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Environmental Protection Department

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環境保護署分處

香港灣仔
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7 December 2017

By Registered Post & Fax

Drainage Services Department

Environmental Impact Assessment (EIA) Ordinance, Cap.499
Application for Variation of an Environmental Permit

Project Title: Main Drainage Channels for Yuen Long and Kam Tin, Remainder, Phase 1
(Kam Tin Road to Tai Kek Section)
(Application No. VEP-536/2017)

I refer to your above application received on 22 November 2017 for variation of an environmental permit under Section 13(1) of the EIA Ordinance.


Pursuant to Section 13(5) of the EIA Ordinance, we have amended the Environmental Permit (EP-195/2004). I attach the Environmental Permit as amended (No. EP-195/2004/A) for your use.

Under Section 15 of the EIA Ordinance, the amended 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. Stanley LAU at 2835 1113.

Yours sincerely,


(Raymond W. M. WONG)

Principal Environmental Protection Officer
for Director of Environmental Protection

Encl.

ENVIRONMENTAL IMPACT ASSESSMENT ORDINANCE

(CHAPTER 499)

Sections 10 & 13

環境影響評估條例

(第499章)

第10條及第13條

ENVIRONMENTAL PERMIT TO OPERATE A DESIGNATED PROJECT

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 (the Ordinance), the Director of Environmental Protection (the Director) granted the Environmental Permit (No. EP-195/2004) to the **Drainage Services Department** (hereinafter referred to as the “Permit Holder”) on 31 August 2004. Pursuant to Section 13 of the Ordinance, the Director amends the Environmental Permit (No. EP-195/2004) based on the Application for Variation of Environmental Permit (No. VEP-536/2017). The amendments, as described below, are incorporated into this Environmental Permit (No. EP-195/2004/A). This Environmental Permit as amended is for the 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》(本條例)第10條的規定，環境保護署署長(署長)於2004年8月31日將環境許可證(編號 EP-195/2004)批予渠務署(下稱“許可證持有人”)。根據本條例第13條的規定，署長因應更改環境許可證的申請(編號VEP-536/2017)修訂環境許可證(編號 EP-195/2004)。有關修訂已包含在本環境許可證(編號 EP-195/2004/A)內。本經修訂的環境許可證適用於營辦本環境許可證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-536/2017
Document in the Register 登記冊上的文件	(1) Main Drainage Channels for Ngau Tam Mei, Yuen Long and Kam Tin : Environmental Impact Assessment and Environmental Schedule (Register No. EIA-089/BC) [Hereinafter referred to as “the EIA Report”] (1) 牛潭尾、元朗及錦田主要排水道：環境影響評估及環境計劃（登記冊編號：EIA-089/BC）[下稱“環評報告”]



- (2) Environmental Permit issued - Permit No.: EP-012/1998 issued on 17 December 1998
(2) 已發出的環境許可證 - 於 1998 年 12 月 17 日發出編號 EP-012/1998 的許可證
- (3) Application for Variation of an Environmental Permit on 15 June 1999 (Application No. VEP-005/1999)
(3) 於 1999 年 6 月 15 日提交之更改環境許可證申請文件 (申請書編號 VEP-005/1999)
- (4) Environmental Permit issued - Permit No.: VEP-005/1999/A/EP-012 issued on 13 July 1999
(4) 已發出的環境許可證 - 於 1999 年 7 月 13 日發出編號 VEP-05/1999/A/EP-012 的許可證
- (5) Application for Environmental Permit submitted on 3 August 2004 (Application No. AEP-195/2004)
(5) 許可證持有人於 2004 年 8 月 3 日提交的許可證申請文件 (申請書編號 AEP-195/2004)
- (6) Environmental Permit No. EP-195/2004 issued on 31 August 2004
(6) 於 2004 年 8 月 31 日簽發的環境許可證編號 EP-195/2004
- (7) Application for Variation of Environmental Permit No. VEP-536/2017 including all attachments submitted by the Permit Holder on 22 November 2017.
(7) 許可證持有人於 2017 年 11 月 22 日提交的更改環境許可證申請書夾附的文件 (申請書編號：VEP-536/2017)



Application No. 申請書編號	Date of Application 申請日期	List of Amendments Incorporated into Environmental Permit 已包含在本環境許可證內的修訂項目	Date of Amendment 修訂日期
VEP-536/2017	22 November 2017 2017年11月22日	Vary condition 2.1 in Part C of Environmental Permit No. EP-195/2004 更改環境許可證編號EP-195/2004的C部的第2.1 項條件	7 December 2017 2017年12月 7 日

7 December 2017
2017年12月7日

Date
日期



(WONG Wai-man Raymond)

Principal Environmental Protection Officer (Strategic Assessment)
for Director of Environmental Protection

環境保護署署長
(首席環境保護主任(策略評估) 黃偉民代行)



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：

<p>Title of Designated Project 指定工程項目的名稱</p>	<p>Main Drainage Channels for Yuen Long and Kam Tin, Remainder, Phase 1 (Kam Tin Road to Tai Kek Section) 元朗及錦田主要排水道其餘部分第一期工程(錦田公路至大𤇗段)</p> <p>(This designated project is hereinafter referred to as “ the Project ”) (本指定工程項目下稱 “ 工程項目 ”)</p>
<p>Nature of Designated Project 指定工程項目的性質</p>	<p>Operation of a drainage works 營辦排水工程</p>
<p>Location of Designated Project 指定工程項目的地點</p>	<p>Kam Tin 錦田</p> <p>Figure 1 attached to this Permit shows the location of the Project. 工程項目的位置載於本許可證的附圖 1。</p>
<p>Scale and Scope of Designated Project 指定工程項目的規模和範圍</p>	<p>Operation of a main drainage channel from Kam Tin Road to Tai Kek 營辦連接錦田公路至大𤇗的主要排水道</p>



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 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 Ordinance.
許可證持有人及任何從事工程項目的人士必須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，而當局可根據條例採取適當行動。
- 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) 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)；海上傾倒物料條例 (第 466 章)；以及廢物處置條例 (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 The Permit Holder shall give a copy of this Permit to the person(s) in charge of the site 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 operation of the Project and shall mean the same hereafter.
許可證持有人須把本許可證的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。工地是指營辦工程項目的工地，下文所提及的工地亦屬同一意思。
- 1.4 The Permit Holder shall operate the Project in accordance with the project descriptions in Part B of this Permit.
許可證持有人須依據本許可證 B 部 的工程項目說明，營辦工程項目。
- 1.5 The Permit Holder shall ensure that the Project is operated in accordance with the information and recommendations described in the EIA Report (Register No. EIA-089/BC), other relevant documents in the EIAO Register Office, the information and mitigation measures described in this Permit, and mitigation measures to be recommended under on-going surveillance and monitoring activities during the operation of the Project.
許可證持有人須確保工程項目的營辦，按照下述資料及措施辦理：環評報告(登記冊編號：



EIA-089/BC) 所說明的資料及建議；環評條例登記冊辦事處內的其他相關文件；本許可證所說明的資料及緩解措施；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。

2. Measures during the Operation Period

營辦工程項目期間須採取的措施

- 2.1 All design and operational measures described in the submissions approved or deposited under the Environmental Permit No. VEP-005/1999/A/EP-012 shall be properly maintained. For modification works of the Project, the Permit Holder shall, no later than three months before the commencement of the modification works, submit for approval by the Director a detailed proposal on the mitigation measures and environmental monitoring and audit (EM&A) programme. Suitably qualified personnels shall be proposed in the detailed proposal to implement the EM&A programme. The Permit Holder shall implement the mitigation measures and EM&A programme as recommended in the approved detailed proposal.

按環境許可證編號 VEP-005/1999/A/EP-012 獲得批准或存放的文件內所說明的所有設計或運作措施，必須妥善保養。就工程項目的更改工程，許可證持有人須在展開更改工程前最少三個月，將緩解措施及環境監察及審核計劃的詳細建議書提交署長批准。詳細建議書須建議合資格人士進行有關環境監察及審核計劃。許可證持有人須執行核准的詳細建議書所建議的緩解措施及環境監察及審核計劃。

- 2.2 The vegetation on the embankment slopes provided by either grasscrete or hydroseeding or planting with trees and shrubs shall be properly maintained. Native species shall be included in the planting list and native shrub seeds shall be added to the hydroseed mix.

鋪砌草面物料，或噴植草，或種植樹木和灌木的堤圍斜植被，必須妥善保養。栽種植物的名單須包括本地的品種，而噴植草的混合種子中亦須有本地灌木的種子。

- 2.3 The Permit Holder shall ensure the measures to mitigate odour impact associated with the operational maintenance dredging of the drainage channels are implemented. The measures shall include:

許可證持有人須確保因排水道運作維修挖泥而產生的難聞氣味，有採取緩解措施以減輕影響。措施包括：

- (a) any odorous permitted stockpiled material should be placed 100m away from air sensitive receivers; and

任何帶有難聞氣味的容許堆存物料，必須放置於易受空氣污染影響受體的 100 米以外地方；及

- (b) any odorous permitted stockpiled material shall be covered with plastic tarpaulin sheets if left in excess of 2 days.

任何帶有難聞氣味的堆存物料，如存超過 2 天，須用膠帆布覆蓋。

- 2.4 The dredged materials arising from the maintenance dredging shall be disposed of at the WENT, NENT and SENT Landfill or other location(s) as agreed with the Director.

所有由維修挖泥而產生的淤泥須棄置於新界西堆填區，新界東北堆填區，新界東南堆填區或其



他經署長同意的地方。

- 2.5 The Permit Holder shall submit to the Director for approval within a month of the operation of the Project a proposal to monitor the avifauna use of the constructed channel and implement the approved monitoring proposal.

許可證持有人須在工程項目投入運作的一個月內，向署長提交一份建議，說明如何監察已建成的排水道範圍內的鳥類活動，以供署長批准，並執行獲得批准的監察建議。

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 Ordinance, 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 conditions 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 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.

許可證持有人可根據環評條例第13條的規定，向署長申請更改本許可證的條件。許可證持有人須以經修訂的許可證替換在工程項目的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 Ordinance 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 Ordinance, 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、更改或取消的環境許可證必須從工程項目的工地除下，不再展示。



6. If this Permit is cancelled or surrendered during operation 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 a designated project listed in Part I of Schedule 2 of the Ordinance without a valid environmental permit.

如本許可證在工程項目營辦期間被取消或交回，則必須在繼續營辦工程項目之前，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. Any person who operates the Project contrary to the conditions in the Permit, and is convicted of an offence under the Ordinance, is liable :

如任何人在違反本許可證的條件下營辦工程項目，根據環評條例，即屬犯罪：

- (i) on a first conviction on indictment to a fine of \$2 million and to imprisonment for 6 months;
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) on a second or subsequent conviction on indictment to a fine of \$5 million and to imprisonment for 2 years;
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) on a first summary conviction to a fine at level 6 and to imprisonment for 6 months;
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) on a second or subsequent summary conviction to a fine of \$1 million and to imprisonment for 1 year; and
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) 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.
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。

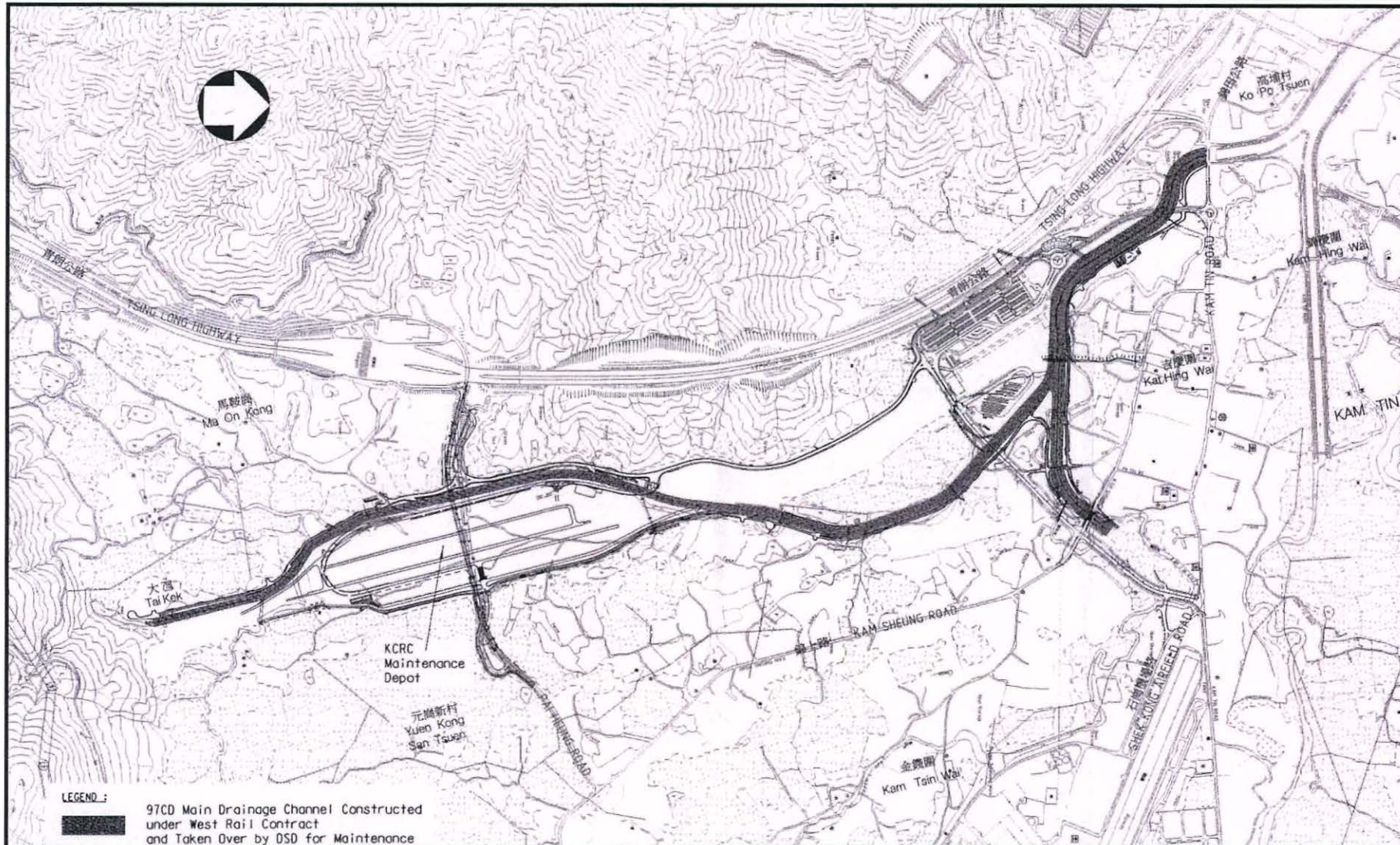
8. The Permit Holder may appeal against any condition of this Permit under Section 17 of the Ordinance within 30 days of receipt of this Permit.


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。





LEGEND:
 97CD Main Drainage Channel Constructed under West Rail Contract and Taken Over by DSD for Maintenance

Project Title: Main Drainage Channels for Yuen Long and Kam Tin Remainder, Phase 1(Kam Tin Road to Tai Kek Section)

工程名稱: 元朗及錦田主要排水道其餘部分第一期工程(錦田公路至大壩段)

Environmental Permit No.: EP-195/2004/A
 環境許可證編號: EP-195/2004/A

Figure 1: Location of the Project

圖 1: 工程項目的地點

