

**The Court of Final Appeal ordered on 17 Jul 2006  
that the decision of the Director made on 28 Aug 2002  
granting the Environmental Permit be quashed.**

Environmental Permit No. EP-139/2002  
環境許可證編號 EP-139/2002

**ENVIRONMENTAL IMPACT ASSESSMENT ORDINANCE  
(CHAPTER 499)  
Section 10**

**環境影響評估條例  
(第499章)  
第10條**

**ENVIRONMENTAL PERMIT TO CONSTRUCT AND OPERATE AND DECOMMISSION  
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) grants this environmental permit to the AIRPORT AUTHORITY HONG KONG (hereinafter referred to as the "Permit Holder") to construct and operate 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)將本環境許可證批予香港機場管理局(下稱“許可證持有人”)，以建造及營辦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：

<b>Application No.</b> 申請書編號	<b>AEP-139/2002</b>
<b>Document in the Register :</b> 登記冊上的文件:	<ol style="list-style-type: none"><li>1. Environmental Assessment Services for Permanent Aviation Fuel Facility<ul style="list-style-type: none"><li>- Final Environmental Impact Assessment Report</li><li>- Final Environmental Impact Assessment Report Appendices Volume 1 &amp; 2</li><li>- Executive Summary</li><li>- Final Environmental Monitoring and Audit Manual</li></ul>Hereinafter referred to as the “EIA Report” (Register No. AEIAR-062/2002)  永久航空煤油設備環境評估服務<ul style="list-style-type: none"><li>- 最終環境影響評估報告</li><li>- 最終環境影響評估報告附件第一及第二冊</li><li>- 摘要報告</li><li>- 最終環境監察及審核手冊</li></ul>下稱“環評報告”(登記冊編號 AEIAR – 062/2002)</li><li>2. The Director’s letter of approval of the EIA Report dated 2 August 2002 referenced Ax(34) to EP2/N9/B/19  環境保護署署長於二〇〇二年八月二日發出批准環評報告的信件檔案編號 Ax(34) to EP2/N9/B/19</li></ol>

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<b>Application No.</b> 申請書編號	<b>AEP-139/2002</b>
<b>Document in the Register :</b> 登記冊上的文件:	3. Application for Environmental Permit dated 3 May 2002 (Application No. AEP-139/2002)  許可證持有人於二〇〇二年五月三日提交的環境許可證申請文件(申請書編號 AEP-139/2002)

2002

Date  
日期

(Elvis W. K. AU)  
Assistant Director  
(Environmental Assessment and Noise)  
for Director of Environmental Protection  
環境保護署署長  
助理署長(環境評估及噪音)區偉光代行

**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:

<b>Title of Designated Project</b> 指定工程項目的名稱	Permanent Aviation Fuel Facility for Hong Kong International Airport [This designated project is hereinafter referred to as "the Project"]. 香港國際機場永久航空煤油設備 [本指定工程項目下稱“工程項目”]。
<b>Nature of Designated Project</b> 指定工程項目的性質	To construct and operate a permanent aviation fuel facility which includes storage of oil facility with storage capacity of not less than 1,000 tonnes and submarine oil pipeline. 建造及營辦一所永久航空煤油設備，包括貯存量不少於1,000公噸的油類貯存設施和海底油管。
<b>Location of Designated Project</b> 指定工程項目的地點	1. Area 38 of Tuen Mun; and 屯門第38區;及  2. Urmston Road between Tuen Mun Area 38 and Sha Chau for laying of sub-sea fuel pipelines. 屯門第38區與沙洲之間龍鼓水導以敷設海底輸油管。

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	<p>The location of the Project site is shown in Figure 1 of this Permit. 工程項目的地點展示於本許可證圖1內。</p>
<p>Scale and Scope of Designated Project 指定工程項目的規模和範圍</p>	<p>The project site at Tuen Mun Area 38 covers an area of approximately 7 hectares and the sub-sea fuel pipelines cover length of approximately 5km. The scope of the Project mainly comprises : 工程項目在屯門第38區的工地面積約7公頃，海底輸油管的長度約5公里。工程項目的主要範圍包括：</p> <ol style="list-style-type: none"> <li>1. a jetty to accommodate aviation fuel tankers; 容納航空煤油運油船的碼頭;</li> <li>2. a tank farm for storage of aviation fuel; 儲存航空煤油的油庫;</li> <li>3. twin sub-sea pipelines to transfer aviation fuel to the airport; 雙管道海底油管，以輸送航空煤油至機場;</li> </ol>

**PART C (PERMIT CONDITIONS)**

**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), Dumping at Sea Ordinance (Cap. 466), Waste Disposal Ordinance (Cap. 354), Dangerous Goods Ordinance (Cap. 295), Shipping and Port Control Ordinance (Cap. 313), Marine Parks Ordinance (Cap. 476), Occupational Safety and Health Ordinance (Cap.509) and Factories and Industrial Undertakings Ordinance (Cap.59). This Permit does not of itself constitute any ground of defence against any proceedings instituted under any legislation or imply any approval under any legislation.
- 1.3 The Permit Holder shall ensure full compliance with all fire safety requirements formulated by the Fire Services Department to address the potential fire risks of all possible areas within the Project site including the jetty. Implementation of measures under this Permit does not of itself constitute any ground of defence against any fire safety requirements instituted by the Fire Services Department.
- 1.4 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 authorised 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.

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- 1.5 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.
- 1.6 The Permit Holder shall display conspicuously a copy of this Permit on the Project site(s) at all vehicular site entrances/exits or at a convenient location for public 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).
- 1.7 The Permit Holder shall construct and operate the Project in accordance with the project description in Part B of this Permit.
- 1.8 The Permit Holder shall ensure that the Project is designed, constructed and operated in accordance with the information and all recommendations described in the approved EIA Report (Register No. AEIAR-062/2002), other relevant documents in the Register, the information and mitigation measures described in this Permit, mitigation measures to be recommended in 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.
- 1.9 All submissions, as required under this Permit, shall be rectified in accordance with the comments, if any, made by the Director within one month of the receipt of the Director's comments or otherwise as specified by the Director.
- 1.10 All submissions approved by the Director, all submissions deposited without comments by the Director, or 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. All submissions or any variation of the submissions shall be certified by the Environmental Team (ET) Leader and verified by the Independent Environmental Checker (IEC) referred to in Conditions 2.1 and 2.2 below, before submitting to the Director under this Permit.
- 1.11 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.
- 1.12 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 4.0 or

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later), unless otherwise agreed by the Director, and shall be submitted at the same time as the hard copies.

- 1.13 The Permit Holder shall notify the Director in writing the commencement date of construction of the Project no later than one month prior to the commencement of construction of the Project. The Permit Holder shall notify the Director in writing immediately if there is any change of the commencement date of the construction.
- 1.14 For the purpose of this Permit, "commencement of construction" does not include works related to site clearance and preparations, or other works as agreed by the Director.

**2. Submissions or Measures before Commencement of Certain Parts of the Project**

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

- 2.1 An 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 IEC 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 requirements as contained in the EM&A Manual. The ET Leader shall keep a contemporaneous log-book of each and every instance or circumstance or change of circumstances which may affect the environmental impact assessment and each and every non-compliance with the recommendations of the approved EIA Report (Register No. AEIAR-062/2002) or this Permit. The ET Leader shall notify the IEC 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 approved EIA Report (Register No. AEIAR-062/2002) 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 IEC shall be employed by the Permit Holder no later than one month before commencement of construction of the Project. The IEC shall not be in any way an associated body of the Contractor or the ET for the Project. The IEC shall be a person who has at least 7 years' of experience in EM&A or environmental management. The IEC shall be responsible for duties defined in the EM&A Manual and shall audit the overall EM&A programme, 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 IEC shall be responsible for verifying the environmental acceptability of permanent and temporary works, relevant design plans and submissions under this Permit. The IEC shall verify the log-book(s) mentioned in condition 2.1 of this Permit. The IEC shall notify the Director by fax, 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 approved EIA Report (Register No. AEIAR-062/2002) and this Permit, which might affect the monitoring or control of adverse environmental impacts from the Project. In the case where the IEC fails to so notify the

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Director of the same, fails to discharge the duties of the IEC 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 IEC. Failure to replace the IEC as directed or further failure to so notify the Director despite employment of a new IEC may render the Permit liable to suspension, cancellation or variation. Notification by the Permit Holder is the same as notification by the IEC for the purpose of this Condition.

- 2.3 A qualified person with degree in biology shall be employed to carry out monitoring and visual inspection of dolphin under Conditions 3.3, 3.20 and 3.22 of this Permit. The qualification and experience of the qualified person shall be certified by ET Leader and verified by the IEC. The qualified person shall form part of the ET.

***Updating of Environmental Monitoring and Audit (EM&A) Manual***

- 2.4 The Permit Holder shall, no later than one month before the commencement of the Project, submit to the Director for approval four hard copies and one electronic copy of an updated EM&A Manual for the Project. The updated EM&A Manual shall be certified by the ET Leader and verified by the IEC as conforming to the information and recommendations contained in the EIA Report. The updated EM&A Manual shall include the setting up of additional water quality monitoring stations for all marine construction activities.

**3. Submissions or Measures during the Construction of Certain Parts of the Project**

***Management Organization of Main Construction Companies***

- 3.1 The Permit Holder shall, within one month after commencement of construction of the Project, inform the Director in writing the management organization of the main construction companies and/or any form of joint ventures associated with the construction of the Project. The submitted information shall include at least an organization chart, names of responsible persons and their contact details.

***Submissions on Ecological Mitigation Measures and Consultation with ACE***

- 3.2 Trial of bubble jacket shall be carried out to demonstrate noise attenuation effect of 3 dB or more as recommended in the approved EIA Report (Register No. AEIAR-062/2002). The Permit Holder shall, at least 2 months before commencement of piling works, submit the testing results of the bubble jacket trial to the Director for approval and shall deposit 15 copies of the testing results of the bubble jacket trial to the Secretary of the EIA Sub-committee of the Advisory Council on the Environment (ACE) at 10/F., Citibank Tower, 3 Garden Road, Central, Hong Kong. The Director may require the Permit Holder to make a presentation to the ACE on the bubble jacket trial. The submission shall be certified by ET Leader and verified by the IEC before submission to the Director.
- 3.3 Dolphin monitoring for pre- and post-construction activities shall be carried out. The Permit Holder shall submit the dolphin monitoring programme and the action plan to the Director for approval at least 1 month before commencement of marine construction works of the Project. The action plan shall include recommendations for further monitoring should dolphin numbers be significantly different to the pre-construction activity. The submission shall be certified by ET Leader and verified by the IEC before submission to the Director. The monitoring shall be undertaken by a qualified person.

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***Marine Archaeological Investigation***

- 3.4 A qualified marine archaeologist shall be engaged to carry out a marine archaeological investigation of the pipeline route. The Permit Holder shall submit the methodology for the survey and the curriculum vitae of the qualified marine archaeologist to the Director for approval at least one month before commencement of any field work of the marine archaeological investigation. The Permit Holder shall, within 2 months after completion of the marine archaeological investigation, submit the results of the survey and the recommendations to avoid, minimize and mitigate any archaeological impact to the Director for approval. The submissions shall be certified by ET Leader and verified by the IEC before submission to the Director.
- 3.5 Recommended mitigation measures based on the results of the marine archaeological investigation approved by the Director under Condition 3.4 of this Permit shall be fully implemented.

***Submission of the Waste Management Plan (WMP)***

- 3.6 The Permit Holder shall, within one month after the commencement of construction of the Project, deposit with the Director three hard copies and one electronic copy of a Waste Management Plan (WMP) for the construction stage of the Project. The WMP shall be certified by the ET Leader and verified by the IEC as conforming to the information and recommendations contained in the approved EIA Report (Register No. AEIAR-062/2002). The WMP shall describe the arrangements for avoidance, reuse, recovery and recycling, storage, collection, treatment and disposal of different categories of waste to be generated from the construction activities and shall include the recommended mitigation measures on waste management in Section 14.7 of the approved EIA Report (Register No. AEIAR-062/2002). The WMP shall indicate the disposal location(s) of all surplus excavated spoil and other waste. A trip ticket system shall be included in the WMP. Surplus excavated spoil and other wastes shall only be disposed of at designated disposal locations unless otherwise approved by the Director. All measures recommended in the approved WMP shall be fully and properly implemented by the Permit Holder and any person working on the Project throughout the construction period.
- 3.7 No disposal of waste, spoil, soil, excavated materials or materials alike arising from the Project shall be allowed at any locations unless otherwise approved by the Director.

***Submissions of the Landscape Plan***

- 3.8 At least one month before commencement of the landscape works, the Permit Holder shall deposit with the Director 3 sets of the landscape plan prepared for the Project. The landscape plan shall include the locations, design details, implementation schedules, and drawings in the scale of 1:1000 or other appropriate scale showing the landscape and visual mitigation measures. The measures shall include 1.5m high perimeter landscaped bund, 4m high landscape mound and landscape works for the area of the site which is not initially required for fuel tanks. The landscape plan shall be certified by the ET Leader and verified by the IEC as conforming to the requirements set out in Section 8.10 of the approved EIA Report (Register No. AEIAR-062/2002) before deposit.

***Submissions on Measures to Prevent Fuel Spill, Land Contamination and Water Quality Impact during Operation***

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3.9 The Permit Holder shall, at least one month before commencement of implementation of the measures to prevent fuel spill, land contamination and water quality impact during operation of relevant parts of the Project, deposit with the Director 3 sets of design drawings with explanatory statements showing details of measures to be used in relevant parts of the Project. Before submission to the Director, the drawings shall be certified by the ET Leader and verified by the IEC as conforming to the information and recommendations contained in the approved EIA Report (Register No. AEIAR-062/2002). The measures shall include, but not limited to, the following requirements :-

(a) Bunding system of tank farm for storage of aviation fuel

All fuel tanks shall be located in banded compounds with capacity of at least 110% of the largest individual tank in each compound. A security wall of breeze-block type shall be provided outside the bund wall to act as secondary containment in the event of overtopping of the bund. The security gate at the security wall shall be provided with a ramp and leak tight seal at the bottom of the gate up to the first hinge to contain any spill within the site. A drainage ditch with sloping catchment shall be provided outside the security wall to trap any liquid splash over the security wall and the security gate.

(b) Drainage isolation and containment system of tank farm for storage of aviation fuel

Impermeable layer under fuel tanks shall be used to prevent seepage of aviation fuel to ground. Storm drainage system shall be equipped with valve, collection sump and oil separator to retain spilled fuel.

(c) Tank overflow monitoring system

Overflow monitoring system with automatic shutdown inlet valve shall be provided for fuel tanks.

(d) Installations at the jetty

Installations at the jetty shall include the provision of defensive fenders to prevent possible collision from small craft and the provision of coupling points with slop collection utilities to prevent minor fuel spill during unloading. Slop collection utilities shall be connected to oil separator

(e) Fuel pipelines protective measures

Fuel pipelines shall be covered with a protective rock armour layer of minimum thickness of 1m to prevent the pipelines from damaging by anchors.

(f) Leak detection system for fuel pipelines

Continuous leak detection system with automatic shut-off device shall be provided for fuel pipelines.

***Measures to Mitigate Water Quality Impact during Construction***

3.10 No more than one dredger shall be in operation at any time during construction.

3.11 No Lean Material Overboard (LMOB) system shall be used.



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- 3.12 No hopper dredger with leaking pipe shall be used during construction.
- 3.13 Bottom openings of barges and hopper dredgers shall be tightly sealed to prevent leakage of dredged materials. Freeboard on barges shall be provided to ensure that decks are not washed by wave action.
- 3.14 No dredged material shall be splashed to the surrounding water during loading of dredged material to barges and hopper dredgers.
- 3.15 No dredged material shall be overflowed from barges and hopper dredgers during loading or transportation.
- 3.16 To mitigate environmental impacts due to site runoff and other potential water pollution caused by construction activities, mitigation measures described in Appendix A shall be implemented throughout the construction period.

***Measures to Protect the Sha Chau and Lung Kwu Chau Marine Park (hereinafter referred to as “the Marine Park” and the location of the Marine Park is shown in Figure 2 of this Permit) and Avoid or Mitigate Ecological Impact during Construction***

- 3.17 No construction work shall be carried out from shore or land within the Marine Park.
- 3.18 No hydraulic dredging shall be carried out within the Marine Park.
- 3.19 Pipeline trench dredging within the Marine Park shall be scheduled to coincide with maintenance dredging for marine access channel for Sha Chau Aviation Fuel Receiving Facility.
- 3.20 A 250m dolphin exclusion zone during dredging within the Marine Park shall be implemented. Dredging work shall not be carried out until the area is certified by a qualified person to ensure continuously clear of dolphins within the 250m exclusion zone for 30 minutes.
- 3.21 Piling works shall not be carried out during April to June of the year to avoid peak calving period of dolphin.
- 3.22 A 500m dolphin exclusion zone during piling activities for the jetty shall be implemented. Piling work shall not be carried out until the area is certified by a qualified person to ensure continuously clear of dolphins within the 500m exclusion zone for 30 minutes. Piling work shall cease if dolphins move into the 500m exclusion zone during piling. Piling work shall not be resumed until the area is certified by a qualified person to ensure continuously clear of dolphins for 30 minutes.
- 3.23 Spot acoustic monitoring of the 500m dolphin exclusion zone during piling activities shall be conducted for three days of the first week of piling to confirm that dolphins are not missed in the visual inspection carried out under Condition 3.22 of this Permit. The spot acoustic monitoring shall be conducted in accordance with the procedures and requirements in the updated EM&A Manual approved under Condition 2.4 of this Permit.
- 3.24 Bubble jacket shall be used for piling work to reduce underwater piling noise to achieve the following underwater mitigated noise levels :

Distance from Piling Work (m)

Noise Level (dB)

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250	162
500	152
1000	145

- 3.25 Underwater noise monitoring shall be conducted during piling to ensure that the underwater mitigated noise levels as specified in Condition 3.24 of this Permit are achieved. Underwater mitigated noise levels shall be recorded over the initial three days of the first week of piling work. Underwater noise monitoring shall be conducted in accordance with the procedures and requirements in the updated EM&A Manual approved under Condition 2.4 of this Permit.
- 3.26 Piling hammer at the beginning of each piling session shall be ramped up gradually. Piling activities shall be continuous without short-break and shall avoid sudden random loud noise emission. Piling activities shall occur on a regular basis, be scheduled to occur with similar activities and commence at the same time each day. No piling works shall be carried out during 11:00 p.m. to 7:00 a.m.
- 3.27 Piling and related equipment installed on the piling barge shall be acoustically decoupled from the hull of the barge.

**4. Submissions or Measures for the Operation of the Project**

***Measures to Prevent Fuel Spill, Land Contamination and Water Quality Impacts during Operation***

- 4.1 The Permit Holder shall be fully responsible for monitoring and audit the effectiveness of the measures and systems specified in Condition 3.9 of this Permit to prevent fuel spill, land contamination and water quality impact during operation of the Project. The Permit Holder shall, at least three month before operation of the Project, deposit with the Director 3 sets of audit report showing the incorporation of the measures and systems in the Project and the effectiveness of the measures and systems.
- 4.2 The effectiveness of the measures and systems specified in Condition 3.9 of this Permit shall be tested and audited at least once a year. Annual audit report of the performance of the measures and systems shall be deposited with the Director.

***Contingency Plan***

- 4.3 The Permit Holder shall formulate a comprehensive contingency plan to handle the event of fire, fuel spillage and fuel leakage. The contingency plan shall at least detail the remedial actions, the emergency response planning and procedures, the logistic arrangements and coordination and the notification arrangements for the event of fire, fuel spillage and fuel leakage. Oil dispersant shall not be used. The Permit Holder shall carry out regular rehearsal of the contingency plan to ensure the effectiveness of the plan. The Permit Holder shall, at least two month before operation of relevant parts of the Project, deposit with the Director 5 sets of the contingency plan.

***Environmental Management System***

- 4.4 The Permit Holder shall, before the operation of the Project or otherwise agreed by the Director, develop and implement an Environmental Management System (EMS) for the operation of the Project. The EMS is to ensure that the operation of the Project is in environmentally friendly

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manner and in accordance with all relevant environmental legislations. The EMS shall include at least regular audit of the Project to ensure that it is properly operated and maintained to avoid or minimize any environmental impact. The Permit Holder shall engage an Environmental Manager to oversee and implement the EMS. The Environmental Manager shall be a person who has at least 7 years' of experience in Environmental Monitoring and Audit (EM&A) or environmental management. The EMS shall be certified under ISO 14000 within 1 year after the operation of the Project or otherwise agreed by the Director.

**5. Environmental Monitoring and Audit (EM&A) for the Construction of the Project**

- 5.1 The EM&A programme shall be implemented in accordance with the procedures and requirements in the updated EM&A Manual approved under Condition 2.4 of this Permit. Any changes to the EM&A programme shall be justified by the ET Leader and verified by the IEC as conforming to the requirements set out in the EM&A Manual and shall seek the prior approval from the Director before their implementation.
- 5.2 The Permit Holder shall submit two hard copies and one electronic copy of the Baseline Monitoring Report to the Director at least 2 weeks before commencement of construction of the Project. The submissions shall be certified by the ET Leader and verified by the IEC before submission to the Director. Additional copies of the submission shall be provided upon request by the Director.
- 5.3 The Permit Holder shall submit two hard copies and one electronic copy of the monthly EM&A Report to the Director within 2 weeks after the end of the reporting month. The submissions shall be certified by the ET Leader and verified by the IEC before submission to the Director. Additional copies of the submission shall be provided upon request by the Director.
- 5.4 The actions described in the Event /Action Plans of the EM&A Manual shall be fully and properly carried out in accordance with the time frame as set out in the Event/Action Plans, or as agreed by the Director.
- 5.5 All environmental monitoring and audit data submitted under this Permit shall be true, valid and correct.
- 5.6 To ensure a high degree of transparency regarding the monitoring data and results in view of the public concern about the Project, all environmental monitoring and audit data and results and all submissions and all performance test data and results required by this Permit shall be made available by the Permit Holder to the public through a dedicated web site to be set up by the Permit Holder under Condition 6.2 below, in the shortest possible time and in no event later than 2 weeks after such information is available.
- 5.7 Records of measurements and remedial actions taken under Condition 5.4 of this Permit shall be logged and kept within 3 working days of the collection of data or completion of remedial action, shall be included in the EM&A Reports and shall be available for inspection on site or as requested by the Director.
- 5.8 Within three months of the commencement of construction of the Project, the Permit Holder shall install and thereafter maintain a system of web cameras covering the works areas at Tuen Mun site. The system shall provide real time visual monitoring of the site condition accessible by public through the dedicated web site set up by the Permit Holder under Condition 6.2 below. Within one month of the commencement of the Project, the Permit Holder shall propose a plan

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and a system of web cameras for the Director's agreement.

**6. Electronic Reporting of EM&A Information**

- 6.1 To facilitate public inspection of the EM&A Reports via the EIAO Internet Website and at the EIAO Register Office, electronic copies of these Reports shall be prepared in the Hyper Text Markup Language (HTML) (version 4.0 or later) and in Portable Document Format (PDF version 4.0 or later), unless otherwise agreed by the Director and shall be submitted at the same time as the hard copies as described in Conditions 5.2 and 5.3 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.
- 6.2 The Permit Holder shall, set up a dedicated web site and notify the Director in writing the internet address where the environmental monitoring and project data is to be placed, within six weeks after the commencement of the Project. All environmental monitoring results described in Condition 6.1 above shall be made available to the public via a dedicated web site to be set up by the Permit Holder in the shortest possible time and in no event later than 2 weeks after the relevant environmental monitoring data are collected or become available, unless otherwise agreed with the Director.
- 6.3 The internet website as described in Condition 6.2 above shall enable user-friendly public access to the monitoring data and project data including the EIA report and the environmental permit(s) and project profile of the Project. The internet website shall have features capable of : -
- (a) providing access to all environmental monitoring data collected since the commencement of work;
  - (b) searching by date;
  - (c) searching by types of monitoring data (air quality and construction waste); and
  - (d) hyperlinks to relevant monitoring data after searching;
- or otherwise as agreed by the Director.

**Notes :**

1. This Permit consists of three parts, namely, Part A (Main Permit), Part B (Description of Designated Project) and Part C (Permit Conditions). Any person relying on this permit should obtain independent legal advice on the legal implications under the Ordinance, and the following notes are for general information only.
2. If there is a breach of any conditions of this Permit, the Director or his authorized officer may, with the consent of the Secretary for the Environment Transport and Works, 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.

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3. The Permit Holder may apply under Section 13 of the Environmental Impact Assessment Ordinance (the “Ordinance”) 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.
4. A person who assumes the responsibility for the whole or a part of the Project may, before he assumes responsibility of the Project, apply under Section 12 of the Ordinance to the Director for a further environmental permit.
5. Under Section 14 of the Ordinance, the Director may with the consent of the Secretary for the Environment, Transport and Works, suspend, vary or cancel this Permit. The suspended, varied or cancelled Permit shall be removed from display at the Project site.
6. If this Permit is cancelled or surrendered during construction or operation or decommission of the Project, another environmental permit must be obtained under the Ordinance before the Project could be continued. It is an offence under Section 26(1) of the Ordinance to construct or operate or decommission a designated project listed in Schedule 2 of the Ordinance without a valid environmental permit.
7. Any person who constructs or operates or decommissions the Project contrary to the conditions in the Permit, and is convicted of an offence under the Ordinance, 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 Ordinance within 30 days of receipt of this Permit.
9. The Notes are for general reference only and that the Permit Holder should refer to the EIA Ordinance for details and seek independent legal advice.
10. Occupational safety and health issues are governed by the Occupational Safety and Health Ordinance (Cap. 509), and Factories and Industrial Undertakings Ordinance (Cap. 59). The Permit Holder is advised to contact the Labour Department for requirements relating to occupational safety and health issues.

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**Appendix A (as referred to in Condition 3.16)**

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**Measures to Mitigate Environmental Impacts due to Site Run-off and Other Potential Water Pollution During Construction**

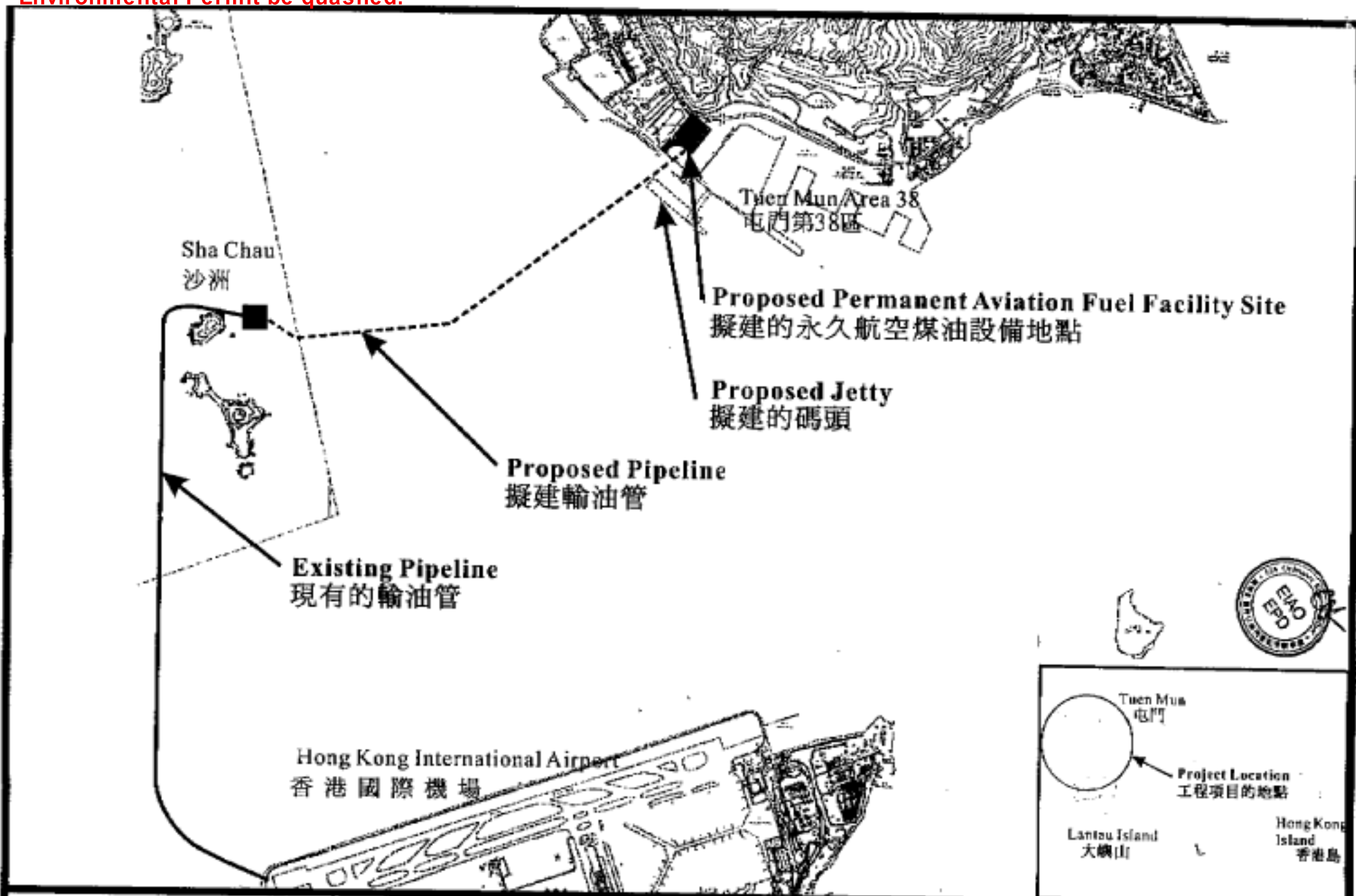
**(a) Surface Runoff**

- (i) Surface run-off from the construction site shall be directed into adequately designed sand/silt removal facilities such as sand traps, silt traps and sediment basins before discharge into storm drains. Channels, earth bunds or sand bag barriers shall be provided on site to properly direct stormwater to such silt removal facilities.
- (ii) Catchpits and perimeter channels shall be constructed in advance of site formation works and earthworks.
- (iii) Silt removal facilities, channels and manholes shall be maintained with the deposited silt and grit being removed at least once a week, and at the onset of and after each rainstorm to ensure that these facilities are functioning at all times.
- (iv) Open stockpiles of construction materials (e.g. aggregates and sand) on site shall be covered with tarpaulin or similar fabric during rainstorms. Measures such as providing sand bag barriers shall be taken to prevent the washing away of construction materials, soil, silt or debris into any drainage system.
- (v) Manholes (including any newly constructed ones) shall always be adequately covered and temporarily sealed so as to prevent silt, construction materials or debris from getting into the drainage system, and to prevent storm run-off from getting into foul sewers. Discharges of surface run-off into foul sewers shall always be prevented in order not to unduly overload the foul sewerage system.

**(b) General Construction Activities**

At all parts of all works areas and construction sites, and throughout the full duration of the construction contract(s), debris and rubbish on site shall be handled and disposed of to avoid entering the water column and causing water quality impacts. Temporary on-site storage of excavated materials shall be covered with tarpaulin or similar fabric during rainstorms. Any washout of construction or excavated materials should be diverted to the drainage system via sediment traps. Stockpiling of the excavated material can be minimised by scheduling the construction programme in a way that one section of the alignment can be constructed and completed before the excavation works of the next section commence.

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**Figure 1 Project Location**

**圖 1 工程項目的地點**

(Reproduced based on Fig. No. 2.2 in the Final EIA Report of the approved EIA document (Register No. AEIAR-062/2002))

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