminous material, and materials susceptible to spontaneous combustion, perishable materials or debris.
 - 2. Backfill material is found exceeding 75mm maximum particle size.
- (48) a. Power compaction is used not until 300mm cover of selected fine fill has been suitably placed and compacted by hand rammer for backfilling adjacent to gas plant and watermains.
- (49) a. Heavy excavator or compaction roller is found passing over buried utility installations and plants with less than 1m overburden cover, especially when the road surface is removed.
- (50) a. Compacted backfill and granular sub-base are not placed to the formation level as per Drg no. H 1131.

◆ Pavement reinstatement

- (51) a. No saw cut is carried out along reinstatement limits.

- b. Sub-base layer reinstatement is not constructed in accordance with the following requirements–

Material type and thickness

Type of pavement	Sub-base material	Thickness
1. Bituminous carriageway	granular sub-base	same as the adjoining pavement but subject to a minimum thickness of 150mm
2. Concrete carriageway	granular sub-base; or lean concrete (used only where the existing construction is of the same material)	same as the adjoining pavement but subject to a minimum thickness of 150mm same as the adjoining pavement but subject to a minimum thickness of 150mm
3. Concrete/paving block footway	granular sub-base	same as the adjoining pavement but subject to a minimum thickness of 75mm
4. Bituminous footway/cycle track	granular sub-base; or bituminous sub-base	same as the adjoining pavement but subject to a minimum thickness of 75mm same as the adjoining pavement but subject to a minimum thickness of 75mm
5. Run-in	granular sub-base	same as the adjoining pavement but subject to a minimum thickness of 150mm

Compaction

6. compaction of granular sub-base material shall be carried out in accordance with section 2.4.2 of Guidance Notes No. RD/GN/014.
7. compaction of lean concrete shall be carried out in accordance with section 2.4.3 of Guidance Notes No. RD/GN/014.

Finished surface

8. on completion of compaction, the sub-base layer shall be well closed, free from compaction planes, ridges, cracks or loose material and free from movement under compaction plant.

- c. Kerbs are not properly constructed as per Drg nos. H 1101, 1102 or 1103.

- d. Bituminous pavement reinstatement is not properly laid and compacted in accordance with the following requirements–
- Laying of bituminous materials
1. bituminous materials shall be laid in accordance with section 2.5.2 of Guidance Notes No. RD/GN/014.
- Compaction of bituminous materials
2. bituminous materials shall be compacted in accordance with section 2.5.3 of Guidance Notes No. RD/GN/014.
 3. Joints with existing surface shall be adequately compacted with the transverse joints being compacted first followed by the longitudinal joints.
- Type & thickness of bituminous surfacing to be put back
4. type & thickness of bituminous surfacing to be put back shall be in accordance with Drg no. H 1129.
- Finished surface
5. the surface of each layer of bituminous material on completion of compaction shall be well closed, free from roller marks, compaction planes, ridges, cracks or loose material and free from movement under compaction plant.
- e. Concrete carriageway reinstatement is not properly constructed in accordance with the following requirements–
- Details as per Drg no. H 1124
1. the concrete road slab to be put back shall be of Grade 40/20 concrete and shall be of the same thickness as the adjoining pavement.
 2. fabric reinforcement shall be C503 long mesh or of the existing type whichever is heavier and shall be laid with the main bars parallel to the longer dimension of the reinstatement area.
 3. mild steel dowel bars of diameter 25mm shall be provided on all sides of the reinstatement area except where it abuts a transverse joint, longitudinal joint or kerb.
 4. miscellaneous details shown in the drawing.
- Joints reinstatement
5. all transverse joints and longitudinal joints removed or damaged by the works shall be reinstated to the same type and alignment as per Drg no. H 1126.
- Concrete placing & compaction
6. the placing and compaction of concrete shall be in accordance with section 2.6.3 of Guidance Notes No. RD/GN/014.
- Finished surface
7. the surface finishing of concrete shall be in accordance with section 2.6.4 of Guidance Notes No. RD/GN/014.
- Concrete curing and protection
8. the curing and protection of concrete shall be in accordance with section 2.6.5 of Guidance Notes No. RD/GN/014.

- f. Concrete footway & run-in reinstatement is not properly constructed in accordance with the following requirements–
Details as per Drg nos. H 1127 and 1128
1. the concrete footway slab to be put back shall be of Grade 30/20 concrete and shall be of the same thickness as the adjoining footway subject to a minimum of 75mm.
 2. the concrete run-in slab to be put back shall be of Grade 40/20 concrete and shall be of the same thickness as the adjoining run-in subject to a minimum of 150mm.
 3. fabric reinforcement shall be C283 long mesh and shall be laid with the main bars parallel to the longer dimension of the reinstatement area.
 4. miscellaneous details shown in the drawing.
- Joint spacing & reinstatement
5. concrete footway shall be laid in bays not exceeding 20m² with a maximum joint spacing of 5m.
 6. footway joints shall be open joints of 3mm~6mm wide and 20mm deep.
- Concrete placing & compaction
7. the placing and compaction of concrete shall be in accordance with section 2.6.3 of Guidance Notes No. RD/GN/014.
- Finished surface
8. the concrete surface shall be brushed finish in the same manner as for concrete carriageway referred to in section 2.6.4 of Guidance Notes No. RD/GN/014.
- Concrete curing
9. the exposed concrete surfaces shall be cured by treating it with an approved curing compound immediately after texturing.
- g. Paving slab/block reinstatement is not properly constructed in accordance with the following requirements–
Details as per Drg no. H 1131
1. the sand course to be put back shall exceed 20mm and not exceed 30mm thick.
 2. the paving slabs/blocks to be put back shall be of the same thickness as the adjoining pavement subject to a minimum of 60mm in footway and 80mm in carriageway or run-in.
 3. miscellaneous details shown in the drawing.
- Laying of paving slab/block
4. paving slabs/blocks shall be laid to the standard stated in section 2.9 of Guidance Notes No. RD/GN/014.
- Finished surface
5. the level of areas paved with paving slabs/blocks shall be within 3mm of the finished level upon completion. The difference in level between any two adjacent slabs/blocks shall not exceed 2mm.
- h. Extent of pavement is not permanently reinstated to the requirement of–
1. Drg no. H 1125 for concrete carriageway
 2. Drg no. H 1128 for concrete footway and run-in
 3. Drg no. H 1130 for bituminous pavement
 4. Drg no. H 1131 for paving slab/block construction
 5. the Authority which is otherwise advised to the Permittee
- (52) a. 1. Concrete staircase is not reinstated to the original details, dimensions, lines, level, etc.
2. The edges of reinstatement are not in a saw-cut straight line.
- (53) a. 1. Masonry steps and granite kerbs are not taken up in whole piece with extreme care and properly stacked on site for re-use.
2. Masonry steps staircase and granite kerbs are not reinstated to the original state and position.
- (54) a. No saw cut is carried out along reinstatement limits. (obsolete requirement)

- b. Pavement is not temporarily reinstated in accordance with Drg no. H 1123–
 1. Compacted backfill to 100mm below the finish road level with a temporary reinstatement of 100mm thick bituminous material for bituminous/concrete carriageway.
 2. Compacted backfill to 20mm below the finish road level with a temporary reinstatement of 20mm thick bituminous material for bituminous/concrete footway & cycle way. Compacted backfill to 100mm below the sub-base level with a temporary reinstatement of 100mm thick bituminous material or grade 40/20 concrete for run in and/or carriageway for paving slab/block pavement.
 3. The temporary reinstatement of footway shall have same surface finishing as permanent reinstatement, unless otherwise agreed by HyD.
 4. Paving slab/block shall be relaid in accordance with latest version of Drg no. H1131. Paving block shall be in same colour code as adjoining block, unless otherwise agreed by HyD. For block-paved pavement with colour patterns, the pattern of temporary reinstatement shall be agreed by HyD.
 5. For carriageway with anti-skid dressing, anti-skid dressing shall be provided when the carriageway is temporarily reinstated.
- c. The following defect(s) is/are identified on temporary reinstatement of pavements including concrete, bituminous and paving slab/block pavements.
 1. Cracking
 2. Subsidence
 3. Loose debris on surface
 4. Pothole
 5. Bumpy surface

◆ **Reinstatement of road markings, traffic signs & street furniture**

- (55)
- a.
 1. Permanent traffic aids/signs are not correctly reinstated to the original location and orientation. Reference will be made to the approved documents from relevant authorities, past inspection records, etc.
 2. Temporary traffic aids/signs are not completely removed and give misleading information to road users.
 - b. Railing is not reinstated to the condition existing before commencement of work.
 - c. Permanent road markings are not reinstated to the condition existing before commencement of work.
 1. Thermoplastic road markings is not in accordance with BS 3262
 2. Road markings are not provided in accordance with Road Traffic (Traffic Control) Regulations.
 - type
 - colour
 - line width
 - line length
 - gap between lines
 - d. Temporary road markings are not completely removed.
 - e. Affected street furniture/installations are not reinstated to the condition existing before commencement of work.
 - f. Temporary road markings are not provided in accordance with the Road Traffic (Traffic Control) Regulations.
 1. type
 2. colour
 3. line width
 4. line length
 5. gap between lines
 - g. Temporary road markings are found not reflectorised.

Audit Inspection – Performance Appraisal

Introduction

1. For the purpose of monitoring performance of the permit sites, some sorts of performance indicators with measurement mechanism have to be established. A performance appraisal scheme therefore needs to be devised for such purpose and for commending good performers amongst the road works promoters as well as their contractors.

Performance Appraisal Scheme

2. To facilitate monitoring performance, the audit checklist items based on the conditions of permit are summarized into the following 8 groups–

- I) Road safety
- II) Site cleanliness
- III) Unattended site
- IV) Inconvenience to the public
- V) Works without authorization
- VI) Publicity
- VII) Protection of underground utilities
- VIII) Workmanship on backfill and reinstatement

3. The audit inspection checklist is prepared to dovetail with the permit conditions. As for general performance indicators of a permit site, a performance appraisal scheme (Annex I) is devised to measure–

- 1) performance % of each group as classified in paragraph 2 above; and
- 2) its overall performance %,

where

i) performance % of each group is calculated as–

$$\left(1 - \frac{\text{total no. of non-compliance sub-items inspected in a group}}{\text{total no. of sub-items inspected in that group}}\right) \times 100\%$$

ii) overall performance % of a permit site is calculated as–

$$\left(1 - \frac{\text{total no. of non-compliance sub-items inspected in all groups}}{\text{total no. of sub-items inspected in all groups}}\right) \times 100\%$$

Proposed Performance Appraisal Scheme

Group No.	Group Description	XP ⁽¹⁾ Clause No.	EXP ⁽¹⁾ Clause No.	Site Audit Inspection Checklist No.	Non-compliance % of Item	Performance % of Group ⁽²⁾
I	Road safety	20(G)	19(G)	(8)		
		26(A)	24(A)	(13)		
		26(B)	24(B)	(14)		
		28	26	(15)		
		31(A)	29(A)	(17)		
		31(B)	29(B)	(18)		
		S. 10(T)(1) LMPO	S. 10(T)(1) LMPO	(35)		
		S. 10(T)(1) LMPO	S. 10(T)(1) LMPO	(36)		
II	Site cleanliness	38(A)	36(A)	(26)		
		38(B)	36(B)	(27)		
		38(C)	36(C)	(28)		
		38(D)	36(D)	(29)		
III	Unattended site	37(A)	35(A)	(22)		
		37(B)	35(B)	(23)		
IV	Inconvenience to the public	22(A)	21(A)	(9)		
		22(B)	21(B)	(10)		
		23	22	(11)		
		29	27	(16)		
		33(A)	31(A)	(19)		
		33(B)	31(B)	(20)		
		33(C)	31(C)	(21)		
		34(C)	32(C)	(34)		
		30	28	(37)		
		34(A)	32(A)	(38)		
		34(B)	32(B)	(39)		
		35	33	(40)		
		36(A)	34(A)	(41)		
		36(B)	34(B)	(42)		
V	Works without authorization	S. 10(1) LMPO	S. 10(1) LMPO	(1)		
		19	-	(2)		
		24	23	(12)		
		25	23a	(33)		
		18(A)	18(A)	(44)		
		18(B)	18(B)	(45)		
VI	Publicity	9(A)	10(A)	(3)		
		9(B)	10(B)	(4)		
		9(C)	10(C)	(5)		
		9(D)	10(D)	(6)		
		9(E)	10(E)	(7)		
		37(C)(I)&(II)	35(C)(I)&(II)	(24)		
		37(C)(I)&(III)	35(C)(I)&(III)	(25)		
VII	Protection of underground utilities	20(C)(I)&(III)	19(C)(I)&(III)	(30)		
		20(C)(II)&(III)	19(C)(II)&(III)	(31)		
		20(D)	19(D)	(32)		
		20(E)	19(E)	(43)		
		20(F)	19(F)	(49)		
VIII	Workmanship on backfill and reinstatement	41(A)	39(A)	(46)		
		41(B)	39(B)	(47)		
		41(D)	39(D)	(48)		
		45(B)(I)	43(B)(I)	(50)		
		42	40	(51)		
		43(A)	41(A)	(52)		
		43(B)	41(B)	(53)		
		45(A)	43(A)	(54)		
		40	38	(55)		
Overall Performance ⁽³⁾						

* Insert NA or leave blank if an item is not checked or irrelevant

Note:- (1) XP = Excavation Permit; EXP = Emergency Excavation Permit

(2) Performance % of each group = [1- (total no. of non-compliance sub-items inspected in a group)/(total no. of sub-items inspected in that group)] x 100%

(3) Overall Performance % of a permit site = [1- (total no. of non-compliance sub-items inspected in all groups)/(total no. of sub-items inspected in all groups)] x 100%

Standard Appeal Application Form

From <i>(Name of the Permittee/Nominated Permittee)</i> Ref. Tel. No. Fax. No. Date	To CHE/R&D, HyD Attn. : Your Ref. Dated Fax No. 2714 5290 <i>Total Pages</i>
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Appeal Against NC Items Recorded in Audit Inspection
(Permit/Emergency Serial/Small Scale Works Job/Plan ID* No.: _____)
(Audit Reference No.: _____)

NC Item appealed	Reason for Appeal

Attachment for supporting the appeal application[#]:

Please give tick to the box below if this appeal is submitted by the Nominated Permittee; otherwise, this appeal will **NOT** be processed.

The case has been discussed with _____ *(name and signature of the relevant person)* of _____ *(name of the Permittee)*
 Consensus has been/has not been* obtained from the Permittee.

Signature
 (Name of the relevant person)
 Name of the Permittee/Nominated Permittee

c.c. *(Name of the Permittee – if this appeal is submitted by the Nominated Permittee)*

- * Delete where appropriate
- # Please attach relevant documents such as record photos, etc. to support the appeal application, if any; DO NOT attach the audit inspection checklists/photos from Audit Inspection Management System.

Standard Appeal Reply Form

<i>From</i> CHE/R&D, HyD	<i>To</i> (Name of the Permittee/Nominated Permittee)
<i>Ref.</i>	<i>Attn. :</i>
<i>Tel. No.</i>	<i>Your Ref.</i>
<i>Fax. No.</i> 2714 5290	<i>Dated</i>
<i>Date</i>	<i>Fax No.</i> <i>Total Pages</i>

Reply to Appeal Against NC Items Recorded in Audit Inspection
(Permit/Emergency Serial/Small Scale Works Job/Plan ID* No. : _____)
(Audit Reference No. : _____)

Appealed Item	Review Result	Reason

Remark :

Signature
(Name of the relevant officer)
for CHE/R&D, HyD

c.c. (Name of the Permittee/Nominated Permittee/Contractor)

* Delete where appropriate

**Demerit Point System
Risk Weightings**

Consideration	Classification	Risk Weighting
<i>DPL 1</i>		
Severity of NC	Severe	3
	Major	2
	Minor	1
Repeated NC within one month	Recurrence of severe NC	5
	Recurrence of major NC	3
	Recurrence of minor NC	2
Rectification of Immediately Rectifiable NC	Rectified to HyD's satisfaction and reported in AIMS within 48 hours	0.5
<i>DPL 2</i>		
Delayed Rectification of Rejected Permanent Reinstatement	<i>DPL 2A</i>	
	Outstanding time more than 8 months but not more than 9 months	1.5
	Outstanding time more than 7 months but not more than 8 months	1.4
	Outstanding time more than 6 months but not more than 7 months	1.3
	Outstanding time more than 5 months but not more than 6 months	1.2
	Outstanding time more than 3 months but not more than 5 months	1.1
	Outstanding time more than 2 months but not more than 3 months	1
	<i>DPL 2AA</i>	
	Outstanding time more than 3 years	0.005
	Outstanding time more than 2 years but not more than 3 years	0.004
Outstanding time more than 1 year but not more than 2 years	0.003	
Outstanding time more than 9 months but not more than 1 year	0.002	
Failure to submit certified as-built records	<i>DPL 2B</i>	
	Confirmed NC	1
Overdue submission of test certificates / reports	<i>DPL 2C</i>	
	Confirmed NC	1
Delayed Rectification of Shallow Depth Services	<i>DPL 2D</i>	
	1 st to 3 rd month after initial rectification period	0.2
	4 th to 15 th month after the initial rectification period	0.5
	Beyond 15 th month after the initial rectification period	2.0

Consideration	Classification	Risk Weighting
Delayed Rectification of Damaged/ Deteriorated Manhole and Drawpit Covers	<i>DPL 2E</i>	
	Confirmed NC	0.1
Abuse of Emergency Excavation Permit	<i>DPL 2F</i>	
	Confirmed NC	1
Delayed Removal of Temporary Structure/ Equipment/ Installation	<i>DPL 2G</i>	
	Confirmed NC	0.1

Notes:

1. Risk weightings for DPL 1 are to be superimposed.
2. For classification of checklist items, please refer to the relevant document uploaded in XPMS.
3. For calculation of 48 hours, please refer to the relevant document uploaded in XPMS.

Demerit Point System
Definition of DPL 2A, DPL 2AA, DPL 2D, DPL 2E and DPL 2G

Definition of DPL 2A

For the purpose of DPL 2A, a rejected permanent reinstatement of a permit is regarded as outstanding unless and until:

- (a) any completion notice is submitted with approval of the respective HyD Regional Office subsequently obtained under the same permit; or
- (b) any new permit is registered and applied, if required, for carrying out the required remedial works (see remark below), regardless of the result of such application.

Provided that a rejected permanent reinstatement is outstanding for more than 2 months but not more than 9 months from the date of rejection, a demerit point will be assigned and a corresponding risk weighting will be applied for the responsible party combination. The risk weighting should be corresponding to the duration of the outstanding time in Appendix 9.2.6. Once a demerit point is assigned, it will not be excluded from the calculation of DPL 2A until the date of rejection is more than 9 months from the date of the DPL report.

Definition of DPL 2AA

For the purpose of DPL 2AA, a rejected permanent reinstatement is regarded as outstanding and not yet satisfactorily rectified unless and until:

- (a) any completion notice is submitted with approval of the respective HyD Regional Office subsequently obtained under the same permit; or
- (b) any new permit is registered and applied, if required, for carrying out the required remedial works (see remark below), and any completion notice is submitted with approval of the respective HyD Regional Office subsequently obtained under such permit.

Provided that a rejected permanent reinstatement is outstanding and not yet satisfactorily rectified for more than 9 months from the date of rejection, a demerit point will be assigned and a corresponding risk weighting will be applied for each party combination of the same permittee irrespective of any different division/contractor involved. The risk weighting should be corresponding to the duration of the outstanding time in Appendix 9.2.6. Once a demerit point is assigned, it will not be excluded from the calculation of DPL 2AA until the rejected permanent reinstatement is satisfactorily rectified by the date of the DPL report.

Definition of DPL 2D

For the purpose of DPL 2D, a demerit point will be assigned to the responsible party combination

- (a) for each confirmed case of non-compliance with minimum depth requirements notified by the respective HyD Regional Offices, and
- (b) for each successful prosecution case of non-compliance with minimum depth requirements notified by Enforcement Team which has not been notified by HyD Regional Offices before,

unless it is rectified to the satisfaction of the HyD within the initial rectification period of 9 months from the date of notification from HyD. The risk weighting should be corresponding to the duration of the outstanding time in Appendix 9.2.6. The demerit point will be maintained until the defect has been rectified to the satisfaction of the HyD Regional Office. For details of the workflow for assigning DPL 2D, please refer to the Appendix A of UTLC Paper No. 1/2017.

Definition of DPL 2E

For each case of damaged/deteriorated manhole and drawpit covers observed, the respective HyD Regional Office or their maintenance contractors will request the responsible permittee to carry out necessary rectifications to the satisfaction of HyD Regional Office within a specific time period as defined in the table below. Where the responsible permittee fails to satisfactorily complete the rectifications within the specified period as set out below without any reason which is acceptable to the HyD Regional Office, a demerit point of “0.1” will be assigned for each case upon notification by the HyD Regional Office until the defect has been rectified to the satisfaction of the HyD Regional Office. For details of the workflow for assigning DPL 2E, please refer to the Appendix B of UTLC Paper No. 1/2017.

	Defects	Time period for rectification
(a)	<p>Normal situation (involve –</p> <ul style="list-style-type: none"> (i) replacement of the damaged/deteriorated manhole/drawpit cover (ii) repair/replacement of the damaged/deteriorated paving blocks in the manhole/drawpit cover (iii) repair/replacement of the damaged/deteriorated frame of the manhole/drawpit cover) <p>For footpath or cycle track</p> <p>For carriageway other than Red Routes, Pink Routes and day-time ban roads</p> <p>For roads other than above</p>	<p>7 working days* from the day of notification from relevant HyD Regional Office or their maintenance contractors</p> <p>45 calendar days from the day of notification from relevant HyD Regional Office or their maintenance contractors</p> <p>A reasonable time period as determined by relevant HyD Regional Office</p>

	Defects	Time period for rectification
(b)	Special situation	A reasonable time period as determined by relevant HyD Regional Office

* For the purpose of the Demerit Point System, a working day means a day other than a Sunday or a General Holiday.

Definition of DPL 2G

For the completion notice of an excavation permit (XP), if the permittee has erected a temporary structure or installed equipment that will remain in place for a certain period after the expiration of the XP, the reinstatement type “Temporary Structure/Installation Pending Removal” must be selected for approval by the respective HyD Regional Office. The permittee must provide a justification for choosing this type of reinstatement for the consideration of the HyD Regional Office. Additionally, the permittee is required to indicate the date when the temporary structure, equipment, or installation will be removed. Once the reinstatement date is approved by the respective HyD Regional Office, the permittee must arrange for the removal of the temporary structure, equipment, or installation by that date, ensuring reinstatement meets the standards of the HyD Regional Office.

For the purpose of DPL 2G, a rejected removal of any temporary structure, equipment, or installation is considered outstanding unless a notification for removal has been submitted and approved by the respective HyD Regional Office. If a rejected removal remains outstanding for more than two months after the agreed removal date, a Demerit Point of “0.1” will be assigned for each case to the responsible party combination.

Remark:

A new permit for carrying out the required remedial works should be registered and applied for in accordance with the relevant procedures. Unless otherwise allowed by the relevant HyD Regional Office, it should not be a permit of any other types (e.g. block permit for small scale works, capital works excavation permit, etc.) nor any permit not registered and applied for in accordance with the relevant procedures. Reference materials about the relevant procedures are available in Chapter 4 of this manual and the documents in Excavation Permit Management System (‘XPMS’). For further enquires, the relevant HyD Regional Offices and/or the XPMS Support Team should be consulted for advice.

WORKED EXAMPLE

DPL Summary

Permittee: ABC
 Contractor: DEF Contractor Ltd
 Division: ABC_Works
 Report Date: 2019/10/01
 Data Range: 2019/07/01 To 2019/09/30
 Date of Generation: 2019/10/01

DPL 1 - Demerit point level arising from audit inspections

AI No	Permittee	Division	Contractor	Plan ID	Inspection Date	Plan Ref.	District	Road name	Type	NC Item	Severity of NC		Repeated NC		Rectification of Immediately Rectifiable NC*		DP of NC AxBxC	DP of AI
											Weighting (A)	NC Type	Weighting (B)	Repeated	Date of Repeated NC	Weighting (C)		
1	ABC	ABC_Works	DEF Contractor Ltd	1234567	09/07/2019 10:13:51	ABC_1	KC	WATERLOO ROAD	H	--	0	--	0	-			0	1
1	ABC	ABC_Works	DEF Contractor Ltd	1234567	09/07/2019 10:13:51	ABC_1	KC	WATERLOO ROAD	D	13F	2	MAJOR	1	N		0.5	Y	1
2	ABC	ABC_Works	DEF Contractor Ltd	1234567	15/07/2019 11:30:24	ABC_1	KC	WATERLOO ROAD	--	--	0	--	0	-			0	0
3	ABC	ABC_Works	DEF Contractor Ltd	1234567	22/07/2019 10:26:02	ABC_1	KC	WATERLOO ROAD	H	--	0	--	0	-			0	6
3	ABC	ABC_Works	DEF Contractor Ltd	1234567	22/07/2019 10:26:02	ABC_1	KC	WATERLOO ROAD	D	13F	2	MAJOR	3	Y	09/07/2019 10:13:51	1	N	6
4	ABC	ABC_Works	DEF Contractor Ltd	1234568	10/07/2019 11:06:32	ABC_2	YLE	SAN TIN HIGHWAY	--	--	0	--	0	-			0	0
5	ABC	ABC_Works	DEF Contractor Ltd	1234569	10/08/2019 11:36:32	ABC_3	ST	SHA TIN WAI ROAD	--	--	0	--	0	-			0	0

Summary (DPL 1)

Permittee	Division	Contractor	No of AIs	Total DP of AIs	DPL
ABC	ABC_Works	DEF Contractor Ltd	5	7	1.4

DPL 2 - Demerit point level arising from non-compliances identified on the administration of the XP as required under the XP conditions

DPL 2A - Demerit point level arising from delayed rectification of rejected permanent reinstatement

No	Permittee	Division	Contractor	Plan ID	CN Rejection Date	Assessment Date	Last CN Submission Date	Last CN Approval Date	RP Appl. Submission Date / SSW Job Creation date	NC(Y/N)	Risk Weighting (RW)			DP	Score (DP x RW)
											Date Difference	Rule Code	Weighting		
1	ABC	ABC_Works	DEF Contractor Ltd	2345678	14/04/2019	15/06/2019	13/05/2019	02/06/2019		N			0	0	
2	ABC	ABC_Works	DEF Contractor Ltd	5345679	08/06/2019	09/08/2019				Y	> 3 Mths & <= 5 Mths	RW-Rule-DPL2A-2	1.1	1	1.1
3	ABC	ABC_Works	DEF Contractor Ltd	4567890	18/07/2019	20/09/2019	15/08/2019	10/09/2019		N			0	0	

Sub-total (DPL 2A)

Permittee	Division	Contractor	No of Plans	Total Score of Plans	DPL
ABC	ABC_Works	DEF Contractor Ltd	3	1.1	0.3667

DPL2AA - Demerit point level arising from rejected permanent reinstatement of the Permittee, irrespective of any different Division/Contractor involved, remaining outstanding for prolonged period and not yet satisfactorily rectified

No	Permittee	Plan ID	CN Rejection Date	Risk Weighting (RW)			DP	Score (DP x RW)
				Date Difference	Rule Code	Weighting		
1	ABC	4567890	18/04/2013	> 60 Mths	RW-Rule-DPL2AA-6	0.005	1	0.005
2	ABC	4567891	15/04/2018	> 12 Mths & <= 24 Mths	RW-Rule-DPL2AA-2	0.003	1	0.003
3	ABC	5567894	22/12/2018	> 9 Mths & <= 12 Mths	RW-Rule-DPL2AA-1	0.002	1	0.002

Sub-total (DPL 2AA)

Permittee	No of Plans	DPL
ABC	3	0.0100

DPL 2B - Demerit point level arising from missing of certified as-built records submission upon request

No	Permittee	Division	Contractor	Plan ID	Assessment Date	DP
1	ABC	ABC_Works	DEF Contractor Ltd	2345683	01/09/2019	1
2	ABC	ABC_Works	DEF Contractor Ltd	2345684	01/09/2019	0
3	ABC	ABC_Works	DEF Contractor Ltd	M345685	01/09/2019	0
4	ABC	ABC_Works	DEF Contractor Ltd	M345686	01/09/2019	0

Sub-total (DPL 2B)

Permittee	Division	Nominated Permittee	No of Plans	Total DP of Plans	DPL
ABC	ABC_Works	DEF Contractor Ltd	4	1	0.25

DPL 2C - Demerit point level arising from overdue submission of test certificate/report after CN

No	Permittee	Division	Contractor	Plan ID	Assessment Date	DP
1	ABC	ABC_Works	DEF Contractor Ltd	S345683	01/09/2019	0
2	ABC	ABC_Works	DEF Contractor Ltd	2345684	01/09/2019	0
3	ABC	ABC_Works	DEF Contractor Ltd	2345685	01/09/2019	1
4	ABC	ABC_Works	DEF Contractor Ltd	2345686	01/09/2019	0
5	ABC	ABC_Works	DEF Contractor Ltd	2345687	01/09/2019	0

Sub-total (DPL 2C)

Permittee	Division	Contractor	No of Plans	Total DP of Plans	DPL
ABC	ABC_Works	DEF Contractor Ltd	5	1	0.2

DPL2D - Demerit point arising from delayed rectification of shallow depth services installed under public roads

No	Permittee	Date of case confirmed as delayed	Risk Weighting (RW)			DP	Score (DP x RW)
			Date Difference	Rule Code	Weighting		
1	ABC	15/07/2019	>= 4 Mths & < 16 Mths	RW-Rule-DPL2D-1	0.2	1	0.2
2	ABC	07/08/2019	> = 0 Mths & < 4 Mths	RW-Rule-DPL2D-1	0.2	1	0.2

Sub-total (DPL 2D)

Permittee	DPL
ABC	0.4

DPL2E- Demerit point arising from delayed rectification of damaged/deteriorated manhole and drawpit covers

No	Permittee	Region	Street name	Date of case confirmed as delayed	DP
1	ABC	HK	WELLINGTON STREET	01/09/2019	0.1
2	ABC	KL	WATERLOO ROAD	01/09/2019	0.1
3	ABC	NTE	WAN PO ROAD	01/09/2019	0.1

Sub-total (DPL 2E)

Permittee	DPL
ABC	0.3

DPL2F - Demerit point arising from abuse of emergency excavation permit

No	Permittee	Plan ID	Division	Contractor	Date of case confirmed as EO Abuse	DP
1	ABC	M789014	ABC_Works	DEF Contractor Ltd	18/08/2019	1

Sub-total (DPL 2F)

Permittee	DPL
ABC	1.0

DPL2G - Demerit point arising from delayed removal of temporary structure / equipment / installation

No	Permittee	Division	Contractor	Plan ID	Tentative Removal Date	Last Removal Submission Date	Rejection Date of Removal Submission	Assessment Date	Last Removal Approval Date	NC(Y/N)	Risk Weighting (RW)			DP	Score (DP x RW)
											Date Difference	Rule Code	Weighting		
1	ABC	ABC_Works	DEF Contractor Ltd	M789014	20/06/2019	25/06/2019	01/07/2019	02/09/2019		Y	> 2 Mths	RW-Rule-DPL2G-1	0.1	1	0.1

Sub-total (DPL 2G)

Permittee	DPL
ABC	0.1

Summary (DPL2)

Permittee	Division	Contractor	DPL
ABC	ABC_Works	DEF Contractor Ltd	2.6267

Total DPL = DPL1 + DPL2

Permittee	Division	Contractor	Total DPL
ABC	ABC_Works	DEF Contractor Ltd	4.027

Note:

- DPL1 - Demerit point level arising from audit inspections
- DPL2 - Demerit point level arising from non-compliances identified on the administration of the XP as required under the XP conditions
- DPL2A - Demerit point level arising from delayed rectification of rejected permanent reinstatement
- DPL2AA - Demerit point level arising from rejected permanent reinstatement of the Permittee notwithstanding any different Division/Contractor involved outstanding for prolonged period and not yet satisfactorily rectified
- DPL2B - Demerit point level arising from missing of certified as-built records submission upon request
- DPL2C - Demerit point level arising from overdue submission of test certificate/report after CN
- DPL2D - Demerit point arising from delayed rectification of shallow depth services installed under public roads
- DPL2E- Demerit point arising from delayed rectification of damaged/deteriorated manhole and drawpit covers
- DPL2F - Demerit point arising from abuse of emergency excavation permit
- DPL2G - Demerit point arising from delayed removal of temporary structure / equipment / installation

Total DPL = DPL1 + DPL2
The checklist items on Header Page are not applicable for online rectification in AIMS.

Rule of Risk Weighting for DPL2A, DPL2AA(Stage 6), DPL 2D and DPL 2G:

Rule Code	Date Difference		Weighting Factor
	Range From (>)	Range To (<=)	
RW-Rule-DPL2A-1	2	3	1
RW-Rule-DPL2A-2	3	5	1.1
RW-Rule-DPL2A-3	5	6	1.2
RW-Rule-DPL2A-4	6	7	1.3
RW-Rule-DPL2A-5	7	8	1.4
RW-Rule-DPL2A-6	8	9	1.5
RW-Rule-DPL2AA-1	9	12	0.002
RW-Rule-DPL2AA-2	12	24	0.003
RW-Rule-DPL2AA-3	24	36	0.004
RW-Rule-DPL2AA-4	36	48	0.005
RW-Rule-DPL2AA-5	48	60	0.005
RW-Rule-DPL2AA-6	60		0.005
	Range From (>=)	Range To (<)	
RW-Rule-DPL2D-1	0	4	0.2
RW-Rule-DPL2D-2	4	16	0.5
RW-Rule-DPL2D-3	16		2
	Range From (>)	Range To (<)	
RW-Rule-DPL2G-1	2		0.1

Date difference for DPL2A = {RP Appl. Submission Date / SSW Job Creation Date / Last CN Submission Date of the Subsequent CN Approval / DPL Execution Date} whichever is earlier - CN Rejection Date
Date difference for DPL2AA = DPL Execution Date - CN Rejection Date
Date difference for DPL2D = DPL Execution Date - Date of case confirmed as delayed
Date difference for DPL2G = Last Removal Submission Date - { Rejection Date of Removal Submission / Tentative Removal Date } whichever is later

CHAPTER 10

ENFORCEMENT

CHAPTER 10

ENFORCEMENT

10.1 This Chapter is to provide guidance on the enforcement.

10.2 This Chapter comprises the following sections

Section 1 Enforcement Principles

Section 2 Enforcement Procedure

Chapter 10

Section 1 - Enforcement Principles

Both Research & Development Division (R&DD) and Quality Management Unit (QMU) are independent of permit issuing and works related offices of HyD, whereas Department of Justice (DoJ) is responsible for conducting prosecutions in court.

In exercise controls in all excavations:-

- I. R&DD will be responsible for:
 1. conducting audit inspections,
 2. uploading audit inspection results to Audit Inspection Management System for the Permittees or the Nominated Permittees to access the result through XPMS to check and rectify the non-compliances,
 3. issuing advisory letters along the following principles:
 - (a) For contravention of permit conditions, except for (d) and (e) below, to be complied with by the Permittee, advisory letter will be addressed to the Permittee, and copied to the Nominated Permittee or the Contractor where there is no Nominated Permittee. The case will be referred to QMU for follow-up action.
 - (b) For contravention of permit conditions, except for (d) and (e) below, to be complied with by the Nominated Permittee, advisory letter will be addressed to the Nominated Permittee and copied to the Permittee. The case will be referred to QMU for follow-up action.
 - (c) For contravention of permit conditions, except for (d) and (e) below, to be complied with by both the Permittee and the Nominated Permittee, advisory letter will be addressed to both the Permittee and the Nominated Permittee. The case will be referred to QMU for follow-up action.
 - (d) For suspected contravention of permit condition 18 regarding minimum depth requirement on service installation identified, no advisory letter will be issued to both the Permittee and Nominated Permittee. Instead, the audit inspection record of the suspected contravention will be referred to QMU direct for reference and consideration of follow-up action as necessary. Since non-compliance with minimum depth

requirement can only be confirmed legitimately upon HyD's receipt of the CN submission, any follow-up action, if deemed necessary, would only be initiated upon HyD's receipt of the CN submission on the corresponding permit.

- (e) For contravention of non-severe items classified as immediately rectifiable in the site audit checklist of the permit conditions, if the contravention is rectified shortly after receipt of AIT's instant notification to the satisfaction of HyD, no advisory letter will be issued. Notwithstanding, records of the instant notifications sent out to Permittees and Nominated Permittees will be kept. UUs are encouraged to rectify those immediately rectifiable NC items revealed during audit inspection to avoid receiving advisory letters.
- (f) For suspected case of contravention of Section 10T of Land (Miscellaneous Provisions) Ordinance Cap 28 (the Ordinance), advisory letter will be addressed to both the Permittee and the Nominated Permittee. Where there is no Nominated Permittee, advisory letter will be addressed to the Permittee and copied to the Contractor. The case will be referred to QMU for follow-up action.
- (g) For suspected case of contravention of Sections 10(1)(a) and 10(2) of the Ordinance, advisory letter, if appropriate, will be addressed to the suspected offender(s) who may be the ex-Permittee, ex-Nominated Permittee, Contractor or the most probable site occupier at the time of offence. The case will be referred to QMU for follow-up action.

II. QMU is responsible for enforcing the Ordinance, and shall, upon receipt of referral from R&DD:-

1. undertake site visits and investigations of suspected offences,
2. collect evidence,
3. make recommendations to Prosecution Division of Department of Justice (DoJ) for instituting prosecutions, or in the case of government department involving in contraventions, inform the Assistant Director/Technical (AD/T) and assist in the fact finding and reporting in accordance with the Reporting Procedures under Section 2A promulgated by the then Secretary for the Environment,

Transport and Works in memo dated 29 July 2004. Under the existing Ordinance with version date of 1 July 2007, the case should be reported to the Secretary for Development.

4. ensure sufficient evidence to be collected in order to satisfy DoJ's requirements for securing a successful prosecution and
5. being a witness to give evidence in court.

III. DoJ will be responsible for:-

1. making final decisions of prosecution, and
2. conducting prosecutions in court, and
3. following-up plead-not-guilty cases.

Chapter 10

Section 2 – Enforcement Procedure

1 Introduction

The Director of Highways (DH_y) is empowered by the Land (Miscellaneous Provisions) Ordinance Cap 28 (the Ordinance) to be the Authority responsible for issuing excavation permits and exercising controls on all excavations in unleased land which is a street maintained by the Highways Department (HyD). According to the Ordinance, any person who carries out road excavations without an excavation permit (XP) or emergency excavation permit (EXP), or breaches any conditions of XP/EXP, shall be guilty of an offence.

DHy has set up an audit inspection team in Research & Development Division (R&DD) and assigned the Quality Management Unit (QMU) in Headquarters of the Department to tighten controls in all excavations. QMU that is independent of permit issuing and works related offices is responsible for enforcing the law in accordance with this procedure under the Ordinance.

This document should be read in conjunction with the Ordinance, related legislation and procedures, and Guidance Notes issued by HyD.

2 Definition of Offence

QMU shall take note of the offences defined in Section 10(1), (2), (3), (4) and (5), and Section 10T (1), (2) and (3) of the Ordinance, and the defences under Section 10(6), (7) and Section 10T(4) and (5) of the Ordinance, when such offence(s) is identified and the respective evidence collected.

3. Enforcement Cases

3.1 Cases where QMU is referred to by R&DD and/or Regional Offices of HyD, under the following circumstances:

- (a) excavation without a valid permit
- (b) excavation without adequate support
- (c) contravention of permit conditions
- (d) suspension order has been issued to the Permittee and/or the Nominated Permittee, or
- (e) the Permittee/Nominated Permittee's site has been taken over by

the Authority.

3.2 Complaint cases or cases identified under ad hoc spot checks and inspections.

4. Enforcement process

For cases described in paragraph 3, the following process shall be followed.

4.1 Site Inspection and Investigation

- 4.1.1 QMU shall carry out site inspections and investigations to verify the cases and collect evidences for identifying any offence. They shall be responsible for laying information against the accused.
- 4.1.2 During site inspections, QMU may record the offence by means of photographing. They may take notes describing the circumstances with details of location, date and time of the event. They may also talk to labours and/or person in charge of the site in collecting evidence and identifying the parties who are suspected to have committed an offence or allegedly violated any permit conditions.
- 4.1.3 Staff of QMU who has personal knowledge of the offence or contravention, and/or has witnessed the offence or contravention, or taken records of the offence or contravention, and who lays information against the accused, may serve as a prosecution witness.

4.2 Collection of Evidences

QMU shall collect the following evidences to be presented to Department of Justice (DoJ):

- 4.2.1 Witness statements from inspectors of QMU
 - Inspectors of QMU, who have carried out site inspections or investigations, shall prepare witness statement based on their personal knowledge without personal interpretation. Witness statement may consist of the following information:
 - Particulars of the suspect
 - Date and time of the offence
 - Location of the offence
 - Description of the offence
 - Photos taken during site inspection

- 4.2.2 Witness statements from witnesses other than the inspectors of QMU
Inspectors of QMU shall take witness statement from any person who has witnessed the offence if necessary.
- 4.2.3 Cautioned Statement from the suspect
Inspectors of QMU shall take cautioned statement from the suspect if necessary.
- 4.2.4 Suspension order
QMU shall keep records of all instructions to temporarily suspend the work issued by the respective Regional Office of HyD in accordance with Clause 7B of Conditions of XP, or Clause 8B of Conditions of EXP.
- 4.2.5 Computer printout
In verifying the cases, QMU shall collect information recorded by other electronic means, such as computer printout of Utility Management System. These information may be accepted and admitted in court as direct evidence, providing that the information is not manipulated, according to Section 16C of the Ordinance.
- 4.2.6 Advisory letter
QMU shall keep records of all advisory letters issued to the Permittee and/or Nominated Permittee by respective Regional Office of HyD and/or of R&DD.

QMU will open a case file and assign a case number for each the enforcement cases mentioned in paragraph 3 above. When investigation is complete, the inspectors of QMU will prepare a report detailing the investigation and evidence collected.

4.3 Making Recommendations on Enforcement

- 4.3.1 After completion of the investigation or inspection, QMU shall seek approval from the Assistant Director/Technical (AD/T) for recommendations to be made to the Prosecution Division (PD) of DoJ. PD will decide whether to proceed with prosecution, and they would be responsible for conducting prosecution in court.
- 4.3.2 For cases where a government department or an individual public officer has been identified to be personally involved in a contravention with sufficient evidences, QMU will inform AD/T and assist in the fact finding and

reporting in accordance with the Reporting Procedures under Section 2A promulgated by the then Secretary for the Environment, Transport and Works in memo dated 29 July 2004. Under the existing Ordinance with version date of 1 July 2007, the case should be reported to the Secretary for Development.

4.4 Preparation of Summons

- 4.4.1 Upon receiving notification from DoJ on proceeding with the prosecution, QMU shall draft a summons application in a pre-approved Standard Offence Description (SOD) to AD/T for approval and authorisation for uploading the application in the Case and Summons Management System (CASEMAN).
- 4.4.2 When the draft summons is approved by AD/T, QMU shall upload the summons application in the CASEMAN.
- 4.4.3 QMU shall collect the original copy of summons from relevant courts.
- 4.4.4 QMU shall pass the case file to the prosecutor concerned with copies of brief facts and other relevant documents as requested by court.

5. Liaison with Department of Justice

- 5.1 QMU shall liaise with PD of DoJ and prepare documents with DoJ's advice for prosecution.
- 5.2 QMU shall liaise with court prosecutor and first clerk of Magistrates' Court for the trial.
- 5.3 QMU shall ensure that their staff concerned shall appear in the court as a prosecution witness.
- 5.4 Where cases the defendant(s) plead not guilty (PNG) at the first plea taking in court, the presiding magistrate will adjourn the case for trial. Prior to the trial date, QMU will prepare necessary documents with the advice of DoJ and pass the documents to the prosecutor concerned for the trial.

6. Conviction Record

When the case is settled and any person or the Permittee or Nominated Permittee is found guilty of offence, QMU will compile a record of convictions in confidence.