

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 DESIGNATED PROJECTS

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 Civil Engineering Department (hereinafter referred to as the “Permit Holder”) to construct and operate the designated projects 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土木工程署(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-138/2002
Documents in the Register 登記冊上的文件	(1) Environmental Impact Assessment - Construction of an International Theme Park in Penny' s Bay of North Lantau and its Essential Associated Infrastructures <ul style="list-style-type: none"> - Final EIA Report - Annex (Volume 1) - Annex (Volume 2) - Annex (Volume 3) - Executive Summary (Register No.: AEIAR-032/2000) [Hereinafter referred to as “the EIA

Report”]

- (2) The Director’ s letter of approval of the EIA Report dated 28 April 2000, (ref: (53) in Annex (3) to EP2/N9/O/65 III).
 - (3) Environmental Impact Assessment Final Report - Northshore Lantau Development Feasibility Study (Volume 1, Volume 2, Volume 3, Volume 4, Volume 5), Environmental Monitoring and Audit Manual, and Executive Summary (Register No.: AEIAR-031/2000) [Hereinafter referred to as “the NLDFS EIA Report”]
 - (4) The Director’ s letter of approval of the NLDFS EIA Report dated 28 April 2000, ref: EP2/G/S3/108.
 - (5) Application documents for environmental permit including all attachments submitted by the Permit Holder on 26 April 2002 (Application No. AEP-138/2002).
- (1) 北大嶼山竹篙灣國際主題公園及有關主要基礎設施建造工程 - 環境影響評估
 - 環境影響評估最終報告
 - 附件 (第一冊)
 - 附件 (第二冊)
 - 附件 (第三冊)
 - 行政摘要(登記冊編號: AEIAR-032/2000) [下稱” 環評報告”]
 - (2) 環境保護署署長於2000年4月28日發出批准環評報告的信件(檔案編號：(53) in Annex (3) to EP2/N9/O/65 III)
 - (3) 大嶼山北岸發展可行性研究 - 環境影響評估最終報告(第一冊、第二冊、第三冊、第四冊及第五冊)，環境監察及審核手冊，以及行政摘要(登記冊編號：AEIAR-031/2000) [下稱“NLDFS 環評報告”]
 - (4) 環境保護署署長於2000年4月28日發出批准NLDFS 環評報告的信件 (檔案編號: EP2/G/S3/108)
 - (5) 許可證持有人於2002年4月26日提交的环境許可證申請文件包括所有附件(申請書編號：AEP-138/2002)

Date
日期

(Elvis W. K. AU)
Assistant Director
(Environmental Assessment and Noise)
for the 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 (DESCRIPTIONS OF DESIGNATED PROJECTS)

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 Projects 指定工程項目的名稱	<ol style="list-style-type: none">1. Water Recreation Centre at Penny’ s Bay (remaining part)2. Chok Ko Wan Link Road (remaining part)3. Road P2 - Yam O to Penny’ s Bay (remaining part) <p>[The above designated projects are hereinafter referred to as “the Project”]</p> <ol style="list-style-type: none">1. 竹篙灣水上康樂中心 (餘下部分)2. 竹篙灣連接路 (餘下部分)3. P2公路 - 陰澳至竹篙灣 (餘下部分) <p>[上列指定工程項目下稱“工程項目”]</p>
Nature of Designated Projects 指定工程項目的性質	<ol style="list-style-type: none">1. Construction and operation of ancillary facilities of a flood storage pond of approximately 12 ha. in size.2. Construction and operation of about 1.1 km of an expressway.3. Construction and operation of about 0.9 km of a primary distributor. <ol style="list-style-type: none">1. 建造及營辦一個面積約12公頃蓄洪池的附屬設施。2. 建造及營辦一條約1.1千米長的快速公路。3. 建造及營辦一條約0.9千米長的主要幹路。
Location of Designated Projects 指定工程項目的地點	<p>Penny’ s Bay, Lantau. The location of the Project is shown in Figure 1 attached to this Permit.</p> <p>大嶼山竹篙灣。工程項目的地點如本許可證圖1所示。</p>
Scale and Scope of Designated Project(s) 指定工程項目的規模和範圍	<p>Construction and operation of:</p> <ol style="list-style-type: none">1. The remaining portion of an approximately 12 ha. multi-function artificial lake, water-based and land-based recreational facilities and ancillary facilities.2. a 1.1 km of dual-3 lane carriageway of the Penny’ s Bay Section of Chok Ko Wan Link Road which is an expressway.3. a 0.9 km of Road P2 which is a primary distributor at Penny’ s Bay. <p>建造及營辦：</p> <ol style="list-style-type: none">1. 一個面積約12公頃的多用途人工湖、水上及陸上康樂設施和附屬設施的餘下部分。2. 一條1.1千米長的竹篙灣連接路竹篙灣段，該段路是設有雙程三線分隔車道的快速公路。3. 一條 0.9千米長的P2公路，該段路是位於竹篙灣的主要幹路。



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 the Noise Control Ordinance (Cap.400), Air Pollution Control Ordinance (Cap.311), Water Pollution Control Ordinance (Cap.358) and Waste Disposal Ordinance (Cap.354). This Permit does not of itself constitute any ground of defense against any proceedings instituted under any legislation.
- 1.3 The Permit Holder shall make copies of this Permit together with all documents referred to in this Permit or the documents referred to in Part A of the Permit readily available at all times for inspection by the Director or his authorized officers at all sites/offices covered by this Permit. Any reference to the Permit shall include all documents referred to in the Permit and also the relevant documents in the Register.
- 1.4 The Permit Holder shall give a copy of this Permit to the person(s) in charge of the site(s) and ensure that such person (s) fully understands all conditions and all requirements incorporated by the Permit. The site(s) refers to site(s) of construction and/or operation of the Project(s) and shall mean the same hereafter.
- 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 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 construction site.
- 1.6 The Permit Holder shall construct and operate the Project as described in Part B of this Permit.
- 1.7 The Permit Holder shall ensure that the Project is designed, constructed and operated in accordance with the information and recommendations described in the EIA report (Register No. AEIAR-032/2000) and the NLDFS EIA Report (Register No.: AEIAR-031/2000); other relevant documents in the Register; and the information or mitigation measures described in this Permit, or 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, or mitigation measures to be recommended under on-going surveillance and monitoring activities during all stages of the Project. Where recommendations referred to in the documents of the Register are not expressly referred to in this Permit, such recommendations are nevertheless to be implemented unless expressly excluded or impliedly amended in this Permit.

- 1.8 All 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.
- 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. 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 Environmental Impact Assessment Ordinance Register Office, or in any other places, or any internet websites as specified by the Director, or by any other means as specified by the Director for public inspection. For this purpose, the Permit Holder shall provide sufficient copies of the submissions.
- 1.11 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.
- 1.12 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 later), unless otherwise agreed by the Director and shall be submitted at the same time as the hard copies.
- 1.13 For the purpose of this Permit, “commencement of the Project” does not include works related to site preparation 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 Environmental Team (ET) shall be established by the Permit Holder no later than one month before the commencement of construction of the Project. The ET shall be headed by an ET Leader. The ET Leader shall be a person who has at least 7 years' experience in environmental monitoring and auditing (EM&A) or environmental management. The ET team and the ET Leader shall be responsible for the duties defined in the EM&A Manual submitted and approved under Condition 2.3 of this Permit. 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. 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 EIA Report (Register No. AEIAR-032/2000) or this Permit. This log-book shall be kept readily available for inspection by all persons assisting in supervision of the implementation of the EIA Report recommendations 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. The ET shall not be in any way an associated body of the Independent Environmental Checker (IEC) for the Project.

2.2 An Independent Environmental Checker (IEC) shall be employed by the Permit Holder no later than one month before the commencement of construction of the Project. The IEC shall be a person who has at least 7 years' experience in environmental monitoring and audit (EM&A) or environmental management. The IEC shall be responsible for duties defined in the EM&A Manual submitted and approved under Condition 2.3 of this Permit, and shall audit the overall EM&A programme described in the EIA Report (Register No. AEIAR-032/2000), 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 24 hours of each and every occurrence, change of circumstances or non-compliance with the EIA Report (Register No. AEIAR-032/2000) or this Permit, which might affect the monitoring or control of adverse environmental impact. Where the IEC fails to so notify the Director of the same, fails to discharge the duties of the IEC as defined 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. The IEC shall not be in any way an associated body of the Contractor or the Environmental Team for the Project.

Submission of the Environmental Monitoring and Audit (EM&A) Manual

2.3 No later than one month before the commencement of construction of the Project, the Permit Holder shall submit to the Director for approval four hard copies and one electronic copy of an EM&A Manual for the construction of the Project. Before submission to the Director, the 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. All measures recommended in the approved EM&A Manual shall be fully and properly implemented in accordance with the requirements and time schedule(s) set out in the EM&A Manual. The EM&A Manual approved under this Condition shall hereinafter be referred to as the "EM&A Manual".

High Degree of Transparency of the Project

2.4 All environmental monitoring and audit data and results, the approved EM&A Manual and all submissions 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 7.2 below, in the shortest possible time and in no event later than two weeks after such information is available.

3. Submissions or Measures for the Construction of Certain Parts of the Project

Management Organization of Main Construction Companies

3.1 The Permit Holder shall, within one month after the commencement 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 the Waste Management Plan (WMP)

3.2 The Permit Holder shall, within one month after the commencement of construction of the Project, submit to the Director for approval three hard copies and one electronic copy of a Waste Management Plan (WMP) for the construction stage of the Project. Before submission to the Director, the WMP 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 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 6.7 and Section 16 of the EIA Report. 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.

3.3 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 under Condition 3.2 of this Permit.

Measures to Mitigate Water Quality Impacts during Construction

3.4 To prevent spilled oil, fuel and chemicals from reaching the receiving waters, all fuel tanks and chemical storage areas within the Project shall be sheltered from rain water and surrounded by bunds with a minimum capacity of 110% of the storage capacity of the largest tank. All fuel and chemical storage areas shall be provided with locks and be sited on sealed areas. Guidelines and procedures shall be prepared and implemented for immediate clean-up actions following any spillage of oil, fuel or chemicals, and shall be certified by the IEC and deposited with the Director within 2 months after the commencement of construction.

3.5 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 Mitigate Terrestrial Ecological Impacts during Construction

- 3.6 The two areas of the protected Pitcher's Plants (*Nepenthes mirabilis*) shall be protected *in situ* by fencing off the two areas no later than 1 week after the commencement of construction of the Project with at least 2 metre high fence with 10 metre buffer from the protected plants, as shown in [Figure 2](#) of this Permit, to prevent tipping, vehicle movement and encroachment of site workers onto these areas.
- 3.7 Public land access from the Project works areas to the re-created habitat for Rice Fish at the Mong Tung Hang Stream shall be fenced off upon the completion of re-creation of the Rice Fish habitat to prevent tipping, vehicle movement and encroachment of site workers onto the re-created habitat. The location of the planned habitat re-creation is shown in [Figure 3](#) of this Permit.
- 3.8 To prevent access of workers to the nesting site of the White-bellied Sea Eagles, public land access from the Project works areas to Pa Tau Kwu shall be fenced off within 4 weeks after the commencement of construction.
- 3.9 To avoid disturbance to the White-bellied Sea Eagles at Pa Tau Kwu, no construction activity, including transportation of equipment, shall be allowed at Pa Tau Kwu headland as shown in [Figure 3](#) attached to this Permit.
- 3.10 Natural coastline along the western side of the Western Drainage Channel as shown in [Figure 4](#) attached to this Permit shall be protected and preserved at all time during construction. No discharge of surface run-off or any effluent or disposal of any construction materials shall be allowed into the Western Drainage Channel. No construction activity shall be carried out in the immediate vicinity of the coastline along the western side of the Western Drainage Channel.

Measures to Mitigate Landscape and Visual Impacts

- 3.11 Three hard copies and one electronic copy of Landscape Plan for the Project shall be deposited with the Director within 6 months after the commencement of construction of the Project to mitigate the potential landscape and visual impacts arising from the construction and operation of the Project. The landscape proposal shall include an explanatory statement, design drawings and layout plans of the landscape areas at a scale of 1 to 1000 or other scale(s) as agreed with the Director. The submission shall also include an implementation programme with clear identification of the responsibilities of funding, implementation management and maintenance of the landscape and visual mitigation measures as recommended in the approved EIA report. The submissions shall be certified by the ET Leader and verified by the IEC as conforming to the information and recommendation contained in Annex K of the EIA Report. Additional copies of the Landscape Plan shall be made available to the Director upon his request. All landscape and visual mitigation measures shall be implemented in accordance with the details and time schedule as set out in the Landscape Plan deposited with the Director.

Other Mitigation Measures during Construction

- 3.12 No works shall be carried out within the former Cheoy Lee Shipyard at Penny's Bay as shown in [Figure 5](#) unless and until:

- (a) Excavation of contaminated soil and other decommissioning works at the part of the former shipyard site relevant to this Project have been satisfactorily completed; and
- (b) prior written approval has been obtained from the Director.

3.13 To reduce the quantity of construction and demolition wastes, wood hoarding shall not be used.

4. Submissions or Measures for the Operation of the Project

Submission of the Operational Environmental Monitoring and Audit (EM&A) Plan

4.1 No later than one month before the operation of the Water Recreation Centre at Penny's Bay, the Permit Holder shall submit for the Director's approval three hard copies and one electronic copy of an Operational Environmental Monitoring and Audit (EM&A) Plan for the operation of the Water Recreation Centre. Before the submission to the Director, the EM&A Plan shall be certified by the IEC as conforming to the information and recommendations contained in the EIA Report.

4.2 The Operational EM&A Plan as required under Condition 4.1 of this Permit shall include without limitation:

- (a) details of the impermeable liner used for the Artificial Lake of the Water Recreation Centre at Penny's Bay, including the lifespan of the liner and a schedule for the replacement of the liner;
- (b) clean-up plan for any accidental spills of fuel, petroleum or other pollutants into the Artificial Lake; and
- (c) water quality monitoring programme for the Artificial Lake.

4.3 The Operational Environmental Monitoring and Audit Plan approved under Condition 4.1 of this Permit shall hereinafter be referred to as "the EM&A Plan". All measures recommended in the EM&A Plan shall be fully and properly implemented in accordance with the requirements and time schedule(s) set out in the EM&A Plan.

Submission of the Waste Management Plan for Operational Phase of Water Recreation Centre

4.4 Three sets of Waste Management Plan for the operational phase of the Water Recreation Centre shall be certified by the IEC as conforming to the EIA Report and submitted to the Director for approval at least 3 months before the operation of the Project. The plan shall include details of how the mitigation measures of operational waste management in Section 6.7 and Section 16 of the EIA Report will be implemented together with the arrangements for avoidance, minimization, material recovery/recycling, collection, transportation and disposal of various types of waste generated during the operation of the Project as recommended in Section 6.7 and Section 16 of the EIA Report. All recommendations and waste management measures in the approved Waste Management Plan shall be implemented in accordance with the approved Waste Management Plan. The Waste Management Plan shall be reviewed and updated as necessary, on an annual basis.

Measures to Mitigate Water Quality during Operation

4.5 All surface run-off from the road projects at Penny's Bay shall be collected, treated by silt traps and oil and grit interceptors and shall not be discharged into the Western Drainage Channel to protect the water quality in the Western Drainage Channel as shown in [Figure 4](#) attached to this Permit. The design of the stormwater drainage system shall be deposited with the Director within 6 months after the commencement of construction of the Project. Before submission to the Director, the design of the stormwater drainage system shall be certified by the ET Leader and

verified by the IEC as conforming to the EIA Report. The stormwater drainage system shall be constructed in accordance with the design drawings deposited with the Director.

4.6 To prevent siltation in the Artificial Lake, stormwater run-off from surrounding hillsides shall pass through silt traps prior to entering the Artificial Lake.

4.7 Stormwater from any urban/developed areas shall not be allowed to enter the Artificial Lake.

4.8 To avoid impairing the water quality of in the Artificial Lake, monitoring of the quality of water from Tai Lam Reservoir shall be carried out prior to discharging water from the reservoir into the Artificial Lake. In the event that the monitored results showed that the water quality standards as stated in [Appendix B](#) of this Permit cannot be met, an alternate supply of water, of a quality that complies with the standards as stated in [Appendix B](#) of this Permit shall be used.

4.9 Any algicide used in the Water Recreation Centre shall be biodegradable and with half-life of three days or less. A log book shall be kept to record the application of any algicide including the date and time, location of application, quantities applied, type of algicide used and weather conditions. The logbook shall always be readily available for inspection throughout the operation stage.

4.10 Discharge of water from the Artificial Lake into marine waters shall be prohibited within one week after application of any algicide.

4.11 To prevent accidental spills entering into the Artificial Lake, any fuel for motorised water sports vessels shall be stored in bunded areas of at least 110% of the capacity of the largest fuel storage container. Servicing of any water sports vessels shall be undertaken at suitable facilities at least 15m away from the Artificial Lake.

5. Environmental Monitoring and Audit for the Construction of the Project

5.1 The EM&A programme during construction shall be implemented as set out in the EM&A Manual approved under Condition 2.3 of this Permit. Any changes to the EM&A programme shall be justified by the IEC or ET Leader as conforming to the requirements set out in the EM&A Manual, and shall be approved by the Director.

5.2 Samples and measurements shall be taken in accordance with the requirements of the EM&A Manual by:

- (a) conducting baseline monitoring as set out in the EM&A Manual; and
- (b) conducting impact monitoring as set out in the EM&A Manual.

5.3 Four hard copies of the Baseline Monitoring Report and one electronic copy in the formats as specified in Condition 7.1 below shall be submitted to the Director at least two weeks before the commencement of construction of the Project. Additional copies of the submission shall be provided to the Director upon request from the Director.

5.4 Four hard copies and one electronic copy of monthly EM&A Reports shall be submitted to the Director within 2 weeks after the end of the reporting month. Additional copies of the submission shall be provided to the Director upon request from the Director.

5.5 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, the approved EM&A Manual 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 7.2 below, in the shortest possible time and in no event later than 2 weeks after such information is available.

- 5.6 All environmental monitoring and audit results submitted under this Permit shall be true, valid and correct.
- 5.7 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(s) set out in the Event/Action Plan, or as agreed by the Director.
- 5.8 Records of measurements and remedial actions taken under Conditions 5.2 and 5.7 respectively of this Permit shall be logged and kept, within 3 working days of the collection of data or completion of remedial action, for the purpose of preparing and submitting the EM&A Reports and making the information available for inspection on site or as requested by the Director.
- 5.9 The Permit Holder shall relay all environmental complaints regarding construction works to the Environmental Team, IEC and the independent Environmental Project Office (ENPO) in accordance with the EM&A Manual.

6. Environmental Monitoring and Audit (EM&A) for the Operation of the Water Recreation Centre

- 6.1 The EM&A programme during operation of the Water Recreation Centre shall be implemented as set out in the EM&A Plan approved under Condition 4.1 of this Permit. Any changes to the EM&A programme shall be justified by the IEC or ET Leader as conforming to the requirements set out in the EM&A Plan, and shall be approved by the Director.
- 6.2 The EM&A Plan as required under Condition 4.1 of this Permit shall contain monitoring locations, monitoring schedules, methodology, and qualification of monitoring team members.
- 6.3 Four hard copies and one electronic copy of the monitoring reports shall be deposited with the Director within two weeks after the completion of each monitoring. The reports shall be certified by the IEC before deposit with the Director. If there are repeated non-compliances with the agreed water quality standards for the Water Recreation Centre recorded in the monitoring, the monitoring programme shall be continued after the first year operation as directed by the Director.
- 6.4 All environmental monitoring data and reports submitted under this Permit shall be true, valid and correct.

7. Electronic Reporting of EM&A Information

- 7.1 To facilitate public inspection of the Baseline Monitoring Report and monthly EM&A Reports via the EIA Ordinance Internet Website and at the EIA Ordinance 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 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 5.3 and 5.4 of this Permit. For the HTML version, a content page capable of providing hyperlink to each section and sub-section of the EM&A Reports shall be included in the beginning of the document. Hyperlinks to all figures, drawings and tables in the EM&A Reports shall be provided in the main text from where the respective references are made. All graphics in the report shall be in interlaced GIF format unless otherwise agreed by the Director. The content of the electronic copies of these Reports shall be the same as the hard copies.
- 7.2 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 7.1 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.

7.3 The internet website as described in Condition 7.2 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 Environmental 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 that the following notes are for general information only.
2. If there is a breach of any condition of this Permit, the Director or his authorised officer may, with the consent of the Secretary, 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 authorised officer.
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 Environmental Permit. The Permit Holder shall replace the original Permit displayed on the construction 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 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 Environment and Food, suspend, vary or cancel this Permit. The suspended, varied or cancelled shall be removed from the display at the construction site.
6. If this Permit is cancelled or surrendered during the implementation 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.

7. Any person who constructs or operates 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 of indictment to a fine of \$2 million and imprisonment for 6 months;
 - (ii) on a second or subsequent conviction on indictment to a fine of \$5 million and imprisonment for 2 years;
 - (iii) on a first summary conviction to a fine at level 6 and imprisonment for 6 months;
 - (iv) on a second or subsequent summary conviction to a fine of \$1 million and 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 that 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.

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[Appendix A](#) | [Appendix B](#) | [Figure 1](#) | [Figure 2](#) | [Figure 3](#) | [Figure 4](#) | [Figure 5](#)

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