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OUR REF: (9) in EP2/K20/A/16 Pt. 7
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**Environmental Protection Department
Branch Office**

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環境保護署分處

香港灣仔
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修頓中心廿八樓

4 May 2023

By Registered Post & By Fax:

Leisure and Cultural Services Department

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

**Project Title: Road Works at West Kowloon
(Application No. FEP-216/2023)**

I refer to your above application received on 11 April 2023 for further environmental permit under Section 12(1) of the EIA Ordinance.

Pursuant to Section 12(3) of the EIA Ordinance, I now issue the attached Further Environmental Permit (No. FEP-02/366/2009/A) for your use.

Under Section 15 of the EIA Ordinance, the Further 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. Leo LUK at 2835 1155.

Yours sincerely,

(Queenie Y. C. NG)

Acting Principal Environmental Protection Officer
for Director of Environmental Protection

Encl. FEP-02/366/2009/A

ENVIRONMENTAL IMPACT ASSESSMENT ORDINANCE
(CHAPTER 499)
SECTIONS 10 and 12
環境影響評估條例
(第499章)
第10條及12條

FURTHER ENVIRONMENTAL PERMIT TO OPERATE
A DESIGNATED PROJECT
營辦指定工程項目的新的環境許可證

PART A (MAIN PERMIT)
A部 (許可證主要部分)

Pursuant to Sections 10 and 12 of the Environmental Impact Assessment Ordinance (EIAO), the Director of Environmental Protection (the Director) granted this Further Environmental Permit to the **Leisure and Cultural Services Department** (hereinafter referred to as the "Permit Holder") to operate the designated project described in **Part B** subject to the conditions specified in **Part C**. The issue of this Further 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條及12條的規定，環境保護署署長(署長)將本新的環境許可證批予**康樂及文化事務署**(下稱“許可證持有人”)，以營辦B部所說明的指定工程項目，但須遵守C部所列明的條件。本新的環境許可證的發出，乃以下表所列的文件、批准或許可作為根據：

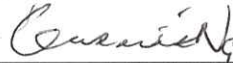
Application No. : 申請書編號 :	FEP-216/2023
Document in the Register : 登記冊上的文件 :	<p>(1) Road Works at West Kowloon (Register No.: AEIAR-141/2009)</p> <ul style="list-style-type: none">- Environmental Impact Assessment Report [Hereinafter referred to as "the EIA Report"]- Environmental Monitoring and Audit Manual- Executive Summary <p>西九龍道路工程 (登記冊編號: AEIAR-141/2009)</p> <ul style="list-style-type: none">- 環境影響評估報告 (下稱“環評報告”)- 環境監察審核手冊- 行政摘要 <p>(2) The Director's letter of approval of the EIA Report dated 23 September 2009 referenced (32) in EP2/K20/A/16 Pt.2. 署長於 2009 年 9 月 23 日發出環評報告的批准信，檔案編號: (32) in EP2/K20/A/16 Pt.2</p> <p>(3) Application for Environmental Permit submitted on 31 July 2009 (Application No.: AEP-366/2009) 於 2009 年 7 月 31 日提交的环境許可證申請文件 (申請書編號: AEP-366/2009)</p> <p>(4) Environmental Permit issued on 14 October 2009 (Permit No. EP-366/2009) 於 2009 年 10 月 14 日簽發的环境許可證 (許可證編號 EP-366/2009)</p> <p>(5) Application for Variation of Environmental Permit submitted on 8 June 2012 (Application No. VEP-368/2012) 於 2012 年 6 月 8 日提交的更改环境許可證申請 (申請書編號 VEP-368/2012)</p>



	<p>(6) Environmental Permit issued on 18 June 2012 (Permit No. EP-366/2009/A) 於 2012 年 6 月 18 日簽發的環境許可證 (許可證編號 EP-366/2009/A)</p> <p>(7) Application for Further Environmental Permit submitted on 11 April 2023 (Application No. FEP-216/2023) 於 2023 年 4 月 11 日提交的新的環境許可證申請 (申請書編號 FEP-216/2023)</p>
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4 May 2023
2023 年 5 月 4 日

Date
日期



(Queenie Y. C. Ng)
Acting Principal Environmental Protection Officer
(Territory South)
for Director of Environmental Protection
環境保護署署長
(署理首席環境保護主任(總區南)吳沅清代行)



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 further environmental permit (hereinafter referred to as the "Permit"):

下列為本新的環境許可證(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	Road Works at West Kowloon (This designated project is hereafter referred to as "the Project") 西九龍道路工程 (本指定工程項目下稱“工程項目”)
Nature of Designated Project 指定工程項目的性質	The Project will involve construction and operation of: <ul style="list-style-type: none">• A road which is an expressway, trunk road, primary distributor road or district distributor road including new roads, and major extension or improvements to existing roads; and• A road fully enclosed by decking above and by structure on the sides for more than 100m 此工程項目涉及興建及營辦: <ul style="list-style-type: none">• 屬快速公路、主要幹道或地區幹路的道路，包括新路及對現有道路作重大擴建或改善的部分；及• 完全被其上的蓋層和兩邊的構築物所包圍，而被包圍的長度超過100米的道路。
Location of Designated Project 指定工程項目的地點	West Kowloon Reclamation Area. The location of the Project is shown in <u>Figure 1</u> of this Permit. 西九龍填海區。 工程項目的地點展示於本許可證圖1內。
Scale and Scope of Designated Project 指定工程項目的規模和範圍	Maintenance of landscape areas as shown in the <u>Figure 2</u> and <u>Figure 3</u> of this Permit. 載於本許可證的圖2及圖3的園景美化區的維修保養。

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 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 (Cap.499) and may become the subject of appropriate action being taken under the Ordinance.

許可證持有人及任何營辦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》(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 and any person 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營辦工程項目的人士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) 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訴訟構成任何抗辯理由，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 authorized officers at the Permit Holder's office(s). 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許可證持有人的辦事處查閱。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 operation of the Project and ensure that such person(s) fully understands all conditions and all requirements incorporated by this 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營辦本工程項目的負責人，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。

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

許可證持有人及任何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，營辦工程項目。

- 1.6 The Permit Holder and any person operating the Project shall ensure that the Project is operated in accordance with the information and recommendations described in the approved EIA Report (Register No. AEIAR-141/2009); the application documents for environmental permits, other relevant documents in the Register; and the information and mitigation measures described in this Permit. 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營辦工程項目的人士須確保工程項目按照下述資料營辦：核准環評報告（登記冊編號：AEIAR-141/2009）所說明的有關資料及相關建議；環境許可證的申請文件；登記冊內的其他相關文件；以及本許可證所說明的資料及緩解措施。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免或另獲署長同意。



2 **Special Conditions**
特定條件

Measures to Mitigate Operational Landscape and Visual Impact
營辦期間的景觀及視覺影響緩解措施

- 2.1 The landscape areas as shown in Figure 2 and Figure 3 of this Permit shall be properly managed and maintained in accordance with the landscape plan deposited with the Director under Condition 2.13 of the environmental permit (Permit No.: EP-366/2009/A).
本許可證圖 2 及圖 3 所示的保養園景美化區，須按照環境許可證(EP-366/2009/A)條件 2.13 向署長存放的景觀美化計劃妥善管理和維護。

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 Environment and Ecology, 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及生態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 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原有的許可證。
4. A person who assumes the responsibility for the whole or a part of the designated project(s) may, before he assumes responsibility of the designated project(s), 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指定工程項目的責任的人，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 Environment and Ecology, suspend, vary or cancel this Permit.
根據環評條例第 14 條的規定，署長可在取得環境及生態局局長的同意下暫時吊銷、更改或取消本許可證。
6. If this Permit is cancelled or surrendered during construction or 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 I 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 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.

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 Ordinance within 30 days of receipt of this Permit.

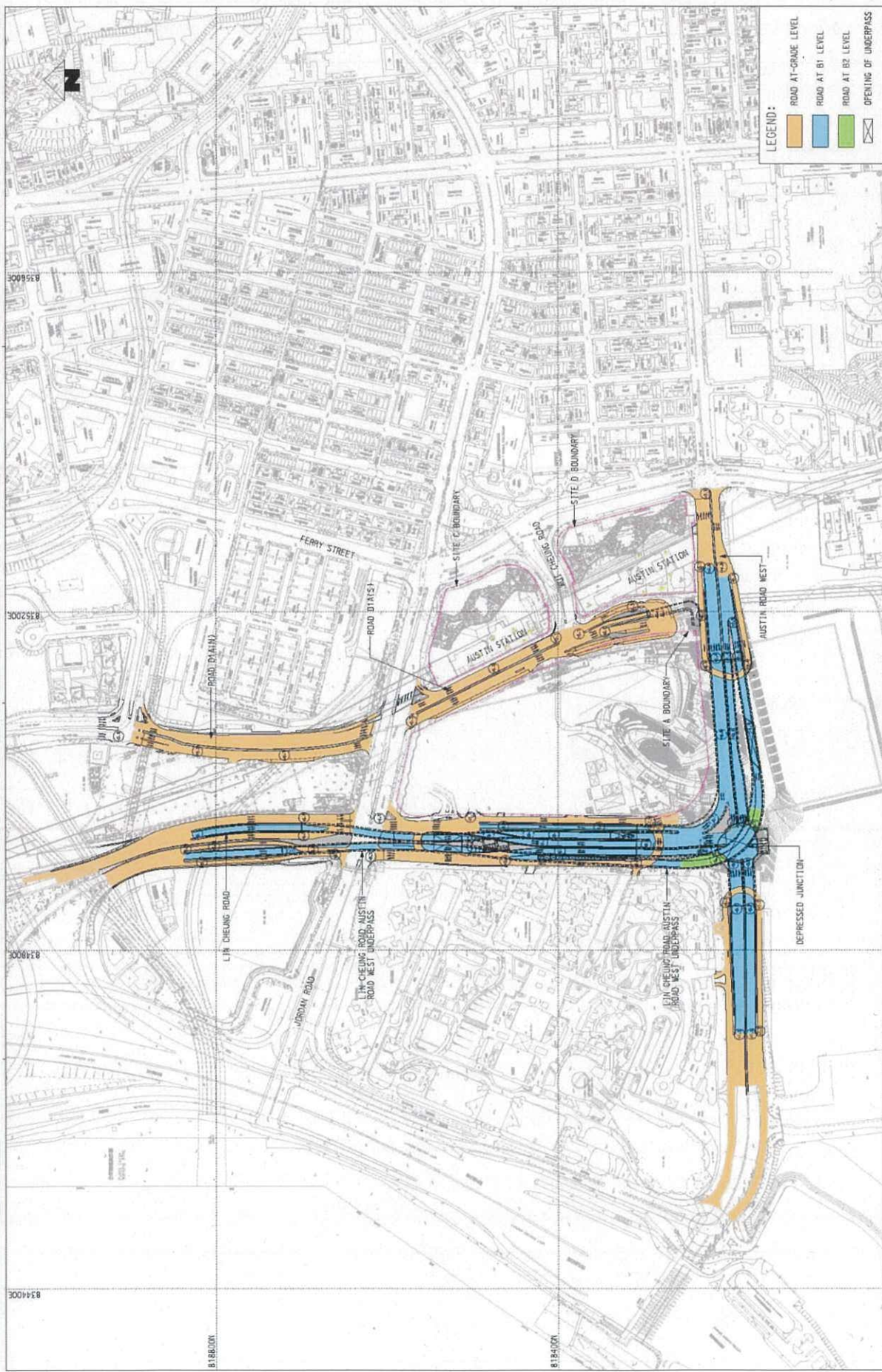
許可證持有人可在接獲本許可證後 30 天內，根據環評條例第 17 條就本許可證的任何條件提出上訴。

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。

Environmental Permit No. FEP-02/366/2009/A
環境許可證編號 FEP-02/366/2009/A



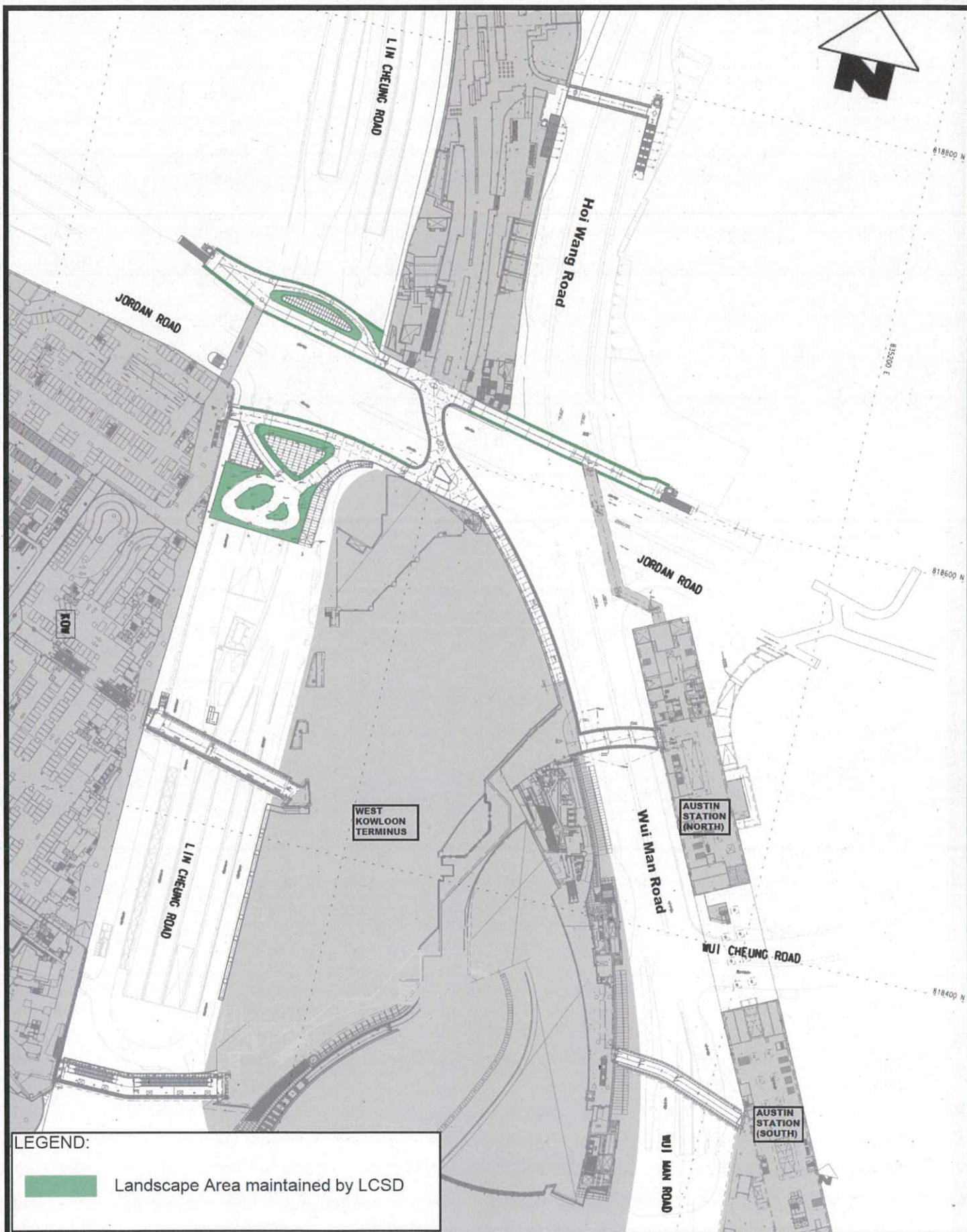


Environmental Permit No. : FEP-02/366/2009/A
 環境許可證編號 : FEP-02/366/2009/A

Project Title - Road Works at West Kowloon
 工程名稱 - 西九龍道路工程

Figure 1 - Proposed Road Works at West Kowloon
 圖一 - 西九龍擬建道路工程

This figure was prepared based on the attachment of the Application No. VEP-368/2012.
 本圖是根據申請編號 VEP-368/2012 的附件編制



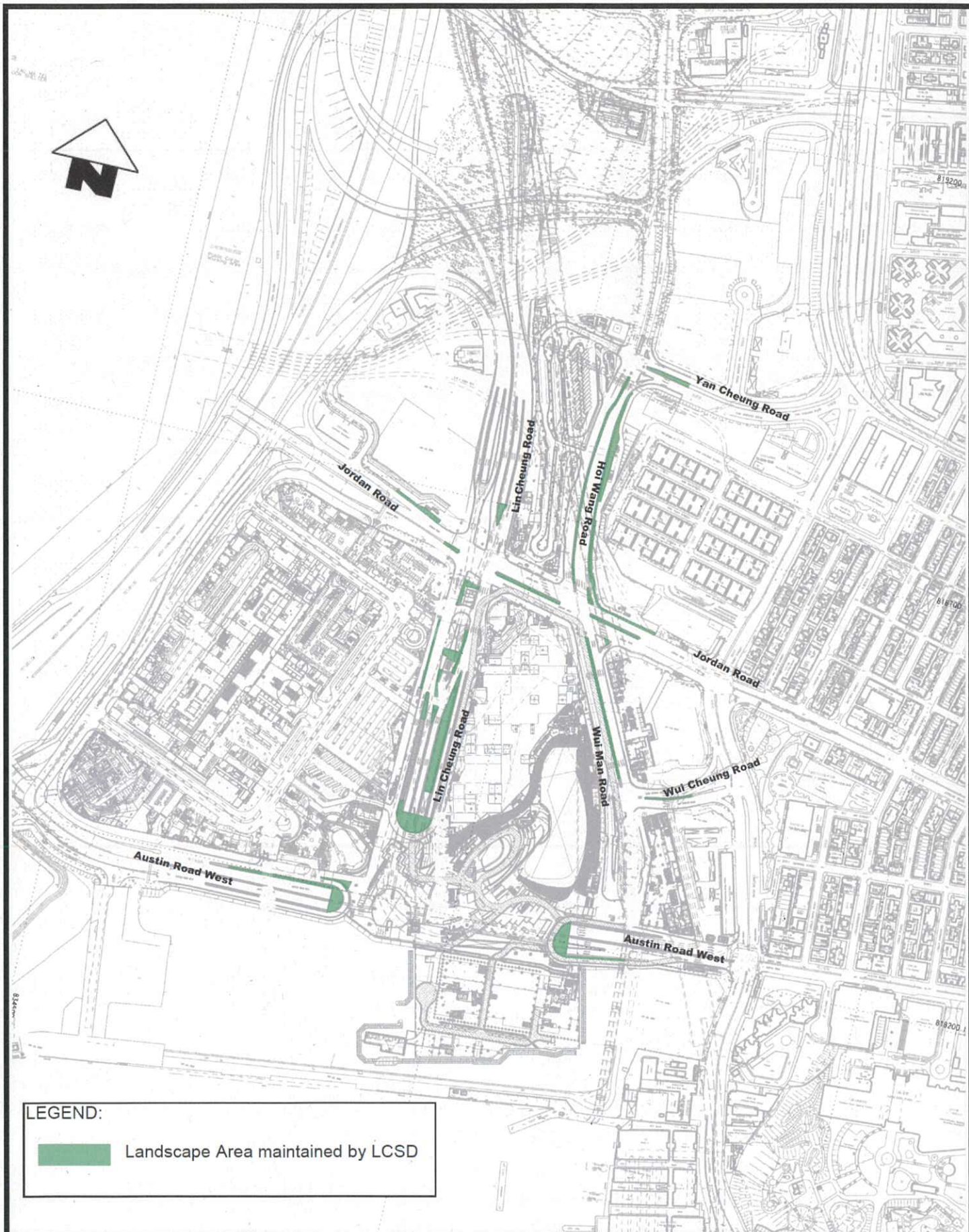
Project Title - Road Works at West Kowloon
 工程名稱 - 西九龍道路工程

Environmental Permit No. : FEP-02/366/2009/A
 環境許可證編號 : FEP-02/366/2009/A

Figure 2 - Landscape Maintenance Plan of Leisure and Cultural Services Department (Footbridge)
 圖二 - 康樂及文化事務署維修保養的園景美化區 (行人天橋)

This figure was prepared based on the attachment of the Application No. FEP-216/2023.
 本圖是根據申請編號 FEP-216/2023 的附件編制





LEGEND:

Landscape Area maintained by LCSD

Project Title - Road Works at West Kowloon
 工程名稱 - 西九龍道路工程

Environmental Permit No. : FEP-02/366/2009/A
 環境許可證編號 : FEP-02/366/2009/A

Figure 3 - Landscape Maintenance Plan of Leisure and Cultural Services Department (Roadside)
 圖三 - 康樂及文化事務署維修保養的園景美化區 (路旁)

This figure was prepared based on the attachment of the Application No. FEP-216/2023.
 本圖是根據申請編號 FEP-216/2023 的附件編制

