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Environmental Protection Department
Branch Office
28th 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
修頓中心廿八樓

25 March 2015

By Registered Post & By Fax

Food and Environmental Hygiene Department,

Environmental Impact Assessment (EIA) Ordinance (Cap.499)
Application for Environmental Permit
Project Title: Decommissioning of West Portion of the Middle Ash Lagoon at Tsang Tsui,
Tuen Mun
(Application No. AEP-497/2015)

I refer to your above application received on 10 March 2014 for an environmental permit under Section 10(1) of the EIA Ordinance.

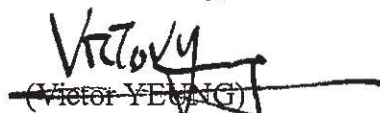
Pursuant to Section 10(5) of the EIA Ordinance, I now issue the attached Environmental Permit (No. EP-497/2015) for your use.

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. Johnson Wong at 2835 1107.

Yours sincerely,


(Victor YEUNG)

Ag. Principal Environmental Protection Officer
for Director of Environmental Protection

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 DECOMMISSION A DESIGNATED PROJECT
解除指定工程項目運作的環境許可證

PART A (MAIN PERMIT)**A 部 (許可證主要部分)**

Pursuant to Section 10 of the Environmental Impact Assessment Ordinance (the EIAO), the Director of Environmental Protection (the Director) grants this Environmental Permit to **Food and Environmental Hygiene Department** (hereinafter referred to as the "Permit Holder") to decommission 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)10 條的規定，環境保護署署長(署長)將本環境許可證批予**食物環境衛生署**(下稱“許可證持有人”)以解除B 部所說明的指定工程項目的運作，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-497/2015
Document in the Register: 登記冊上的文件：	<p>(1) Decommissioning of West Portion of the Middle Ash Lagoon at Tsang Tsui, Tuen Mun - Environmental Impact Assessment (EIA) Report, EIA Executive Summary and Environmental Monitoring and Audit (EM&A) Manual (Register No. AEIAR-186/2015) [hereinafter referred to as the "EIA Report"] 屯門曾咀煤灰湖(中湖)西面部分的解除運作工程 - 環境影響評估(環評)報告、環評行政摘要及環境監察及審核手冊(登記冊編號：AEIAR-186/2015) [下稱「環評報告」]</p> <p>(2) The Director's letter of approval of the EIA report dated 28.1.2015 referenced (13) in EP2/N4/G/107 Pt.2 署長於 2015 年 1 月 28 日發出批准環評報告的信件，檔案編號：(13) in EP2/N4/G/107 Pt.2</p> <p>(3) Application for environmental permit submitted by the Permit Holder on 10.3.2015 (Application No. AEP-497/2015) 許可證持有人於 2015 年 3 月 10 日提交的環境許可證申請(申請書編號 AEP-497/2015)</p>

25 March 2015
2015 年 3 月 25 日

Date
日期


(Victor YBUNG)

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楊維德代行)



PART B (DESCRIPTIONS OF DESIGNATED PROJECTS)**B 部 (指定工程項目的說明)**

Hereunder is the description of the designated projects 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	Decommissioning of West Portion of the Middle Ash Lagoon at Tsang Tsui, Tuen Mun [This Designated Project is hereafter referred as "the Project"] 屯門曾咀煤灰湖(中湖)西面部分的解除運作工程 [本指定工程項目下稱「工程項目」]
Nature of Designated Projects 指定工程項目的性質	Decommissioning of a Waste Disposal Facility for Pulverised Fuel Ash 解除處置粉狀的燃燒灰的廢物處置設施的運作。
Location of Designated Project 指定工程項目的地點	West Portion of the Middle Ash Lagoon at Tsang Tsui, Tuen Mun. The location of the Project is shown in <u>Figure 1</u> of this Permit. 屯門曾咀煤灰湖(中湖)西面部分。圖 1 顯示工程的位置。
Scale and Scope of Designated Project(s) 指定工程項目的規模和範圍	Decommissioning of West Portion of the Middle Ash Lagoon at Tsang Tsui, Tuen Mun as indicated in <u>Figure 1</u> . 解除如圖 1 所示的屯門曾咀煤灰湖(中湖)西面部分的運作。



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 Noise Control Ordinance (Cap.400), Air Pollution Control Ordinance (Cap.311), Water Pollution Control Ordinance (Cap.358) and Waste Disposal Ordinance (Cap.354), Dangerous Goods (General) Ordinance (Cap. 295), Occupational Safety and Health Ordinance (Cap. 509) and Factories and Industrial Undertakings Ordinance (Cap. 59). This Permit does not of itself constitute any ground of defense 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 EIAO Office.
- 1.4 The Permit Holder shall give a copy of this Permit to the person(s) in charge of the Project 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 the Project and shall mean the same hereafter.
- 1.5 The Permit Holder shall display conspicuously a copy of this Permit on the 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 site(s).
- 1.6 The Permit Holder shall decommission the Project as described in Part B of this Permit.
- 1.7 The Permit Holder shall ensure that the Project is decommissioned in accordance with the information and recommendations described in the EIA Report (Register no. AEIAR-186/2015); the application documents including all attachments (Application No. AEP-497/2015), other relevant documents in the Register; and the information or mitigation measures described in this Permit, and mitigation measures to be recommended in submissions that shall be deposited with or approved by the Director as a result of permit conditions contained in this Permit; and mitigation measures to be recommended under on-going surveillance and monitoring activities during all stages of the Project. Where recommendations referred to in the documents of the Register are not expressly referred to in this Permit, such recommendations are nevertheless to be implemented unless expressly excluded or impliedly amended in this Permit.
- 1.8 All deposited 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 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 (Cap. 499). 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 submission to the Director under this 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 4.0 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 the decommissioning works of the Project no later than one month prior to the commencement of the decommissioning works of the Project. The Permit Holder shall notify the Director in writing immediately if there is any change of the commencement date.
- 1.13 For the purpose of this Permit, "commencement of decommissioning works" does not include works related to site clearance and preparation or other works as agreed by the Director.

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 two weeks before commencement of decommissioning 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 requirements as contained in the EM&A Manual of the Project. In addition, the ET Leader shall be responsible for certifying the environmental acceptability of permanent and temporary works, relevant design plans and submissions under this Permit. The ET Leader shall keep a contemporaneous log-book of each and every instance or circumstance or change of circumstances which may affect the environmental impact assessment and each and every non-compliance with the recommendations of the approved EIA Report (Register No. AEIAR-186/2015) and this Permit. The ET Leader shall notify the IEC within one working day of the occurrence of any such instance or circumstance or change of circumstances. The ET Leader's log-book shall be kept readily available for inspection by all persons assisting in supervision of the implementation of the recommendations of the approved EIA Report (Register No. AEIAR-186/2015) 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 two weeks before the commencement of decommissioning 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 of the Project and shall audit the overall EM&A programme, including the implementation of all environmental mitigation measures, submissions required in the EM&A Manual, and any other submissions required under this Permit. In addition, the IEC shall be responsible for verifying the environmental acceptability of permanent and temporary works, relevant design plans and submissions under this Permit. The IEC shall verify the log-book(s) mentioned in Condition 2.1 of this Permit. The IEC shall notify the Director by fax, within one working day of receipt of notification from the ET Leader of each and every occurrence, change of circumstances or non-compliance with the approved EIA Report (Register No. AEIAR-186/2015) and this Permit, which might affect the monitoring or control of adverse environmental impacts from the Project. In case the IEC fails to so 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.

Management Organization of Main Construction Companies

- 2.3 The Permit Holder shall, no later than two weeks before the commencement of the decommissioning works 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 Project. The submitted information shall include at least an organization chart, names of responsible persons and their contact details.

Submission of Design Drawing(s) of the Project

- 2.4 The Permit Holder shall, no later than two weeks before the commencement of the decommissioning works of the Project, deposit four hard copies and one electronic copy of design drawing(s) of the Project with scale of 1:1000 to the Director. The design drawing(s) shall indicate the project layout including the decommissioning areas, the access roads and the surface drainage outfall system, etc.

No Off-Site Disposal of Pulverised Fuel Ash

- 2.5 No pulverised fuel ash shall be disposed off-site unless with the prior written approval of the Director.

Cover to Pulverised Fuel Ash

- 2.6 Before the completion of the decommissioning works, no less than 1 metre thick of fill materials shall be used to cover the pulverised fuel ash surface in the decommissioning area.



Submission of Waste Management Plan

- 2.7 The Permit Holder shall, no later than 2 weeks before the commencement of decommissioning works of the project, deposit a Waste Management Plan to the Director. The Plan shall include at least the overall framework of waste management and reduction, breakdown(s) of waste statistic, plan(s) showing locations for segregation and temporary storage of reusable recycled materials, including those fill materials for covering the decommissioning areas sourced from the public filling facilities.

Measures to Mitigate Ecological Impacts

- 2.8 In order to minimize ecological impacts especially the Little Grebe, in addition to the ecological monitoring programme as specified in the EM&A Manual, the following mitigation measures shall be implemented:
- (a) Hoarding of not less than 2.4 m high shall be set up along the boundary of site area between the Middle and West Ash Lagoons, and between the northern edge of the site area and the water channel north of the site area so as to minimize disturbance to the Little Grebe during the decommissioning works.
 - (b) Any construction works in the water channel north of the site area shall only be conducted within non-breeding season of Little Grebe, which is November to March of a year unless with the prior written approval of the Director.
 - (c) In the event of retaining structures and/ or slope stabilization along the edge of the water channel north of the site area are carried out, the Permit Holder shall submit the construction methodologies for the Director's approval at least one month before the commencement of any construction works.

Measures to Mitigate Landfill Gas Hazard

- 2.9 When the West New Territories (WENT) Landfill Extension project is in operation, in order to minimize the potential landfill gas hazard, site offices shall be raised clear of the ground with a separation of at least 500mm and shall be provided with proper ventilation system to keep the air within the confined area well ventilated.

3. Environmental Monitoring and Audit (EM&A) Requirements

- 3.1 The EM&A programme shall be implemented in accordance with the procedures and requirements as set out in the approved EM&A Manual. 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 and shall seek the prior approval from the Director before implementation.
- 3.2 Four hard copies and one electronic copy of the Baseline Monitoring Report, shall be submitted to the Director at least one month before the commencement of decommissioning of the Project. The submissions shall be certified by the ET Leader and verified by the IEC as complying with the relevant requirements as set out in the approved EM&A Manual before submission to the Director. Additional copies of the submission shall be provided upon request by the Director.
- 3.3 Four hard copies and one electronic copy of the monthly EM&A Reports shall be submitted to the Director within two weeks after the end of the reporting month. The monthly EM&A Reports shall include a summary of all non-compliance with the recommendations in the EIA Report or this



Permit. The submissions shall be certified by the ET Leader and verified by the IEC as complying with the relevant requirements as set out in sections in the approved EM&A Manual before submission to the Director. Additional copies of the submission shall be provided upon request by the Director.

- 3.4 All environmental monitoring and audit results submitted under this Permit shall be true, valid and correct.
- 3.5 Any necessary remedial measures and actions as described in the approved EM&A Manual shall be fully and properly carried out, in accordance with the time frame(s) set out in the approved EM&A Manual, or as agreed by the Director.

4. Electronic Reporting of EM&A Information

- 4.1 To facilitate public inspection of the Baseline Monitoring Report and the monthly EM&A Reports via the EIAO Internet Website and at the EIAO Register Office, electronic copies of these Reports shall be prepared in the Hyper Text Markup Language (HTML) (version 4.0 or later) and in Portable Document Format (PDF version 4.0 or later), unless otherwise agreed by the Director and shall be submitted at the same time as the hard copies as described in Conditions 3.2 and 3.3 of this Permit. For the HTML version, a content page capable of providing hyperlink to each section and sub-section of these Reports shall be included in the beginning of the document. Hyperlinks to all figures, drawings and tables in these Reports shall be provided in the main text from where the respective references are made. All graphics in these Reports shall be in interlaced GIF format unless otherwise agreed by the Director. The content of the electronic copies of these Reports must be the same as the hard copies.

Notes :

1. This Permit consists of three parts, namely, PART A (Main Permit), PART B (Description of Designated Project) and PART C (Permit Conditions). Any person relying on this permit should obtain independent legal advice on the legal implications under the Ordinance, and the following notes are for general information only.
2. If there is a breach of any conditions of this Permit, the Director or his authorized officer may, with the consent of the Secretary for the Environment, 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 Environmental Impact Assessment Ordinance (the "Ordinance") to the Director for a variation of the conditions of this Permit. The Permit Holder shall replace the original permit displayed on the Project site by the amended permit.
4. A person who assumes the responsibility for the whole or a part of the Project may, before he assumes responsibility of the Project, apply under Section 12 of the Ordinance to the Director for a further environmental permit.
5. Under Section 14 of the Ordinance, the Director may with the consent of the Secretary for the Environment, 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 decommissioning of the Project, another environmental permit must be obtained under the Ordinance before the Project could be continued.



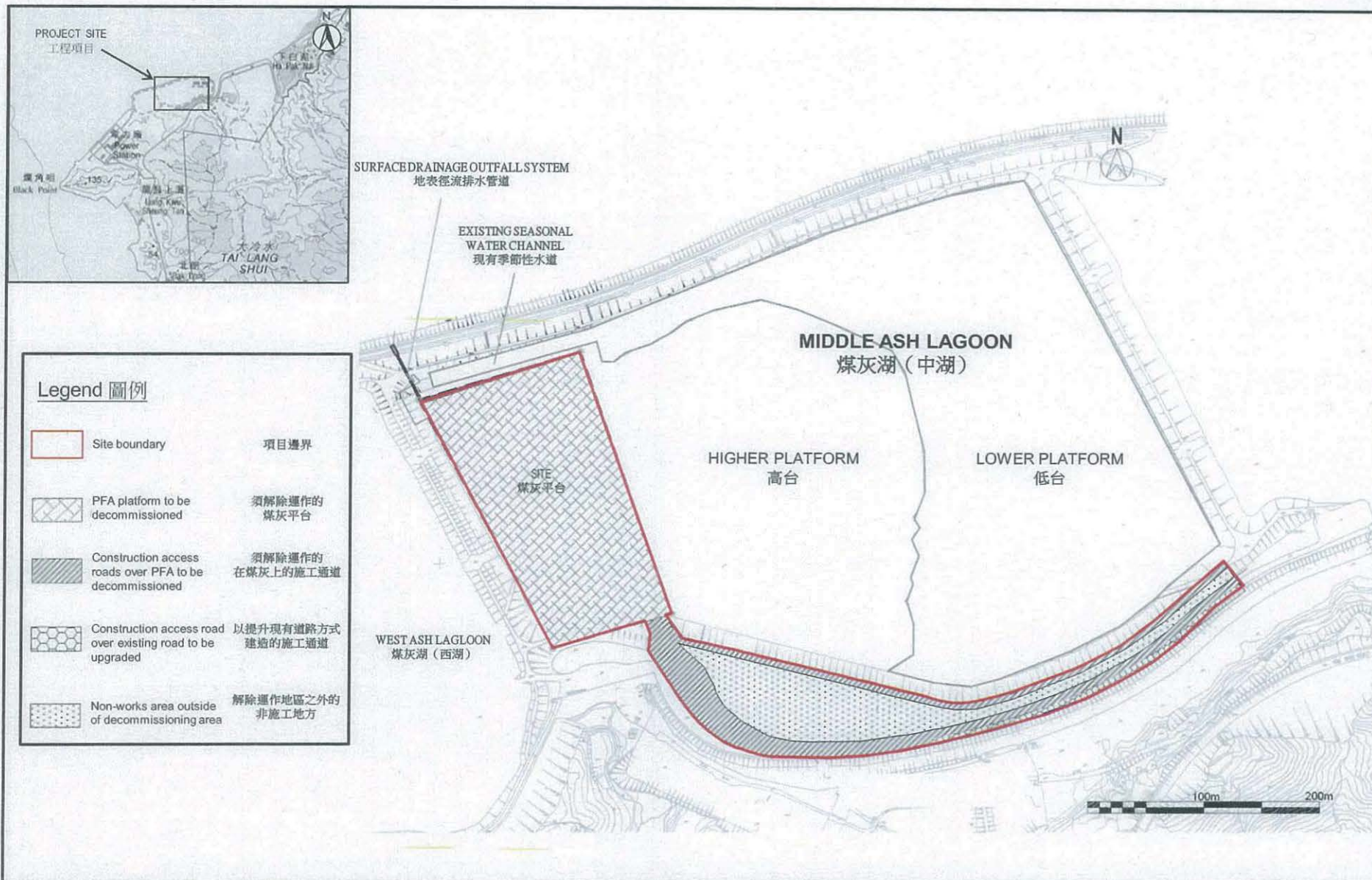
It is an offence under Section 26(1) of the Ordinance to decommission a designated project listed in Part II of Schedule 2 of the Ordinance without a valid environmental permit.

7. Any person who decommissions the Project contrary to the conditions in the Permit, and is convicted of an offence under the Ordinance, is liable: -
 - (i) on a first conviction on indictment to a fine of \$ 2 million and to imprisonment for 6 months;
 - (ii) on a second or subsequent conviction on indictment to a fine of \$ 5 million and to imprisonment for 2 years;
 - (iii) on a first summary conviction to a fine at level 6 and to imprisonment for 6 months;
 - (iv) on a second or subsequent summary conviction to a fine of \$1 million and to imprisonment for 1 year; and
 - (v) in any case where the offence is of a continuing nature, the court or magistrate may impose a fine of \$ 10,000 for each day on which he is satisfied the offence continued.
8. The Permit Holder may appeal against any condition of this Permit under Section 17 of the Ordinance within 30 days of receipt of this Permit.
9. The Notes are for general reference only and that the Permit Holder should refer to the EIA Ordinance for details and seek independent legal advice.
10. Occupational health and safety issues are governed by Occupational Safety and Health Ordinance (Cap. 509) and Factories and Industries Undertaking Ordinances (Cap. 59). The Permit Holder is advised to contact Labour Departments for requirements relating to occupational safety and health issues.

Environmental Permit No. EP-497/2015

環境許可證編號 EP-497/2015





Decommissioning of West Portion of the Middle Ash Lagoon at Tsang Tsui, Tuen Mun - Site Location of the Project
屯門曾咀煤灰湖 (中湖) 西面部分的解除運作工程 - 工程項目的位置圖



Figure 1
圖1

Environmental Permit No.: EP-497/2015
環境許可證編號: EP-497/2015

