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Environmental Protection Department

Branch Office

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環境保護署分處

香港灣仔
軒尼詩道
一百三十號
修頓中心廿八樓

21 December 2020

By Registered Post & Fax ()

Drainage Services Department

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

Project Title : Drainage Improvement Works at Nam Wa Po
(Application No. AEP-583/2020)

I refer to your above application received on 7 December 2020 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-583/2020) 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 (<https://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. Lawrence LIU at 2835 1142.

Yours sincerely,

(Stanley C.F. LAU)

Acting Principal Environmental Protection Officer
for Director of Environmental Protection

Encl.

c.c.

ACE EIA Subcommittee Secretariat (Attn. : Ms. Becky LAM) Fax: 2872 0603 w/o encl.
Internal – S(RN)1 w/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 **Drainage Services 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渠務署(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。本環境許可證的發出，乃以下表所列的文件、批准或許可作為根據：

Application No. 申請書編號	AEP-583/2020
Document in the Register: 登記冊上的文件：	(1) Project Profile – Drainage Improvement Works at Nam Wa Po (Register No.: PP-611/2020) 南華莆的雨水排放系統改善工程 (登記冊編號: PP-611/2020) (2) The Director's letter of permission to apply directly for Environmental Permit dated 30 November 2020 (Reference: (25) in EP2/N5/I/80) 署長於 2020 年 11 月 30 日發出准許直接申請環境許可證的信件 (檔案編號：(25) in EP2/N5/I/80) (3) Application for Environmental Permit submitted on 7 December 2020 (Application No. AEP-583/2020) 於 2020 年 12 月 7 日 提交的環境許可證申請文件 (申請書編號: AEP-583/2020)

21 December 2020
2020 年 12 月 21 日

Date
日期



(Stanley C.F. LAU)
Acting Principal Environmental Protection Officer
for Director of Environmental Protection
環境保護署署長
(署理首席環境保護主任劉志輝代行)



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	Drainage Improvement Works at Nam Wa Po [Hereafter referred to as “the Project”] 南華莆的雨水排放系統改善工程 [下稱“工程項目”]
Nature of Designated Project 指定工程項目的性質	Drainage improvement works which discharges into an area which is less than 300m from the nearest boundary of an existing site of special scientific interest, site of cultural heritage, wild animal protection area and conservation area. 雨水排放系統改善工程，而該工程排水入一個距離現有的具有特別科學價值的地點、文化遺產地點、野生動物保護區及自然保育區的最近界線少於 300 米的地區。
Location of Designated Project 指定工程項目的地點	The Project is located in the vicinity of Tai Hang Village and Blossom Villas. The location of the Project is shown in <u>Figure 1</u> of this Permit. 工程項目位於泰亨村及好時華廷的附近。工程項目的位置載於本許可證圖 1。
Scale and Scope of Designated Project 指定工程項目的規模和範圍	The Project includes: <ul style="list-style-type: none">- Construction of a box culvert of approximately 600m in length, 1.5m in width and 1.5m in depth; and- Construction of a rectangular channel of approximately 60m in length, 1.5m in width and 1.5m in depth. The scope of works is given in the Project Profile (Register No.: PP-611/2020). 本工程項目涉及: <ul style="list-style-type: none">- 建造箱形暗渠 (長約 600 米、寬約 1.5 米及深約 1.5 米); 以及- 建造長矩形排水道(長約 60 米、寬約 1.5 米及深約 1.5 米)。 工程項目規模的詳細資料已在工程項目簡介內列明 (登記冊編號: PP-611/2020)。



PART C (PERMIT CONDITIONS)

C 部 (許可證條件)

1. General Conditions 一般條件

- 1.1 The Permit Holder and any person constructing or operating 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.
許可證持有人及任何建造或營辦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》(環評條例)(第 499 章)的規定，而當局可根據環評條例採取適當行動。
- 1.2 The Permit Holder and any person constructing or operating the Project 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) and Waste Disposal Ordinance (Cap. 354). 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.
許可證持有人及任何建造或營辦工程項目的人士須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)、《海上傾倒物料條例》(第 466 章)及《廢物處置條例》(第 354 章)。本許可證本身不會就根據任何法例提出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 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 this Permit readily available at all times for inspection by the Director or his authorised officers at all sites covered by this Permit. Any reference to this Permit shall include all documents referred to in this Permit and also the relevant documents in the Register.
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 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 this Permit. The site(s) refers to site(s) of construction and operation of the Project and shall mean the same hereafter.
許可證持有人須把本許可證的一份複本交予有關工地的負責人，並確保這些人士完全明白本許可證的所有條件與規定。工地是指建造及營辦工程項目的工地，下文所提及的工地亦屬同一意思。
- 1.5 The Permit Holder shall display conspicuously a copy of this Permit on the construction site(s) at all vehicular 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 this Permit, including any amended Permit, is displayed at such locations. If the Permit Holder surrenders a part or the whole of this 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 construction site(s).

許可證持有人須在建造工地的所有車輛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本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建造工地除下，不再展示。

- 1.6 The Permit Holder and any person constructing or operating the Project shall construct and operate the Project in accordance with the project description in Part B of this Permit.

許可證持有人及任何建造或營辦工程項目的人士須依據本許可證 B 部的工程項目說明，建造及營辦工程項目。

- 1.7 The Permit Holder and any person constructing or operating the Project shall ensure that the Project is designed, constructed and operated in accordance with the information and recommendations described in the Project Profile (Register No.: PP-611/2020); the application documents for environmental permits; other relevant document 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 in this Permit or otherwise agreed by the Director.

許可證持有人及任何建造或營辦工程項目的人士須確保工程項目按照下述資料設計、建造及營辦：登記冊內的工程項目簡介（登記冊編號：PP-611/2020）所說明的資料及相關建議；環境許可證的申請文件；登記冊內的其他相關文件；本許可證所說明的資料及緩解措施；根據本許可證所載的條件須提交予署長存放或獲署長批准的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另獲署長同意。

- 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 one month of the receipt of the Director's comments or otherwise as specified by the Director.

所有按本許可證規定提交的文件，須在接獲署長的意見（如有者）後 1 個月內或署長另行指定的期限內，根據署長的意見加以修正及重新提交。

- 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 (Cap. 499). All submissions or any variation of submissions shall be verified by the Independent Environmental



Checker (IEC) referred to in Conditions 2.1 below before submitting to the Director under this Permit.

所有提交署長並獲批准的文件、所有提交署長存放而沒有收到署長意見的文件或根據本許可證提交並已依照署長的意見作出修訂的所有文件，將詮釋為本許可證 C 部 所說明的許可證條件的一部分。對提交文件所作的任何修訂，均須獲得署長的書面批准，或符合有關許可證條件所述。凡與所提交的文件有不合的情況，均可能構成違反環評條例 (第 499 章)。所有提交文件或提交文件的任何修訂本，均須按下文條件第 2.1 項所述的獨立環境查核人核實，然後才按本許可證規定向署長提交。

- 1.10 The Permit Holder shall release all finalised 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 means as specified by the Director, for public inspection. For this purpose, the Permit Holder shall provide sufficient copies of the submissions.

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。為此，許可證持有人須提供足夠數量的複本。

- 1.11 The Permit Holder shall submit and / or deposit all submissions within the time as specified in the Conditions of this Permit. 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 finalised 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.

許可證持有人須在本許可證條件所列明的時間內，提交及/或存放所有文件。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，電子版本須與硬複本同時提交。

- 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.

許可證持有人須在工程項目建造工程展開前最少一個月，以書面方式把工程項目建造工程的展開日期通知署長。建造工程的展開日期如有任何更改，許可證持有人必須立即以書面方式通知署長。

- 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.

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的工程，或署長同意的其他工程。



2. **Specific Conditions**
特定條件

Employment of Independent Environmental Checker
聘用獨立環境查核人

- 2.1 An independent environmental checker (IEC) shall be employed by the Permit Holder before commencement of construction of the Project. The IEC shall be a person who has at least 7 years of experience in Environmental Monitoring and Audit or environmental management. The IEC shall not be in any way an associated body of the Contractor for the Project. The IEC shall audit the implementation of all measures recommended in the Project Profile (Register No. PP-611/2020), and to confirm full implementation through an Audit Report. The Permit Holder shall, no later than 1 month after the completion of the Project, deposit with the Director 2 hard copies and 1 electronic copy of the Audit Report prepared by the IEC.

在工程項目的建造工程展開前，許可證持有人須聘用一名獨立環境查核人。獨立環境查核人須在環境監察及審核或環境管理方面至少有 7 年經驗。獨立環境查核人不得與工程項目的承辦商有任何聯繫。獨立查核人須審核工程項目簡介(登記冊編號：PP-611/2020)內建議的所有措施的實施情況，並在審核報告書確認有關措施已完全執行。許可證持有人須在建造工程完成後一個月內，向署長存放由獨立環境查核人擬備的審核報告書的 2 份硬複本及 1 份電子版本。

Employment of Ecologist
聘用生態學家

- 2.2 An ecologist shall be employed by the Permit Holder before commencement of construction of the Project. The ecologist shall certify the submission under Condition 2.3 of this Permit, and conduct the fauna survey and translocation as specified under Condition 2.3 of this Permit. The qualification and experience of the ecologist shall be agreed by Agriculture, Fisheries and Conservation Department (AFCD).

在工程項目的建造工程展開前，許可證持有人須聘用一名生態學家。生態學家須根據本許可證條件第 2.3 項核證提交文件，及根據本許可證條件第 2.3 項進行動物群的調查及遷徙工作。生態學家的資格及經驗須經漁農自然護理署同意。

Submission of Fauna Survey and Translocation Report
提交動物群調查及遷徙報告

- 2.3 Prior to the construction of the Project, detailed survey of any stream fauna of conservation interest, including *Channa asiatica*, within the works area of the Project shall be conducted. Any found stream fauna of conservation interest, including *Channa asiatica*, shall be translocated to other nearby suitable habitats, as agreed by AFCD, before commencement of construction of the Project. The fauna survey and translocation shall be conducted by an ecologist. The survey and translocation of *Channa asiatica* shall be conducted at night time. The Permit Holder shall, no later than 2 weeks after the completion of fauna survey and if any, fauna translocation, deposit with the Director 2 hard copies and 1 electronic copy of fauna survey and translocation report, certified by the ecologist and verified by the IEC, showing fauna survey results and if any, types of translocated fauna, locations of the sites for translocation and details of post-translocation monitoring.



在工程項目建造工程展開前，須就施工範圍內具保育價值的任何溪流動物群進行詳盡調查，包括月鱧。如發現任何具保育價值的溪流動物群，包括月鱧，須在工程項目施工前及在漁農自然護理署的同意下遷徙至附近其他合適的生境。動物群的調查及遷徙工作須由生態學家進行。對月鱧的調查及遷徙工作須在晚間進行。許可證持有人須於調查及遷徙完成後 2 個星期內，向署長存放由生態學家核證並由獨立環境查核人核實的調查及遷徙報告的 2 份硬複本及 1 份電子版本，內容包括調查結果，如須遷徙，則遷徙動物群的類別、地點和遷徙後的監察詳情。

Notes:
註：

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.
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. 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.
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. 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.
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。許可證持有人須以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. 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 EIAO to the Director for a further environmental permit.
承擔工程項目整項或部分工程的責任的人，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. 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.
根據環評條例第 14 條的規定，署長可在取得環境局局長的同意下暫時吊銷、更改或取消本許可證。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。



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.

如果本許可證在工程項目建造或營辦期間取消或交回，則在繼續進行工程項目之前，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 1 部所列明的指定工程項目，即屬犯罪。

7. Any person who constructs or operates the Project contrary to the conditions in this 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.

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；以及
- (v) 在任何情況下如該罪行屬持續性質，法院或裁判官可就其信納該罪行持續的每天另處罰款 10,000 元。

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.

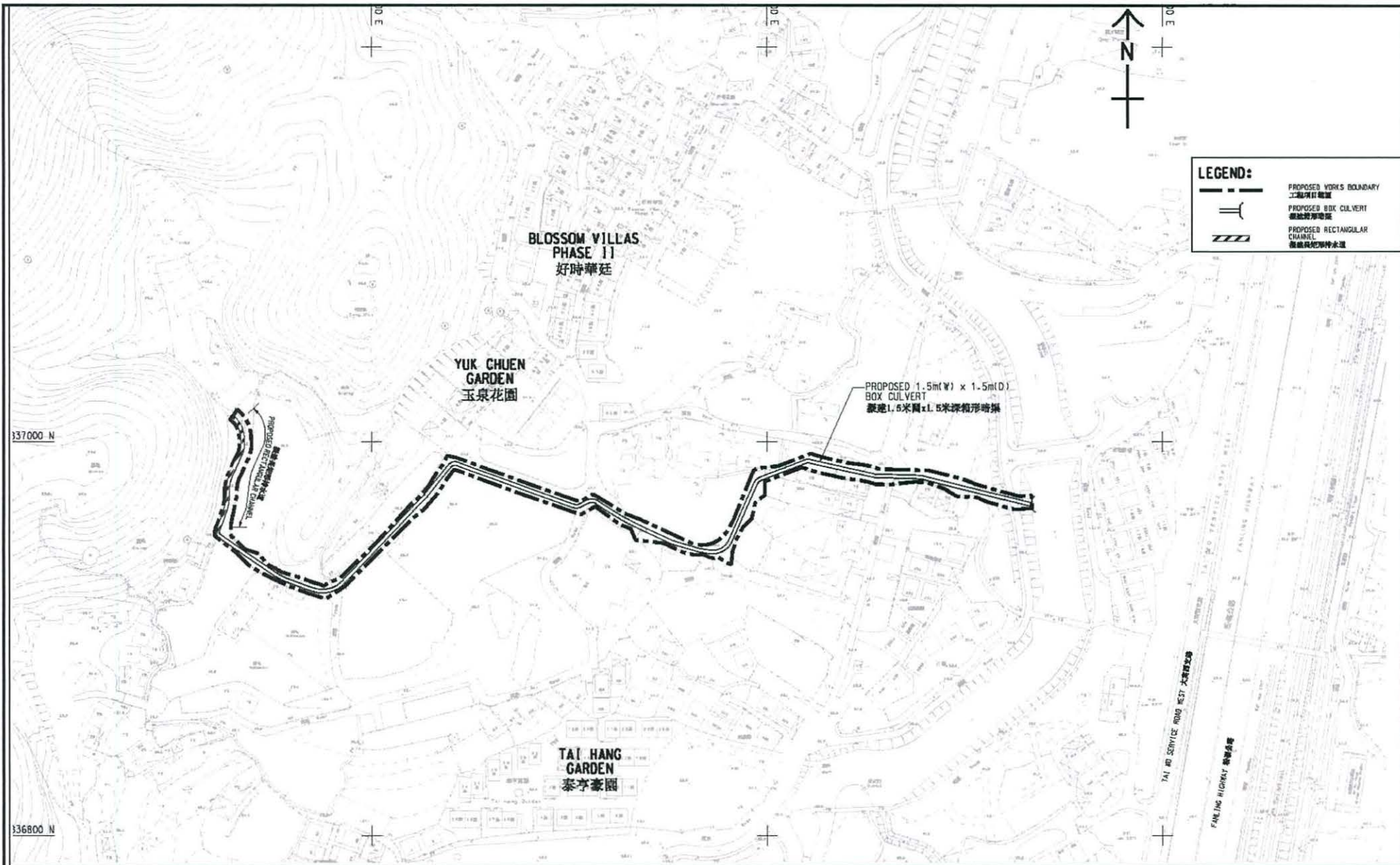
許可證持有人可在接獲本許可證後 30 天內，根據環評條例第 17 條就本許可證的任何條件提出上訴。

9. The Notes are for general reference only and that the Permit Holder should refer to the EIAO for details and seek independent legal advice.

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。

Environmental Permit No. EP-583/2020
環境許可證編號:EP-583/2020





Project Title: Drainage Improvement Works at Nam Wa Po
 工程項目名稱：南華莆的雨水排放系統改善工程
 Environmental Permit No. : EP-583/2020
 環境許可證編號 : EP-583/2020



Figure 1: Project Location
 圖 1: 工程項目位置