

LCQ6: Excavation Permits issued by Highways Department

Following is a question by the Ir Hon Raymond Ho and a reply by the Secretary for Transport and Housing, Ms Eva Cheng, at the Legislative Council meeting today (May 5):

Question:

It has been reported recently that a telecommunications service company, after obtaining Excavation Permits from the Highways Department (HyD) only but without the approval from the Lands Department, had erected iron poles on certain pedestrian walkways for installation of fixed telecommunications network services equipment. In this connection, will the Government inform this Council whether:

(a) HyD had, before granting the aforesaid Excavation Permits, verified that the iron pole erection works had been approved by the relevant government departments; and

(b) it has regularly deployed personnel to inspect if such iron poles are securely installed and requested the company to remove the iron poles which were installed without approval, so as to ensure the safety of road users; if so, of the details?

Reply:

President,

For the purpose of providing its services, fixed telecommunications network service providers need to lay their telecommunication systems and associated facilities on unleased Government land (including roads), and may from time to time make alterations as well as carry out maintenance work. For this, the Lands Department will issue Block Licence to fixed telecommunications network service providers, and the fixed telecommunications network service

providers shall abide by all relevant requirements set out in the Block Licence.

The aforementioned Block Licence issued by the Lands Department stipulates that when installing fixed telecommunications network facilities on public roads or in future road reserves, fixed telecommunications network service providers must ensure that the detailed alignment and disposition of the facilities or any part thereof (for example the height, appearance, space to be occupied, etc.), shall be to the satisfaction of the Highways Department.

In addition, if the installation of facilities involves excavation, fixed telecommunications network service providers should also follow the provisions concerning the arrangement for excavation works as set out in the Block Licence. Generally speaking, the policy on approval of excavation works falls within the purview of the Development Bureau. Prior to making any excavation on unleased road, fixed telecommunications network service providers must make an application to the Highways department and secure an excavation permit. For this, the applicant must submit detailed information about the works, including the aim of the works and detailed information about the facilities that are planned to be installed, so that the controlling department can conduct full assessment of the excavation works and the facility-installation works.

To facilitate institutions that need to frequently conduct small-scale works on public roads, such as utility undertakings and fixed telecommunications network service providers, to carry out small-scale repair works or utility connection works in a timely manner, the Highways Department has put in place a simplified application mechanism for excavation permits. Under the mechanism, small-scale works refer to those involving excavation not exceeding a total area of 4 square metres. For small-scale works not affecting the carriageway, the works and the associated reinstatement shall

be completed within 48 hours; as for works affecting carriageway, the works and the associated reinstatement shall be completed within 24 hours. Promoters of works are only required to register the works in accordance with the stipulated procedures set out in the computer system concerned at least two working days before the intended commencement date of works, and only simple information about the works are required in the registration process, including the location of the works site, start date and end date of the works, etc.. Moreover, any institution that has acquired an excavation permit through the simplified application mechanism for excavation permit has the responsibility to ensure that other approval procedures required for the works concerned are completed before the commencement of works. For instance, for works affecting the carriageway, the temporary traffic arrangement concerned must be agreed by the Traffic Police and the Transport Department prior to the commencement of works.

Over the years, the Highways Department has established liaison mechanisms at different levels to communicate with utility undertakings and fixed telecommunications network service providers that need to conduct excavation works on public roads frequently, so that these institutions can understand the purpose and operation of the above arrangements, and to ensure sufficient communication for individual projects. The concerned institutions have followed the arrangements under the mechanism, and the system has been running smoothly over the years.

As regards the two-part question, my answers are as follows:

(a) The works undertaken by telecommunications service company involved in the incident are installation works covering a wide area. The telecommunications service company concerned did not submit proposal on the works to the Highways Department and relevant departments prior to making

excavation and installing the telecommunication systems or associated facilities. Making use of the simplified application mechanism for excavation permit, the telecommunications service company concerned split up excavation works for the installation of a large number facilities and submitted them to the Highways Department in a piecemeal manner. This is obviously an improper use of the simplified application mechanism. In view of this, the Highways Department is now considering to tighten the application requirements under the simplified application mechanism for excavation permits in order to prevent improper use.

(b) Utility undertakings (including fixed telecommunications network service providers) have the responsibility to ensure that the facilities they have laid on the roads shall not endanger the safety of road users. Maintenance teams of the Highways Department conduct regular inspections on roads in every district. If facilities managed or maintained by utility undertakings located on the roads are found to be damaged, the Highways Department will immediately inform the relevant utility undertaking to conduct repair works. Depending on circumstances, the Highways Department may also fence off the road section where the facilities are located where necessary, so as to ensure public safety.

In this incident, the Highways Department has explicitly requested the concerned fixed telecommunication network service provider to remove all the iron poles that it has installed. Since the fixed telecommunication network service provider has not complied with and disputed the Highways Department's request to remove the iron poles, the Highways Department has notified the Lands Department that the detailed alignment and disposition of the iron poles in question are not to the satisfaction of the Director of Highways. The Lands Department and the Highways Department are now seeking legal advice.

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