

ENVIRONMENTAL IMPACT ASSESSMENT ORDINANCE
(CHAPTER 499)
Section 10 & 13

環境影響評估條例
(第499章)
第10及13條

ENVIRONMENTAL PERMIT TO CONSTRUCT AND OPERATE A DESIGNATED PROJECT

建造及營辦指定工程項目的環境許可證

PART A (MAIN PERMIT)

A部 (許可證主要部分)

Pursuant to Section 10 of the Environmental Impact Assessment Ordinance (EIAO), the Director of Environmental Protection (the Director) granted the Environmental Permit (EP-427/2011) to Civil Engineering and Development Department (hereinafter referred to as the "Permit Holder") on 3 November 2011. Pursuant to Section 13 of the EIAO, the Director amends the Environmental Permit (EP-427/2011) based on the Application No. VEP-349/2011. The amendments, described below, are incorporated into this Environmental Permit (EP-427/2011/A). This Environmental Permit as amended is for the construction and operation of the designated project described in Part B subject to the conditions specified in Part C. The issue of this Environmental Permit is based on the documents, approvals or permissions described below:

根據《環境影響評估條例》(環評條例)第10條的規定，環境保護署署長(署長)於2011年11月3日將環境許可證(編號EP-427/2011)批予土木工程拓展署(下稱“許可證持有人”)。根據環評條例第13條的規定，署長因應更改環境許可證的申請編號VEP-349/2011修訂環境許可證(編號EP-427/2011)。以下修訂已包含在本環境許可證內(EP-427/2011/A)。本經修訂的環境許可證作為建造及營辦本許可證B部所說明的指定工程項目，但須遵守C部所列明的條件。本環境許可證是依據下列文件、批准或許可而簽發：

Application No. 申請書編號	VEP-349/2011
Document in the Register : 登記冊上的文件：	<ol style="list-style-type: none"> 1. New Contaminated Mud Marine Disposal Facility at Airport East/East Sha Chau Area <ul style="list-style-type: none"> - Environmental Impact Assessment (EIA) and Final Site Selection Report - Executive Summary - Environmental Monitoring and Audit Manual Hereinafter referred to as the “EIA Report” (Register No.: AEIAR-089/2005). 機場東面/東沙洲一帶的新海上污泥卸置設施 <ul style="list-style-type: none"> - 環境影響評估(環評)及最終選址報告 - 行政摘要 - 環境監察及審核手冊 下稱“環評報告” (登記冊編號：AEIAR-089/2005) 2. The Director’s letter of approval of the EIA Report dated 1 September 2005 (Ref.: (3) in Ax(1) to EP2/N9/C/90 Pt. V) 環境保護署長於2005年9月1日發出批准環評報告的信件 (檔案編號：(3) in Ax(1) to EP2/N9/C/90 Pt. V)
Document in the Register : 登記冊上的文件：	<ol style="list-style-type: none"> 3. Application for Environmental Permit submitted by the Permit Holder on 6 October 2011 (Application No.: AEP-427/2011)

	<p>許可證持有人於2011年10月6日提交的环境許可證申請 (申請書編號：AEP-427/2011)</p> <p>4. Environmental Permit issued on 3 November 2011 (Permit No. EP-427/2011)</p> <p>於2011年11月3日發出的環境許可證(許可證編號：EP-427/2011)</p> <p>5. Application for Variation of an Environmental Permit submitted by the Permit Holder on 15 December 2011 (Application No.: VEP-349/2011)</p> <p>許可證持有人於2011年12月15日提交的更改環境許可證申請 (申請書編號：VEP-349/2011)</p>
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Application No. 申請編號	Date of Application 申請日期	List of Amendments Incorporated into this Environmental Permit 已包含在本環境許可證內的修訂項目	Date of Amendments 修訂日期
VEP-349/2011	15 December 2011 2011年12月15日	Amend Conditions 1.9, 2.1, 2.2, 2.5, 3.6, 4.1, 4.3 and 4.4 in Part C 更改C部條件 第1.9、2.1、2.2、2.5、3.6、4.1、4.3及4.4項	23 December 2011 2011年12月23日

23 December 2011

Date
日期

(Terence Tsang)
Acting Principal Environmental Protection Officer
(Regional Assessment)
for Director of Environmental Protection
環境保護署署長
(署理首席環境保護主任(區域評估) 曾世榮代行)

PART B (DESCRIPTION OF DESIGNATED PROJECT)

B部 (指定工程項目的說明)

Hereunder is the description of the designated project mentioned in Part A of this environmental permit (hereinafter referred to as “the Permit”):
下列為本環境許可證(下稱“許可證”)A部所提述的指定工程項目的說明:

Title of Designated Project 指定工程項目的名稱	Dredging, Management and Capping of Contaminated Sediment Disposal Facility to the South of The Brothers (This designated project is hereinafter referred to as “the Project”) 大小磨刀以南污染泥卸置設施的挖掘、管理及覆蓋工程 (本指定工程項目下稱“工程項目”)
Nature of Designated Project	Construction and operation of a marine dumping area and a dredging operation

指定工程項目的性質	<p>exceeding 500,000m</p> <p>建造及營辦一個海洋傾倒物料區及挖泥量超過500,000立方米的挖泥作業</p> <p>-</p>
Location of Designated Project 指定工程項目的地點	<p>South of The Brothers</p> <p>大小磨刀以南</p> <p>The location of the Project is shown in Figure 1 of this Permit.</p> <p>工程項目的地點展示於本許可證圖1內。</p> <p>-</p>
Scale and Scope of Designated Project 指定工程項目的規模和範圍	<p>The Project is to construct and operate a new contaminated mud marine disposal facility in a series of purpose-built pits with a total capacity for handling a maximum of 8Mm³ of contaminated mud. The Project mainly consists of the followings:-</p> <p>(i) Dredging of two seabed pits within the proposed South of The Brothers Facility boundary;</p> <p>(ii) Backfilling each of dredged pit with contaminated mud that has been classified as requiring Type 2 disposal in accordance with the ETWB TC(W) No. 34/2002; and</p> <p>(iii) Capping each backfilled pit with uncontaminated mud and/or public fill effectively isolating the contaminated mud from the surrounding marine environment.</p> <p>該項目是建造及營辦一個新的海上污泥卸置設施，在一系列專用興建坑總共處理最多800萬立方米污泥。工程項目主要範圍包括以下各項：－</p> <p>(i) 在大小磨刀以南設施範圍內挖掘兩個海床坑；</p> <p>(ii) 將根據《環境運輸及工務局技術通告(工務)第34/2002號》所界定為須作第二類處置的污泥回填於每個已挖掘的泥坑內；及</p> <p>(iii) 利用未受污染淤泥及/或公眾填料覆蓋每個已回填的泥坑，以有效地分隔污泥和附近的海洋環境。</p>

PART C (PERMIT CONDITIONS)

C部 (許可證條件)

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1.

General Conditions

- 1.1 The Permit Holder and any person working on the Project shall comply with all conditions set out in this Permit. Any non-compliance by any person may constitute a contravention of the Environmental Impact Assessment Ordinance (Cap.499) and may become the subject of appropriate action being taken under the Ordinance.
- 1.2 The Permit Holder shall ensure full compliance with all legislation from time to time in force including, without limitation to, the Noise Control Ordinance (Cap. 400), Air Pollution Control Ordinance (Cap. 311), Water Pollution Control Ordinance (Cap. 358), Waste Disposal Ordinance (Cap. 354) and Dumping at Sea Ordinance (Cap. 466). This Permit does not of itself constitute any ground of defense against any proceedings instituted under any legislation or imply any approval under any legislation.
- 1.3 The Permit Holder shall make copies of this Permit together with all documents referred to in this Permit and the documents referred to in [Part A](#) of the Permit readily available at all times for inspection by the Director or his authorized officers at all sites/offices covered by this Permit. Any reference to the Permit shall include all documents referred to in the Permit and also the relevant documents in the Register.
- 1.4 The Permit Holder shall give a copy of this Permit to the person(s) in charge of the site(s) and ensure that such

person(s) fully understands all conditions and all requirements incorporated by the Permit. The site(s) refers to site(s) of construction and operation of the Project and shall mean the same hereafter.

- 1.5 The Permit Holder shall display conspicuously a copy of this Permit on the Project site(s) at all site entrances/exits or at a convenient location for public's information at all times. The Permit Holder shall ensure that the most updated information about the Permit, including any amended Permit, is displayed at such locations. If the Permit Holder surrenders a part or the whole of the Permit, the notice he sends to the Director shall also be displayed at the same locations as the original Permit. The suspended, varied or cancelled Permit shall be removed from display at the Project site(s).
- 1.6 The Permit Holder shall construct and operate the Project in accordance with the project description in [Part B](#) of this Permit.
- 1.7 The Permit Holder shall ensure that the Project is designed, constructed and operated in accordance with the information and recommendations described in the approved EIA Report (Register No. AEIAR-089/2005), the application for Environmental Permit including all attachments (Application No. AEP-427/2011) and other relevant documents in the Register, the information and mitigation measures described in this Permit, mitigation measures to be recommended in the submissions that shall be deposited with or approved by the Director as a result of permit conditions contained in this Permit, and mitigation measures to be recommended under on-going surveillance and monitoring activities during all stages of the Project. Where recommendations referred to in the documents of the Register are not expressly referred to in this Permit, such recommendations are nevertheless to be implemented unless expressly excluded or impliedly amended in this Permit.
- 1.8 All deposited submissions, as required under this Permit, shall be rectified and resubmitted in accordance with the comments, if any, made by the Director within one month of the receipt of the Director's comments or otherwise specified by the Director.
- 1.9 All submissions approved by the Director, all submissions deposited without comments by the Director, and all submissions rectified in accordance with comments by the Director under this Permit shall be construed as part of the permit conditions described in [Part C](#) of this Permit. Any variation of the submissions shall be approved by the Director in writing or as prescribed in the relevant permit conditions. Any non-compliance with the submissions may constitute a contravention of the Environmental Impact Assessment Ordinance (Cap.499). All submissions or any variation of the submissions shall be certified by the Environmental Team (ET) Leader and verified by the Independent Auditor referred to in Conditions 2.1 and 2.2 below before submitting to the Director under this Permit.
- 1.10 The Permit Holder shall release all finalized submissions, as required under this Permit, to the public by depositing copies in the Environmental Impact Assessment Ordinance Register Office, or in any other places, or any internet websites as specified by the Director, or by any other means as specified by the Director for public inspection. For this purpose, the Permit Holder shall provide sufficient copies of the submissions.
- 1.11 All submissions to the Director required under this Permit shall be delivered either in person or by registered mail to the Environmental Impact Assessment Ordinance Register Office (currently at 27/F, Southorn Centre, 130 Hennessy Road, Wanchai, Hong Kong). Electronic copies of all finalized submissions required under this Permit shall be prepared in Hyper Text Markup Language (HTML) (version 4.0 or later) and in Portable Document Format (PDF version 1.3 or later), unless otherwise agreed by the Director and shall be submitted at the same time as the hard copies.
- 1.12 The Director shall be notified in writing the commencement dates of construction and operation of the Project no later than two weeks prior to the commencement of construction of the Project. The Director shall be notified in writing immediately if there is any change of the commencement dates of construction.
- 1.13 For the purpose of this Permit, "commencement of construction" does not include works related to site clearance and preparation or other works as agreed by the Director.

2. Measures and Submissions before Commencement of Construction of the Project

Employment of Environmental Monitoring and Audit (EM&A) Personnel

- 2.1 An Environmental Team (ET) shall be established by the Permit Holder no later than one month before

commencement of construction of the Project. The ET shall not be in any way an associated body of the Contractor or the Independent Auditor for the Project. The ET shall be headed by an ET Leader. The ET Leader shall be a person who has at least 7 years of experience in environmental monitoring and auditing (EM&A) or environmental management. The ET and the ET Leader shall be responsible for the implementation of the EM&A programme in accordance with the EM&A requirements as contained in the EM&A Manual of the Project. The ET Leader shall keep a contemporaneous log-book of each and every instance or circumstance or change of circumstances, which may affect the compliance with the recommendations of the EIA Report (Register No. AEIAR-089/2005) and this Permit. The ET Leader shall notify the Independent Auditor within one working day of the occurrence of any such instance or circumstance or change of circumstances. The ET Leader's log-book shall be kept readily available for inspection by all persons assisting in supervision of the implementation of the recommendations of the EIA Report (Register No. AEIAR-089/2005) and this Permit or by the Director or his authorized officers. Failure to maintain records in the log-book, failure to discharge the duties of the ET Leader as defined in the EM&A Manual or failure to comply with this Condition would entitle the Director to require the Permit Holder by notice in writing to replace the ET Leader. Failure by the Permit Holder to make replacement or further failure to keep contemporaneous records in the log-book despite the employment of a new ET Leader may render the Permit liable to suspension, cancellation or variation.

2.2 An Independent Auditor shall be established by the Permit Holder no later than one month before commencement of construction of the Project. The Independent Auditor shall not be in any way an associated body of the Contractor or the ET for the Project. The Independent Auditor shall be a person who has at least 7 years of experience in EM&A or environmental management. The Independent Auditor shall be responsible for duties defined in the EM&A Manual, and shall audit the overall EM&A performance, including the implementation of all environmental mitigation measures, submissions required in the EM&A Manual, and any other submissions required under this Permit. In addition, the Independent Auditor shall be responsible for verifying the environmental acceptability of permanent and temporary works, relevant design plans and submissions under this Permit. The Independent Auditor shall verify the log-book(s) mentioned in Condition 2.1 of this Permit. The Independent Auditor shall notify the Director by fax or email, within one working day of receipt of notification from the ET Leader of each and every occurrence, change of circumstances or non-compliance with the EIA Report (Register No. AEIAR-089/2005) and this Permit, which may affect the monitoring or control of adverse environmental impacts from the Project. In the case where the Independent Auditor fails to so notify the Director of the same, fails to discharge the duties of the Independent Auditor as defined in the EM&A Manual or fails to comply with this Condition, the Director may require the Permit Holder by notice in writing to replace the Independent Auditor. Failure to replace the Independent Auditor as directed or further failure to so notify the Director despite employment of a new Independent Auditor may render the Permit liable to suspension, cancellation or variation. Notification by the Permit Holder is the same as notification by the Independent Auditor for the purpose of this Condition.

2.3 The Permit Holder shall no later than one month before commencement of construction of the Project deposit with the Director three copies of 1:20 000 scale layout drawings showing the project boundary and the location of each mud pit with coordinates. The layout drawings so provided shall conform to the assessment that has been conducted in the EIA Review Report attached to the application for Environmental Permit (Application No. AEP-427/2011) and shall show the tolerable range of accuracy of any plans and/or lines.

2.4 The Permit Holder shall no later than one month before commencement of construction of the Project deposit with the Director three copies of 1:1000 scale bathymetric survey drawings showing the original seabed levels within the project boundary prior to the construction of the Project.

2.5 The Permit Holder shall no later than one month before commencement of construction of the Project submit to the Director for approval 4 hard copies and 1 electronic copy of an updated EM&A Manual for the Project. Before submission to the Director, the updated EM&A Manual shall be certified by the ET Leader and verified by the Independent Auditor as conforming to the information and recommendations contained in the EIA Review Report attached to the application for Environmental Permit (Application No. AEP-427/2011).

3. Measures to be Implemented during Construction and Operation of the Project

3.1 All dredging, backfilling and capping works shall only be carried out within the project boundary as indicated in the layout drawings deposited under Condition 2.3 of this Permit.

3.2 Dredging operations within the project boundary shall not exceed 100,000m³ per week.

3.3 Backfilling operations within the project boundary shall not exceed a disposal rate of 26,700m³ per day.

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- 3.4 Capping operations within the project boundary shall not exceed a disposal rate of 26,700m³ per day.
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- 3.5 To minimize the noise impacts at the nearby noise sensitive receivers, no more than six grab dredgers, seven barges and seven tug boats shall be operated on-site on each pit.
- 3.6 Backfilling with contaminated sediments is permissible up to a level of no less than 3 metres below the original seabed level of each pit.
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- 3.7 Following completion of backfilling, the contaminated materials shall be covered by a layer of at least 3 metres thick of uncontaminated sediments and/or natural uncontaminated soil to restore the original seabed level as surveyed and recorded under Condition 2.4 of this Permit. The finished seabed level shall not protrude from the existing seabed level.
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4. Environmental Monitoring and Audit (EM&A) Requirements

- 4.1 The EM&A programme shall be implemented in accordance with the procedures and requirements in the EM&A Manual. Any changes to the monitoring and audit requirements shall be justified by the ET leader and verified by the Independent Auditor as conforming to the requirements set out in the EM&A Manual, and shall seek the prior approval from the Director before implementation.
- 4.2 Samples, measurements and necessary remedial actions shall be taken in accordance with the requirements of the EM&A Manual by:
 - a) conducting baseline environmental monitoring;
 - b) conducting constructional and operational phase impact monitoring;
 - c) carrying out remedial actions described in the Event/Action Plans of the EM&A Manual in accordance with the time frame set out in the Event/Action Plans, or as agreed by the Director, in case where specified criteria in the EM&A Manual are exceeded;
 - d) logging and keeping records of the details of (a) to (c) above for all parameters within 3 working days of the collection of data or completion of remedial action(s), for the purpose of preparing and submitting the monthly EM&A Reports and to make available the information for inspection on site.
- 4.3 4 hard copies and 1 electronic copy of the Baseline Monitoring Report shall be submitted to the Director at least 2 weeks before commencement of construction of the Project. The submission shall be certified by the ET Leader and verified by the Independent Auditor. Additional copies of the submission shall be made available to the Director upon his request.
- 4.4 4 hard copies and 1 electronic copy of monthly EM&A Report shall be submitted to the Director within 2 weeks after the end of the reporting month. The EM&A Reports shall include a summary of all non-compliance (exceedances) of the environmental quality performance limits (Action and Limit Levels). The submissions shall be certified by the ET Leader and verified by the Independent Auditor. Additional copies of the submission shall be provided to the Director upon request by the Director.
- 4.5 All EM&A data submitted under this Permit shall be true, valid and correct.

5. Electronic Reporting of EM&A Information

- 5.1 To facilitate public inspection of the Baseline Monitoring Report and monthly EM&A Reports via the EIAO Internet Website and at the EIAO Register Office, electronic copies of these Reports shall be prepared in Hyper Text Markup Language (HTML) (version 4.0 or later) and in Portable Document Format (PDF version 1.3 or later), unless otherwise agreed by the Director and shall be submitted at the same time as the hard copies as described in Conditions 4.3 and 4.4 above of this Permit. For the HTML version, a content page capable of providing hyperlink to each section and sub-section of these Reports shall be included in the beginning of the document. Hyperlinks to all figures,

drawings and tables in these Reports shall be provided in the main text from where the respective references are made. All graphics in these Reports shall be in interlaced GIF format unless otherwise agreed by the Director. The content of the electronic copies of these Reports must be the same as the hard copies.

- 5.2 The Permit Holder shall, within 6 weeks after commencement of construction of the Project, set up a dedicated Internet web site and notify the Director in writing the Internet address where the environmental monitoring data and project information is to be placed. All environmental monitoring data described in Condition 5.1 above shall be made available to the public via the dedicated Internet web site in the shortest possible time and in any event no later than 2 weeks after the relevant environmental monitoring data are collected or become available, unless otherwise agreed with the Director. All finalized submissions and plans shall be made available to the public via the dedicated Internet web site in the shortest possible time and in any event no later than 2 weeks after the submissions and plans are approved by or deposited with the Director, unless otherwise agreed with the Director. The Permit Holder shall continue to maintain the dedicated website for public access of the environmental monitoring data and reports until six months after the completion of the Project, or otherwise specified by the Director.
- 5.3 The Internet web site as described in Condition 5.2 above shall enable user-friendly public access to the environmental monitoring data and project information including the Project Profile, EIA report, Environmental Permit(s) and finalized submissions and plans required under this Permit. The Internet web site shall have features capable of:
- providing access to all environmental monitoring data of this Project collected since the commencement of construction;
 - providing access to all finalized submissions as required under this Permit;
 - searching by date;
 - searching by types of monitoring data; and
 - hyperlinking to relevant monitoring data after searching

or otherwise as agreed by the Director

Notes :

- This Permit consists of three parts, namely, [PART A](#) (Main Permit), [PART B](#) (Descriptions of Designated Project) and [PART C](#) (Permit Conditions). Any person relying on this Permit shall obtain independent legal advice on the legal implications under the EIAO, and the following notes are for general information only.
- If there is a breach of any condition of this Permit, the Director or his authorized officer may, with the consent of the Secretary for the Environment, order the cessation of associated work until the remedial action is taken in respect of the resultant environmental damage, and in that case the Permit Holder shall not carry out any associated works without the permission of the Director or his authorized officer.
- The Permit Holder may apply under Section 13 of the EIAO to the Director for a variation of the conditions of this Permit. The Permit Holder shall replace the original permit displayed on the Project site by the amended permit.
- A person who assumes responsibility for the whole or a part of the Project may, before he assumes responsibility of the Project, apply under Section 12 of the EIAO to the Director for a further environmental permit.
- Under Section 14 of the EIAO, the Director may with the consent of the Secretary for the Environment, suspend, vary or cancel this Permit. The suspended, varied or cancelled Permit shall be removed from display at the site.
- If this Permit is cancelled or surrendered during construction or operation of the Project, another environmental permit must be obtained under the EIAO before the Project could be continued. It is an offence under Section 26(1) of the EIAO to construct or operate a designated project listed in Part I of Schedule 2 of the EIAO without a valid environmental permit.

7. Any person who constructs or operates the Project contrary to the conditions in the Permit, and is convicted of an offence under the EIAO, is liable: -
 - (i) on a first conviction on indictment to a fine of \$2 million and to imprisonment for 6 months;
 - (ii) on a second or subsequent conviction on indictment to a fine of \$5 million and to imprisonment for 2 years;
 - (iii) on a first summary conviction to a fine at level 6 and to imprisonment for 6 months;
 - (iv) on a second or subsequent summary conviction to a fine of \$1 million and to imprisonment for 1 year; and
 - (v) in any case where the offence is of a continuing nature, the court or magistrate may impose a fine of \$10,000 for each day on which he is satisfied the offence continued.
8. The Permit Holder may appeal against any condition of this Permit under Section 17 of the EIAO within 30 days of receipt of this Permit.
9. The Notes are for general reference only and that the Permit Holder shall refer to the EIAO for details and seek independent legal advice.

Environmental Permit No. EP-427/2011/A

C部（許可證條件）

1. 一般條件

- 1.1 許可證持有人及任何從事工程項目的人士必須完全符合本許可證載列的全部條件。任何人士如有不符合本許可證的情況，可能違反《環境影響評估條例》（第499章）的規定，而當局可根據環評條例採取適當行動。
- 1.2 許可證持有人須經常確保完全符合現行法例的規定，包括但不限於《噪音管制條例》（第400章）、《空氣污染管制條例》（第311章）、《水污染管制條例》（第358章）、《廢物處置條例》（第354章）及《海上傾倒物料條例》（第466章）。本許可證本身不會就根據任何法例提起的法律程序構成任何抗辯理由，或根據任何法例默示任何批准。
- 1.3 許可證持有人須印製本許可證的複本，連同本許可證所述的所有文件及本許可證A部所述文件，以供署長或獲授權人員任何時間內在本許可證所涵蓋的所有工地／辦事處查閱。凡提述本許可證，須包括本許可證所述的所有文件及登記冊內的相關文件。
- 1.4 許可證持有人須把本許可證的一份複本交予工地的負責人，並確保這些人士完全明白本許可證的所有條件與規定。工地是指工程項目的建造及營辦工地，下文所提及的工地亦屬同一意思。
- 1.5 許可證持有人須在工程項目工地所有進出口或一處方便地點，顯眼地展示本許可證的複本，以供公眾在任何時間內閱覽。許可證持有人須確保在這些地點展示關於本許可證（包括任何經修訂的許可證）的最新資料。許可證持有人如交回許可證的部分或全部，必須把其送交署長的通知書，在備有原有許可證的各處相同地點展示。遭暫時吊銷、更改或取消的許可證必須從工程項目工地除下，不再展示。
- 1.6 許可證持有人須依據本許可證B部的說明，建造及營辦本工程項目。
- 1.7 許可證持有人須確保工程項目按照下述資料設計、建造及營辦：核准環評報告（登記冊編號：AEIAR-089/2005）所說明的資料及各項建議、環境許可證申請文件連同所有附件（申請書編號：AEP-427/2011）及登記冊內其他相關文件；本許可證所說明的資料及緩解措施；根據本許可證內載的條件須向署長存放或獲署長批准的提交文件所建議的緩解措施；以及在工程項目各階段進行的持續監察及監測工作所建議的緩解措施。登記冊文件所述建議如沒有在本許可證明確表示，則仍須實施這些建議，除非獲本許可證明確豁除或默示修訂。

- 1.8 所有按本許可證規定提交的存放文件，須在接獲署長的意見（如有者）後1個月內（除非署長另行指定），根據署長的意見加以修正及重新提交。
- 1.9 署長批准的所有提交文件、署長沒有給予意見的所有存放文件、或根據本許可證規定由署長給予意見修正的所有提交文件，均須詮釋為本許可證C部說明的許可證條件的一部分。提交文件如有任何修訂，均須獲署長的書面批准，或符合有關許可證條件訂明的規定。如有不符合提交文件的情況，則可能違反《環境影響評估條例》（第499章）的規定。所有提交文件或提交文件的任何修訂本，均須由下文條件第2.1及2.2項所述的環境小組組長核證及獨立審核人員核實，然後才按本許可證規定向署長提交。
- 1.10 許可證持有人須把所有按本許可證規定提交的文件定稿公開給公眾人士知道，方法是把有關文件複本存放於環境影響評估條例登記冊辦事處，或署長指定的任何其他地方，或署長指定的任何互聯網網站，或署長指定的任何方法，以供公眾查閱。因此，許可證持有人須提供足夠數量的複本。
- 1.11 本許可證規定向署長提交的所有文件，須親身送交或以掛號方式郵寄至環境影響評估條例登記冊辦事處（現址為：香港灣仔軒尼詩道130號修頓中心27樓）。所有按本許可證規定提交的文件定稿的電子版本，均須以超文本標示語言（HTML）（第4.0或較後版本）和便攜式文件格式（PDF）（第1.3或較後版本）製作，除非另獲署長同意，並須與硬複本同時提交。
- 1.12 許可證持有人須在工程項目的建造工程開展前，至少提早2個星期以書面方式通知署長工程項目的施工日期及營辦日期。施工日期如有任何更改，許可證持有人須立即以書面方式通知署長。
- 1.13 為執行本許可證，「建造工程的展開」不包括有關工地清理和預備工程，或署長同意的其他工程。

2. 工程項目施工前須採取的措施及提交的文件

聘用環境監察及審核（環監）人員

- 2.1 在工程項目的建造工程展開前，許可證持有人須至少提早1個月成立一個環境小組。環境小組不得與工程項目的承辦商或獨立審核人員有任何聯繫。環境小組須由一名環境小組組長帶領。環境小組組長須在環境監察及審核（環監）或環境管理方面至少有7年經驗。環境小組及環境小組組長須按工程項目環監手冊內載的環監要求，執行環監計劃。環境小組組長須保存一本記錄冊，同時記載可能會影響環評報告（登記冊編號：AEIAR-089/2005）的建議及本許可證的符合情況的每宗事件、每種情況或每次情況變化。環境小組組長須在發生任何類似事件、情況或情況變化後1個工作天內通知獨立審核人員。存放這本環境小組組長的記錄冊的地方，須可供協助督導執行環評報告（登記冊編號：AEIAR-089/2005）的建議及本許可證的所有人士、署長或獲授權人員隨時查閱。環境小組組長如未能在記錄冊保存記錄、未能執行環監手冊所列明的環境小組組長職務，或未能符合本條件的規定，署長有權以書面要求許可證持有人撤換環境小組組長。許可證持有人如未能安排人選替補，或在聘用新環境小組組長後仍未能在記錄冊保存同期的記錄，或會導致許可證遭暫時吊銷、取消或更改。
- 2.2 在工程項目的建造工程展開前，許可證持有人須至少提早1個月成立一名獨立審核人員。獨立審核人員不得與工程項目的承辦商或環境小組有任何聯繫。獨立審核人員須在環監或環境管理方面至少有7年經驗。獨立審核人員須執行環監手冊所列明的職務，以及審核整體的環監表現，包括實施所有環境緩解措施、提交環監手冊規定的文件，以及提交本許可證所要求的其他文件。此外，獨立審核人員須核實永久及臨時工程在環境上的可接受程度、相關的設計圖則和根據本許可證提交的文件，並須核實本許可證條件第2.1項所述的記錄冊。在每次發生事件、出現情況變化或不符合環評報告（登記冊編號：AEIAR-089/2005）及本

許可證的情況，而可能會妨礙就工程項目所造成不良環境影響而進行的監察或控制工作時，獨立審核人員須在接獲環境小組組長通知後1個工作天內以傳真或電郵方式通知署長。獨立審核人員如未能通知署長有關情況，未能執行環監手冊所列明的獨立審核人員職務，或未能符合本條件的規定，署長可以書面要求許可證持有人撤換獨立審核人員。如未能按指示撤換獨立審核人員，或在聘用新獨立審核人員後仍未能通知署長有關情況，則或會導致許可證遭暫時吊銷、取消或更改。為執行本條件，許可證持有人的通知等同獨立審核人員的通知。

- 2.3 在工程項目的建造工程展開前，許可證持有人須至少提早1個月向署長存放3套比例1:20 000的設計圖則，展示工程項目的界線及各個泥坑的位置和坐標。有關設計圖則須符合連同環境許可證申請書（申請書編號：AEP-427/2011）提交的環評檢討報告所作的評估，並須展示任何圖則及／或線條的可接受準確度。
- 2.4 在工程項目的建造工程展開前，許可證持有人須至少提早1個月向署長存放3套比例1:1 000的海深測量圖則，展示在工程項目施工前，工程項目界線範圍內原本的海床水平。
- 2.5 在工程項目的建造工程展開前，許可證持有人須至少提早1個月向署長提交工程項目更新的環監手冊的4份硬複本及1份電子版本以供審批。更新的環監手冊在提交署長前，須由環境小組組長核證及獨立審核人員核實，證明其符合連同環境許可證申請書（申請書編號：AEP-427/2011）提交的環評檢討報告所載的資料及建議。

3. 工程項目建造及營辦期間須採取的措施

- 3.1 所有挖掘、回填及覆蓋工程，只可於工程項目界線範圍內進行，位置見按本許可證條件第2.3項存放的設計圖則上。
- 3.2 在工程項目界線範圍內進行挖掘工程的挖泥量，每星期不得超逾100 000立方米。
- 3.3 在工程項目界線範圍內進行回填工程的處置量，每天不得超逾26 700立方米。
- 3.4 在工程項目界線範圍內進行覆蓋工程的處置量，每天不得超逾26 700立方米。
- 3.5 為盡量減低工程噪音對附近噪音感應強的地方造成的影響，在每個泥坑工地操作的抓斗式挖泥船不得超過6艘，躉船和拖船各不得超過7艘。
- 3.6 利用污泥回填泥坑，回填深度最多可至各個泥坑原本的海床水平以下不少於3米。
- 3.7 回填工程完畢後，受污染物料須以未受污染的沉積物及／或未受污染的天然土覆蓋、厚度至少3米，以修復按本許可證條件第2.4項測量及記錄所得的原本海床水平。工程完成後的海床水平不得突出於原本的海床水平。

4. 環境監察及審核(環監)規定

- 4.1 環監計劃須按環監手冊所載的程序及規定執行。如監察及審核規定有任何更改，須由環境小組組長提出充分理由及經獨立審核人員核實，證明其符合環監手冊所載規定，並須事先取得署長批准，方可執行。
- 4.2 取樣、測量及所需的補救行動，均須按照環監手冊所載規定進行：
- (a) 進行環境基線監測；
 - (b) 進行施工期和營辦期的影響監測；

- (c) 如超逾環監手冊內指定的標準，則按照環監手冊內的事件／行動計劃所訂明的時限或署長所同意的時限，執行事件／行動計劃所說明的補救行動；以及
 - (d) 在收集數據或完成補救行動3個工作天內，須記錄及備存上文(a)至(c)項所有參數的詳情，用作擬備並提交每月環監報告，並備妥有關資料以供在工地查閱。
- 4.3 在工程項目的建造工程展開前，須至少提早2個星期向署長提交基線監測報告的4份硬複本及1份電子版本。提交文件須由環境小組組長核證及獨立審核人員核實。如署長要求，則須提交文件的額外複本。
- 4.4 在規定提交報告的月份結束後2個星期內，須向署長提交每月環監報告的4份硬複本及1份電子版本。環監報告須包括各種不符合（超出）環境質素表現規限（行動及極限水平）情況的摘要。提交文件須由環境小組組長核證及獨立審核人員核實。如署長要求，則須提交文件的額外複本。
- 4.5 根據本許可證提交的所有環監數據，均須有效及真實無誤。

5. 環監資料的電子匯報

- 5.1 為方便公眾透過環評條例互聯網網站及在環境影響評估條例登記冊辦事處查閱基線監測報告及每月環監報告，以超文本標示語言(HTML)(第4.0或較後版本)及便攜式文件格式(PDF)(第1.3或較後版本)製作的報告的電子版本，除非另獲署長同意，須與上文本許可證條件第4.3及4.4項所說明的硬複本同時提交。關於HTML的版本方面，可與報告各節及小節作出超文本連結的目錄須在文件開端加入。報告內各類圖表須在載有相關資料的正文內作出超文本連結。除非另獲署長同意，報告內所有圖形均須以交錯存取的GIF格式制定。報告的電子版本內容，必須與硬複本的內容一致。
- 5.2 許可證持有人須在工程項目的建造工程展開後6個星期內，設立一個用作存放環境監察數據及工程項目資料的特定互聯網網站，並須以書面通知署長有關網址所在。上文條件第5.1項說明的所有環境監察數據，均須盡快透過該特定互聯網網站供公眾查閱，在任何情況下均不得遲於有關環境監察數據收集或可供閱覽後的2個星期，除非另獲署長同意。所有提交文件及圖則的定稿，均須盡快透過該特定互聯網網站供公眾查閱，在任何情況下均不得遲於有關文件及圖則獲署長批准或向署長存放後的2個星期，除非另獲署長同意。許可證持有人須繼續維持特定網站的運作，直至工程項目完工後6個月（或署長另行指定的時間），以供公眾查閱環境監察數據及報告。
- 5.3 上文條件第5.2項說明的互聯網網站，必須方便用戶使用，讓公眾容易接達本許可證規定的環境監察數據及工程項目資料，包括工程項目簡介、環評報告、環境許可證和提交文件及圖則的定稿。除非另獲署長同意，互聯網網站須具備部件，提供下述功能：
- (a) 在建造工程展開後，接達工程項目所收集的全部環境監察數據；
 - (b) 接達根據本許可證規定提交的所有文件定稿；
 - (c) 按日期搜尋；
 - (d) 按監察數據類別搜尋；以及
 - (e) 在搜尋後與相關的監察數據作出超文本連結。

註：

1. 本許可證共有3部，即A部（許可證主要部分）；B部（指定工程項目的說明）及C部（許可證條件）。任何援引本許可證的人士須就環評條例的法律含意徵詢獨立法律意見，下述註解只供一般參考用。

2. 如違反本許可證的任何條件，署長或獲授權人員徵得環境局局長的同意後可勒令停止相關工程，直至許可證持有人為所造成的環境損害採取補救行動為止。在此情況下，許可證持有人未經署長或獲授權人員同意，不得進行任何相關工程。
3. 許可證持有人可根據環評條例第13條的規定向署長申請更改本環境許可證的條件。許可證持有人須把經修改的許可證替換在工程項目工地內展示的原有許可證。
4. 承擔整項或部分工程項目的責任的人，在承擔責任之前，可根據環評條例第12條的規定向署長申請新的環境許可證。
5. 根據環評條例第14條的規定，署長可在環境局局長的同意下暫時吊銷、更改或取消環境許可證。遭暫時吊銷、更改或取消的環境許可證必須從工地除下，不再展示。
6. 如果本許可證在工程項目建造或營辦期間取消或交回，則在繼續建造或營辦工程項目之前，必須先根據環評條例規定取得另一份環境許可證。根據環評條例第26(1)條的規定，任何人在沒有有效環境許可證的情況下建造或營辦環評條例附表2第I部所列明的指定工程項目，即屬犯罪。
7. 如任何人在違反本許可證的條件下建造或營辦工程項目，根據環評條例，即屬犯罪： -
 - (i) 一經循公訴程序首次定罪，可處罰款200萬元及監禁6個月；
 - (ii) 一經循公訴程序第二次或其後每次定罪，可處罰款500萬元及監禁2年；
 - (iii) 一經循簡易程序首次定罪，可處第6級罰款及監禁6個月；
 - (iv) 一經循簡易程序第二次或其後每次定罪，可處罰款100萬元及監禁1年；及
 - (v) 在任何情況下如該罪行屬連續性質，法院或裁判官可就其信納該罪行連續的每一天另處罰款10,000元。
8. 許可證持有人可在接獲本許可證後30天內，根據環評條例第17條就本許可證的任何條件提出上訴。
9. 上述註解只供一般參考用，欲知有關詳情，許可證持有人須參閱環評條例及徵詢獨立法律意見。

環境許可證編號 EP-427/2011/A

- | [Figure 1](#) | -

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