

**BILLS COMMITTEE ON
LAND (MISCELLANEOUS PROVISIONS)(AMENDMENT) BILL 2002
MEETING ON 18 MARCH 2003**

Supplementary Information

**Response from the Administration on Hutchison Global Communication's
letter to the Bills Committee**

The Administration understands the position of Hutchison Global Communication (HGC) on this matter.

We agree with HGC's observation in their point (1) that excavations on carriageways can affect traffic in a very wide area, and can cause widespread traffic jams and delays. Associated with this is the incurrence of heavy social and economic cost. Relatively, the effect of an excavation on the pavement and its impact on pedestrian is localized to the spot of the excavation, and there is much more room for pedestrian to adjust to any delay experienced at the excavation (than motor vehicles on a carriageway), and any overall delay to pedestrians should be minimal.

In the consultation meeting with utility undertakers on 5 March 2003, utility undertakers informed us they had made great effort in controlling the programme of their street excavation works. Apart from controlling the performance of their contractors, incentive schemes have also been included through the contract mechanism. Government departments are also doing similar things. We agree that delay in completion of excavation works is not to the benefit of the promoter, whether it is private sector or public sector, and therefore they should not like to see the delay in completion of work. But besides relying on the self-discipline from promoters of street excavation, sufficient regulatory framework is also required to bring under control those who may not be able to discipline themselves well enough. We consider the level of regulation proposed in the bill is suitable and sufficient in terms of controlling in overall terms this nuisance.

We are also delighted to learn of the positive and responsible attitude adopted by utility undertakers in this matter as mentioned in points (5) and (6)

of HGC's letter. Indeed, the 3-tier consultation framework in road opening set up by Highways Department has achieved its desired effect, and problems between excavation promoters and road users, and shop owners can be resolved through more communication, cooperation and understanding, rather than excessive regulation.

We therefore consider the charging of economic costs for excavations on pavement is not only technically infeasible, but unnecessary.

Response on the Report of the study tour held on 22 February 2003

The 'observations' from the study tour on 22 February 2003 as stated in the report were noted, however, to paint a more accurate picture of things and to avoid unwanted generalization, we would like to record specifically the places visited and what exactly was observed on that day at the Annex.

The following are our views on Members' recommendations, taking each item in turn:

- (a) Highways Department to step up inspection and follow up with utility undertakers to ensure timely completion

Highways Department has been taking the auditing role on road excavations. The inspection frequency has reached the target frequency of 1 in 7 days. They are also issuing on average about 2000 notifications of non compliance to permittees out of about 6000 inspections per month. However, utility companies will be reminded to ensure early completion of works in their regular meetings with the department. Passage of the Bill in LegCo will assist the situation.

- (b) Drainage Services Department (DSD) should shorten its work outside Sogo

The construction time for the sewers is already very tight in view of the scope and restrictions in working hours. In order to reduce the impact on the traffic and the public and where permitted, the temporary shafts

excavated will be covered to allow traffic be returned to normal for the intervening period. The following actions have been taken by DSD to expedite the work :

- (i) Resolving problems encountered on-site as quickly as possible;
- (ii) Reviewing any revisions necessitated by the existing conditions and resolving conflicts with other parties in the most efficient way;
- (iii) Encourage the contractor to deploy the maximum resources;
- (iv) Other utilities are urged to complete their works as soon as possible, regular liaison meetings are held;
- (v) Every effort made to minimize impact to adjacent business and pedestrians, such as erecting aesthetically pleasing hoardings and minimizing space occupation.

The Permanent Secretary for the Environment, Transport and Works (Transport and Works) had requested Director of Drainage Services to monitor the situation closely.

- (c) Water Supplies (WSD) should avoid leaving their sites unattended

As mentioned above, the WSD sites were unattended for short durations. Highways Department will remind WSD and will follow up to monitor the situation.

In the regular housekeeping meeting between Environment, Transport and Works Bureau and Water Supplies Department, The Permanent Secretary for the Environment, Transport and Works (Transport and Works) had put pressure in the Director of Water Supplies.

- (d) To provide temporary decking to allow reopening of carriageways or pedestrianways during non-working hours

Since mid 1990's, we have required in the permit conditions, permittees to deck over their excavations when they are not worked on for a period and to reopen the road surface to other road users, unless it is shown to

be not feasible from an engineering and practical point of view. We shall closely monitor the situation. Passage of the Bill will increase the deterrent effect of the permit conditions.

- (e) Unattended sites should be avoided, and reason why they are unattended including the duration involved should be posted up

Under the permit conditions, permittees are not allowed to leave the site unattended without a good reason and the reason has to be shown on display boards. Passage of the Bill will increase the deterrent effect of the permit conditions. The display boards for pedestrians have already shown the date for resuming work. We shall revise the display boards for motorists to include such information.

- (f) Publicity boards should display start and end dates, and extensions, with complaint telephone numbers

The existing display boards already show the original and anticipated end dates, and the compliant telephone hotline. We shall consult the industry on including commencement dates.

- (g) On street parking space be avoided and bonus plot ratio should be used to encourage developments to provide parking space

We will convey this suggestion for consideration by the relevant bureau/departments.

- (h) Award schemes be used to encourage early completion with recognition for good practices

Please refer to answer (a) in our information paper submitted to this Bills Committee for the 18 March 2003 meeting.

ETWB
17 March 2003

Observations on Study Tour on 22 February 2003

Location	Phenomena	Reason	Remark
Star Street Hong Kong Electric Company sites – series of openings made.	Some sites were unattended, but workers moved around the openings.	Not applicable	The openings are interrelated. Site inspection on 17/2/03 and 24/2/03 found the sites were attended.
Luard Road Hong Kong Electric Company site.	Site was slightly flooded.	Not applicable	Found to be flooded on 13/2/03, correction found to be completed on 24/2/03.
Highways Department (HyD) capital work site at Lockhart Road	Signboard too small. Work on 3 manhole covers without lighting, sign and guarding (LSG). Coned off, no work.	Not applicable	HyD Research and Development Division will following up on the size of the signboard. LSG was put back immediately. Channelise traffic near junction.
HEC site at westbound King's Road near Oil Street	Unattended and no publicity board.		HEC explained that a display board with statement that concrete curing was in progress was posted on site. The board needed not be big due to the short duration of the works.

Location	Phenomena	Reason	Remark
Drainage Services Department (DSD) site at Sogo	Footpath was converted into a work site, causing serious congestion.	Drainage Services Department is implementing a sewerage improvement works project in Causeway Bay and North Point. In order to reduce the impact to traffic, trenchless excavation method has been adopted. Even for this method, spaces are required for construction of vertical shafts for jacking of sewage pipes between them, hence some footpath and carriageway spaces have to be occupied.	<p>Will complete by December 2004.</p> <p>Restricted working hours has been imposed taking into account of pedestrian flow.</p> <p>Shaft openings will be covered up to restore traffic whenever possible.</p> <p>Contractor has been encouraged to take measures to minimize disturbance including working at night. Contractor has provided transparent hoardings, and coordinated with all parties actively.</p> <p>The situation will be reviewed from time to time.</p>
Water Supplies Department (WSD) sites at Hing Fat Street, Electric road and Java	Unattended sites.	The Department explained that the sites were active. Works might have been	

Location	Phenomena	Reason	Remark
Road		halted for short durations.	
WSD site at westbound King's Road near West Land Road	Unattended sites.	The Department explained that the sites were active. Works might have been halted for short durations.	
WSD site at westbound King's Road opposite Cambridge House	No leading taper was provided.	Taper of cones at Oil Street was curtailed as requested by traffic police due to adjacent bus stop. The shortened taper at Tong Cheong Street was an approved design.	
WSD site at westbound King's Road opposite Fortress Tower	Unattended sites.	The Department explained that the sites were active. Works might have been halted for short durations.	

Location	Phenomena	Reason	Remark
Diversion trial at Johnston Road near Tai Yuen Street	Carriageway coned off.	District diversion trial. The trial run is required by Transport Department to observe the effect of a road widening proposal. The carriageways are coned off to simulate the situation.	
DSD site at Causeway Road behind Regal Hong Kong	Insufficient information on publicity boards about start date and end date of a project including extensions.	Publicity boards should be provided with original and anticipated end dates.	Highways Department has recently promoted the use of new publicity boards. We shall consult the industry on inclusion of commencement dates.
Tramway station, King's Road	Insufficient safety measures to protect workers themselves and pedestrians from flying debris arising from work on the site.	The permittee is contravening permit conditions and other regulations relating to industrial safety.	HyD will inform the permittees on non-compliance with the permit conditions. Other authorities will take care about breach of industrial safety regulations.