

DRAINAGE SERVICES DEPARTMENT

DSD TECHNICAL CIRCULAR NO. 8/96

**RESTRICTIONS ON WORKING HOURS IN CAPITAL WORKS CONTRACTS
ARISING FROM TRAFFIC NEEDS**

Introduction

Where a contract involves work to be carried out in areas which are very sensitive to traffic, restrictions on working hours may sometimes be imposed in the contract, often at the request of concerned government departments. The inclusion of such restrictions on any work will inevitably increase the cost of the work. To avoid unnecessary additional expenditure and to obtain value for money, we should ensure that the restrictions are well justified and that if imposed, are strictly complied with. This Technical Circular sets out the procedures to be followed when restrictions of such a nature are contemplated or imposed.

Need For Restrictions

2. The need for imposing restrictions on working hours in capital works contracts should be well justified and documented. In line with current practice, all drainage and sewerage projects that are likely to have significant traffic implications should be subjected to a traffic impact study, at the design stage, in accordance with Highways Department's "Guidelines on Traffic Impact Assessment and Day-time Ban Requirements for Road Works on Traffic Sensitive Routes." We should then consult concerned government departments on the need and extent of any restriction on working hours to be incorporated into the contract, taking account of the likely additional cost involved. We should also consult District Boards on major projects or in the case of other projects, upon the request of Transport Department or the respective District Office.

Additional Cost Due to Restrictions

3. Any additional cost as a result of restrictions on working hours should be identified in the preparation of the overall cost estimate for the project and reflected in the submissions to the Finance Committee for funding. It is essential that this procedure be complied with in order that the Finance Committee is made fully aware of the cost implications, albeit in rough terms, of the restrictions to be imposed. In estimating for the cost of the restrictions, the technique of Estimating using Risk Analysis in accordance with Works Branch Technical Circular No. 22/93, should be used. Project staff are also reminded that it is the current practice to draw the Central Tender Board's attention to such restrictions on working hours if the tendered price deviates significantly from the pre-tender estimates or if the restrictions themselves constitute a special circumstance governing the tender recommendation.

Enforcement and Relaxation of Restrictions

4. Restrictions on working hours, where stipulated in a contract, should be strictly observed and enforced during the construction stage of the contract. In this regard, resident site staff should maintain a close watch on the contractor's work to record and report any non-compliance by the contractor to the Engineer for appropriate action to be taken.

5. On the other hand, as works progress, project engineers should constantly review any change in the situation or constraints on site which may warrant a relaxation of the restrictions imposed on the works. If there are merits in relaxing the restrictions, project engineers should establish such merits and seek the agreement of the concerned government departments before granting any permission to relax. Furthermore if the relaxation is made against the original contract terms, the approval of the Director of Drainage Services is required for signing a supplementary agreement with the contractor which should specify the extent of relaxation, associated change in works requirement, if any, and reduction in contract payment where considered appropriate.

Application

6. The above procedures are intended to cover situations where restrictions on working hours are considered necessary to address adverse traffic impacts. However, the general principles and objectives behind these procedures are equally applicable to other similar types of restrictions on work which may need to be imposed in capital works contracts because of other considerations (e.g. environmental mitigation measures), and should thus be followed as far as practical when dealing with those situations.



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