

UTLC Paper No. 1/2019

New Sanctioning Condition to Control Sharp Rise in the Number of Unattended Sites under Excavation Permits

I. Purpose

This paper aiming to propose a new sanctioning condition to tighten the control on the Unattended Site situation.

II. Background

2. The Conditions of Excavation Permit Clause 37 / Excavation Permit Clause 35 requires the Permittee (i) to ensure the excavation is not left open without being actively worked on between 8:00 am to 6:00 pm on any working day which is not a Sunday nor a General Holiday, or other specified time period(s) on any day permitted under the excavation permit, and (ii) to erect display board explaining the reason for the road works not being actively worked on at site.

III. Definition of Unattended Site

3. When an excavation is found left open without being actively worked on and without the explanation display board, it is generally defined as an Unattended Site. The agreed principles in defining Unattended Site as stipulated in the UTLC Paper No. 2/2009 are also applicable to this paper, which are recapped as follows:

- (a) A site is considered as active if excavation or associated construction activity is actively worked on during any working day between 8:00am and 6:00pm;
- (b) General obligations are not considered as active site. For example, site cleanliness and tidiness, routine inspection on Lighting, Signing and Guarding (LSG) and site security; and
- (c) A site is not considered as unattended provided that all excavations have been covered up with temporary decking, and associated LSG have been dismantled. The display board for explaining reasons for apparently unattended road works is not necessary as the site is no longer classified as unattended. The Audit Inspection Team will check the temporary decking on site in accordance with the current standards. The LSG equipment may be temporarily stored on site provided that they are properly placed at a location where a 1.5m clear width or other widths specified by the authority is maintained. The LSG equipment should be removed off site as soon as possible if the site will not be actively worked upon for a long

time. A pedestrian barrier can be left on site to facilitate the display of excavation permit to identify the parties responsible for maintaining the excavation.

4. During audit inspection by Highways Department, the audit staff shall record whether an excavation site is being actively worked on, and if not, whether the display board providing the reason is displayed. When an excavation is found unattended in the morning inspection, a follow-up inspection in the afternoon on the same day must be conducted. If the site is still being unattended in the follow-up inspection, a record of non-compliance (NC) of Unattended Site will be recorded.

IV. Unattended Site Situation in the Industry

5. It is observed that there is an increasing trend of Unattended Site incidents in the past 3 years. The figures are summarized in Table 1 below:

Year	(A) No. of XP with Unattended Site Incidents	(B) No. of XP issued	(A)/(B) %
2016	114	22,006	0.5
2017	131	20,273	0.6
2018	167	18,500	0.9

Table 1 – Figures on Unattended Site Incidents in 2016 to 2018

6. According to the record of Unattended Site in 2018 (as at February 2019), a total of 77 nos. of Permittee-Division-Contractor party combinations were observed to have Unattended Site incidents. Out of which, 21 nos. of the party combinations had 3 or more occurrences of Unattended Site incidents and some of which reached as many as 8 or 9 reoccurrences of Unattended Site incidents under the same party-combination.

V. Proposed New Sanctioning Condition

7. In view of the substantial increase of the number of Unattended Sites in 2018 and the reoccurrence phenomenon observed, a new sanctioning condition is proposed to be imposed that any Permittee-Division-Contractor combination with 3 nos. of Unattended Site incidents within a 12-month period will be sanctioned for a minimum period of 3 months; and that the sanctioning period will be imposed immediately again thereafter within the 12-month period once any further Unattended Site was again identified by audit inspection. The 12-month period shall be counted from the first occurrence of Unattended Site of a Permittee-Division-Contractor combination. The above accumulation mechanism of Unattended Site will start

over again upon the expiry of the 12-month period.

8. If the Permittee or the Nominated Permittee do not agree with the record of Unattended Site, he/she may make an appeal through Audit Inspection Management System (AIMS), similar to any other cases of NCs, within 9 working days from the date of audit inspection. To make an appeal, the Permittee or the Nominated Permittee should provide adequate supporting documents, such as relevant site diary, signed by the Engineer's/Architect's Representative of the works or equivalent and/or any photo evidence, if available, to support the appeal. The incident of Unattended Site will not be valid until the appeal is finalized. If no appeal is made within 9 working days of the incident of Unattended Site, it will be confirmed as a valid record. Worked examples are attached in **Appendix I**. The Permittee can view their records of Unattended Site in XPMS.

9. The sanctioning measure shall be the same as the existing measure which was introduced in 30 September 2017 under the UTLC Paper No. 1/ 2017 which stipulated that once a party combination is sanctioned, the relevant contractor will not be approved as a Nominated Permittee (NP) of the Permittee-Division in any new XP application until the sanctioning period, and its extension as the case may be, is over. The subsequent nomination of the concerned contractor as a NP in a party combination will then be re-examined in the usual manner. The previously approved nominations will remain not affected.

VI. Way Forward

10. It is anticipated that the above proposed new sanctioning condition will take effect in 1 month after the notification from HyD. HyD will closely monitor the situation and make adjustments when necessary.

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