

HKIA Submission
LegCo Panel on Planning, Lands and Works
Special Meeting on 20/2/2002

PROPOSED CHARGING AND PENALTY SYSTEM FOR ROAD OPENING WORKS

1. The Institute of Architects is in general support of the proposed charging and penalty system for Road Opening.. We take note of Government's view that this would enable a better control on street excavation and would reduce unnecessary delay in completion of these works resulting in overall benefit to the community at large.
2. The Institute welcomes the Administration's proposal to examine the feasibility of implementing common utility enclosures, streamlining application procedures and the setting up of an appeal mechanism.
3. The Institute, however, concurs with the Industry's view that one of the major reasons for the delay in completion of the works is the lack of a set of accurate Record Plans of the services in the road. The Institute strongly urges Government to work towards the provision of this set of accurate Record Plans as soon as possible.
4. In addition, the Institute has a number of comments for Members' consideration:
 - a. *Coordinator*: One of the problems faced by architects in their application of road excavation permits is that there is no one single Government department who will act to resolve conflicting requirements from the various concerned Government departments.

The end result is that a lot of professional time is wasted in trying to resolve these various conflicting requirements, particularly in situations when none of the concerned Government departments is prepared to accommodate one another.

Private developments require various connections to the roads, in particular, Government sewers and hence the need of excavation permits. Without these connections, Occupation Permit cannot be issued.

Government should nominate one department to act as the coordinator and to assist in resolving conflicting requirements from different Government departments.

This can be related to the Administration's proposal on the appeal mechanism.

- b. *Excavation Permit Applicant*: For private developments, Highways insists that the applicant for Excavation Permit must be the Consultant and not the contractor. However, for Government projects, Highways permits the Contractor to be the applicant.

We cannot understand the logic of this rationale as it creates unnecessary division between Government and private projects. The Institute requests Government to permit both the Consultant or the Contractor to apply for the Excavation Permit.

This is particularly pertinent to the present discussion on charging and penalty system as well as the discussion on criminal liability.

Hong Kong Institute of Architects
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