

本署檔號
OUR REF: (20) in Ax(1) to EP2/N3/A/60 Pt.2
來函檔號
YOUR REF: (HGFN) in HyD WDG/11-3/CE72/2015/ENV/1
電話
TEL. NO.: 2835 1122
圖文傳真
FAX NO : 2591 0558
電子郵件
E-MAIL:
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**Environmental Protection Department
Branch Office**

27th Floor, Southorn Centre,
130 Hennessy Road,
Wan Chai, Hong Kong.



環境保護署分處
香港灣仔
軒尼詩道
一百三十號
修頓中心廿七樓

2 August 2017

**Environmental Impact Assessment (EIA) Ordinance, Cap.499
Application for Environmental Permit**

**Project Title: Flyover from Kwai Tsing Interchange Upramp to Kwai Chung Road
(Application No. AEP-541/2017)**

I refer to your above application received on 12 July 2017 for an environmental permit under Section 10(1) of the EIA Ordinance.


Pursuant to Section 10(5) of the EIA Ordinance, I now issue the attached Environmental Permit (No. EP-541/2017) for your use.

Under Section 15 of the EIA Ordinance, the Environmental Permit will be placed on the EIA Ordinance Register. It will also be placed on the EIA Ordinance website (<http://www.epd.gov.hk/eia/>).

Please note that if you are aggrieved by any of the conditions imposed in this Permit, you may appeal under Section 17 of the EIA Ordinance within 30 days of receipt of this Permit.

Should you have any queries on the above application, please contact my colleague Mr. Wang YUEN at 2835 1843.

Yours sincerely,


(Tony W.H. CHEUNG)

Principal Environmental Protection Officer
for Director of Environmental Protection

Encl.

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
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 **HIGHWAYS DEPARTMENT** (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路政署 (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：

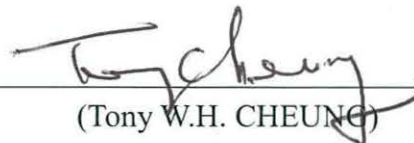
Application No. 申請書編號	AEP-541/2017
Documents in the Register: 登記冊上的文件：	(1) Flyover from Kwai Tsing Interchange Upramp to Kwai Chung Road : (Register No.: AEIAR-190/2015) <ul style="list-style-type: none">- Environmental Impact Assessment Report [Hereinafter referred to as the “EIA Report”]- Environmental Impact Assessment Executive Summary [Hereinafter referred to as the “EIA Executive Summary”]- Environmental Monitoring and Audit Manual [Hereinafter referred to as the “EM&A Manual”] 連接葵青交匯處上斜路至葵涌道的天橋： (登記冊編號：AEIAR-190/2015) <ul style="list-style-type: none">- 環境影響評估報告 [下稱「環評報告」]- 環境影響評估行政摘要 [下稱「環評行政摘要」]- 環境監察及審核手冊 [下稱「環監手冊」]



	<p>(2) The Director's letter of approval of the EIA Report dated 3 August 2015 (Reference: Ax(1) to EP2/N3/A/60)</p> <p>署長於 2015 年 8 月 3 日發出批准環評報告的信件 (檔案編號: Ax(1) to EP2/N3/A/60)</p> <p>(3) Application for environmental permit submitted by the Permit Holder on 12 July 2017 (Application No.: AEP-541/2017)</p> <p>許可證持有人於 2017 年 7 月 12 日提交的环境許可證申請 (申請書編號: AEP-541/2017)</p>
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2 August 2017
2017 年 8 月 2 日

Date
日期


(Tony W.H. CHEUNG)

Principal Environmental Protection Officer
for Director of Environmental Protection
環境保護署署長
(首席環境保護主任張偉雄代行)



PART B (DESCRIPTIONS 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 所提及的指定工程項目的說明:

Title of Designated Project 指定工程項目的名稱	Flyover from Kwai Tsing Interchange Upramp to Kwai Chung Road [Hereinafter referred to as "the Project"] 連接葵青交匯處上斜路至葵涌道的天橋 [本指定工程項目下稱「工程項目」]
Nature of Designated Project 指定工程項目的性質	Construction and operation of a road bridge more than 100m in length between abutments 建造及營辦一條在橋台之間長度超過 100 米的行車橋樑。
Location of Designated Project 指定工程項目的地點	From Tsuen Wan Road to Kwai Chung Road. The location of the Project is shown in <u>Figure 1</u> attached to this Permit. 由荃灣路至葵涌道。 工程項目的位置載於本許可證夾附的 <u>圖 1</u> 。
Scale and Scope of Designated Project 指定工程項目的規模和範圍	Construction and Operation of : 建造及營辦： (i) an additional southbound lane from the west side of elevated Tsuen Wan Road to at-graded Kwai Chung Road; 一條由高架荃灣路(西面)至葵涌道地面的新建南行車道； (ii) a widened section on the east side of elevated Tsuen Wan Road connecting Kwai Tsing Interchange upramp; 一段連接葵青交匯處上斜路之高架荃灣路(東面)的擴闊路段； (iii) modification of Kwai Chung Road; 改建部分葵涌道的走線； (iv) provision of noise mitigation measures; 提供噪音緩解措施； (v) demolition and re-provision of the existing footbridge NF303; and 拆卸及重置現有行人天橋 NF303；及

	<p>(vi) ancillary works including other associated road works, utilities diversion, street furniture and traffic aids, public lighting, drainage, landscaping, electrical and mechanical works.</p> <p>附屬工程，包括其他相關道路工程、公用事業設施改道、街道設施及交通輔助設施、街燈、排水、景觀美化、電力及機械工程。</p>
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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 (EIAO) (Cap. 499) and may become the subject of appropriate action being taken under the EIAO.
- 1.2 The Permit Holder shall ensure full compliance with all legislation from time to time in force including, without limitation to, the Air Pollution Control Ordinance (Cap. 311), Waste Disposal Ordinance (Cap. 354), Water Pollution Control Ordinance (Cap. 358), Noise Control Ordinance (Cap. 400) and Dumping at Sea Ordinance (Cap. 466). 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 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 in 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 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).
- 1.6 The Permit Holder shall construct and operate the Project in accordance with the project descriptions 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 relevant recommendations described in the EIA



Report (Register No.: AEIAR-190/2015), the application documents for Environmental Permit (Application No. AEP-541/2017), 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 ongoing 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 in this Permit or otherwise agreed by the Director.

- 1.8 All submissions, as required under this Permit, shall be rectified and resubmitted in accordance with the comments, if any, made by the Director within 1 month of the receipt of the Director's comments or otherwise as specified by the Director.
- 1.9 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. Any non-compliance with the submissions may constitute a contravention of the EIAO. 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 the Permit.
- 1.10 The Permit Holder shall release all finalized submissions, as required under this Permit, to the public by depositing copies in the EIAO 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 EIAO 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 Permit Holder shall notify the Director in writing the commencement date of construction of the Project no later than 1 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.
- 1.13 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.
- 1.14 The Permit Holder shall notify the Director in writing the commencement date of operation of the Project no later than 1 month prior to the commencement of operation of the Project. The Permit Holder shall notify the Director in writing immediately if there is any change of the commencement date of operation.

2. **Specific Conditions**

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 1 month before the commencement of construction of the Project. The ET shall not be in any way an associated body of the Contractor or the Independent Environmental Checker (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 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-190/2015) and this Permit. The ET Leader shall notify the IEC within 1 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-190/2015) 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 1 month before the 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 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 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 or email, within 1 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-190/2015) and this Permit, which may affect the monitoring or control of adverse environmental impacts from the Project. In the case where the IEC fails to notify the 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.

Submission of Management Organizations

- 2.3 The Permit Holder shall, no later than 1 month before the 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.

Submission of Landscape Plan

- 2.4 The Permit Holder shall, at least 1 month before the commencement of construction of the Project, deposit with the Director 4 hard copies and 4 electronic copies of a Landscape Plan. The Landscape Plan shall set out details on the arrangement of existing trees on site, including measures for tree protection, tree transplant and

compensatory tree proposal; and show the implementation programme, maintenance and management schedules, and drawings in an appropriate scale. Before submission to the Director, the Landscape Plan shall be certified by the ET Leader and verified by the IEC as conforming to the relevant information and recommendations contained in the approved EIA Report (Register No. AEIAR-190/2015). All landscape mitigation measures shall be properly implemented and maintained for the Project in accordance with the deposited Landscape Plan. The Permit Holder shall make available additional copies to the Director upon his request.

Submission of Traffic Noise Mitigation Plan

- 2.5 The Permit Holder shall, no later than 1 month before the commencement of construction of the Project, deposit with the Director 4 hard copies and 2 electronic copies of a Traffic Noise Mitigation Plan (the Plan) to show clearly the locations, dimensions and implementation programme of the required traffic noise mitigation measures for the Project. If there is any change proposed to the traffic noise mitigation measures in the Plan, the Permit Holder shall, no later than 1 month before the implementation of any such change, deposit with the Director 4 hard copies and 2 electronic copies of an update to the Plan (the Updated Plan) to show clearly the proposed change(s). The Plan or any Updated Plan shall be certified by the ET Leader and verified by the IEC with demonstration that the traffic noise performance requirements set out in the EIA Report (Register No. AEIAR-190/2015) will not be exceeded with the mitigation measures in place. All mitigation measures recommended in the Plan or any Updated Plan shall be fully implemented and properly maintained throughout the operational phase(s) of the Project.

3. Environmental Monitoring and Audit Requirements

- 3.1 The EM&A programme shall be implemented in accordance with the procedures and requirements as set out in the EM&A Manual (Register No.: AEIAR-190/2015) of the Project. Any changes to the EM&A requirements or programme shall be justified by the ET Leader and verified by the IEC as conforming to the relevant requirements set out in the EM&A Manual of the Project and shall seek the prior approval from the Director before implementation.
- 3.2 Samples, measurements and necessary remedial actions shall be taken in accordance with the requirements of the EM&A Manual by:-
- (i) conducting baseline environmental monitoring;
 - (ii) conducting impact monitoring;



- (iii) carrying out remedial actions described in the Event/Action Plans of the EM&A Manual in accordance with the time frames 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; and
 - (iv) logging and keeping records of details of 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 for inspection on site.
- 3.3 3 hard copies and 3 electronic copies of the Baseline Monitoring Report shall be submitted to the Director at least 2 weeks before the commencement of construction of the Project. The submissions shall be certified by the ET Leader and verified by the IEC as complied with the requirements as set out in the EM&A Manual before submission to the Director. Additional copies of the submission shall be provided upon request by the Director.
- 3.4 3 hard copies and 3 electronic copies of monthly EM&A Report for the construction shall be submitted to the Director within 2 weeks after the end of each reporting month. The monthly EM&A Reports shall include a summary of all non-compliance with the recommendations in the approved EIA Report or this Permit. The submissions shall be certified by the ET Leader and verified by the IEC as complying with the requirements as set out in the EM&A Manual before submission to the Director. The ET Leader and IEC shall personally inspect the site within each reporting cycle prior to certification and verification of compliance of EM&A Reports. Additional copies of the submission shall be provided upon request by the Director.
- 3.5 All EM&A data and results submitted under this Permit shall be true, valid and correct.

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

- 4.1 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 3.3 and 3.4 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.

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 EIAO, and the following notes are for general information only.
2. 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.
3. 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.
4. 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.
5. 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 Project site.
6. 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 :

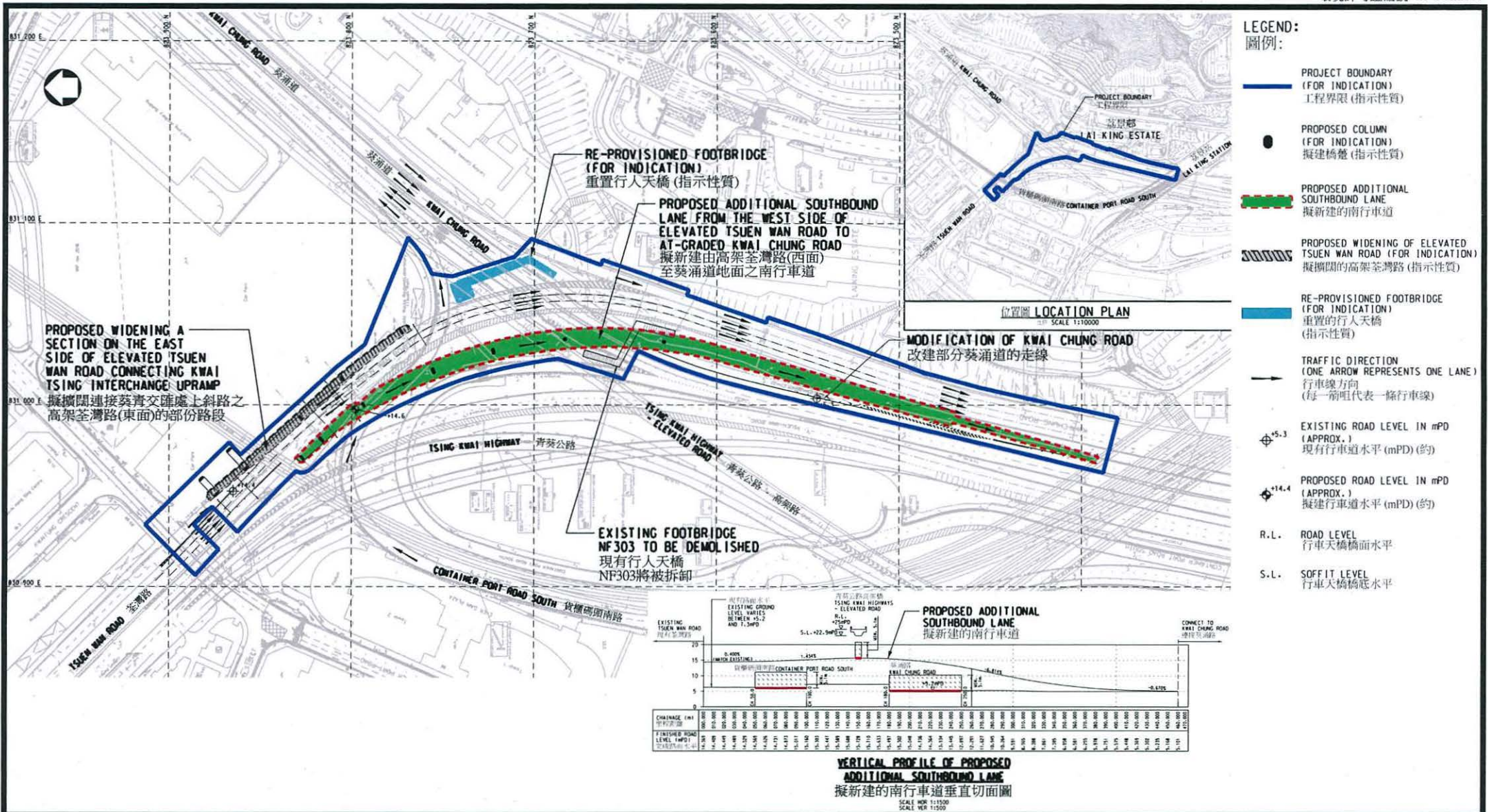


- (i) on a first conviction on indictment to a fine of \$2 million and to imprisonment for 6 months;
 - (ii) on a second or subsequent conviction on indictment to a fine of \$5 million and to imprisonment for 2 years;
 - (iii) on a first summary conviction to a fine at level 6 and to imprisonment for 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 should refer to the EIAO for details and seek independent legal advice.

Environmental Permit No. EP-541/2017

環境許可證編號 EP-541/2017





Project Title: Flyover from Kwai Tsing Interchange Upramp to Kwai Chung Road

工程項目名稱: 連接葵青交匯處上斜路至葵涌道的天橋

Figure 1: Location of the Project 圖一: 工程項目位置圖

[Extracted from Figure 1 of the Application for Environmental Permit (No.: AEP-541/2017)]

[摘錄自環境許可證申請 (編號: AEP-541/2017) 的圖 1]

Environmental Permit No.:

環境許可證編號:

EP-541/2017

