

UTLC Paper No. 2/2024

Enhancements to Demerit Point System and Sanctioning Measure for Delayed Removal of Temporary Structure/ Equipment/ Installation

I. Purpose

This paper proposes enhancements to the Demerit Point System to improve control over the removal of temporary structures, equipment, and installations. Additionally, it suggests strengthening the current sanctions to enhance their deterrent effect.

II. Background

2. The Conditions of the Excavation Permit, Clause 39(B), specify that the Permittee must carry out permanent reinstatement of any excavation made under the Permit, at their own expense, unless otherwise directed by the Authority. Additionally, Clause 40 of the Conditions requires the Permittee to restore any affected street furniture, traffic aids, road markings, and other installations to their original conditions before the work commenced, unless an alternative agreement is made with the Authority.

3. To ensure that any temporary structures erected or equipment installed by the Permittee are removed properly and on time, a new Demerit Point Level (DPL) called DPL 2G is proposed. This new measure is intended to enhance the current sanctioning measures in place.

III. Proposed Enhancements

A. Delayed Removal of Temporary Structure/ Equipment/ Installation

4. A new DPL 2G will be introduced in the Demerit Point System to assess permittees' performance in removing temporary structures, equipment, or installations. It will be calculated as follows:

- 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.

B. Sanctioning Measure

5. It is proposed to impose a new condition for sanctioning measure on top of the existing conditions as set out in the table below.

| | Conditions where sanctioning measure will be imposed | Sanctioning period |
|-----------------|--|---|
| Existing | | |
| 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 | 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 |
| Proposed | | |
| b | Long outstanding rectification of: (iii) rejected removal of temporary structure/ equipment/ installation with prolonged period over 2 years | At least three months and until there is: (iii) no rejected removal of temporary structure/ equipment/ installation with prolonged period over 2 years |

IV. Way Forward

6. Subject to the endorsement of this Paper, the proposed new DPL 2G and the conditions regarding the delayed removal of temporary structures, equipment, or installations will take effect two weeks after notification from HyD. These new DPL 2G and conditions will not apply to any temporary structures, equipment, or installations scheduled for removal prior to the implementation of these measures. HyD will closely monitor the situation and will consider making suitable adjustments if necessary.

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Research and Development Division, Highways Department