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OUR REF: (15) in Ax(2) to EP2/N6//34
V
來函檔號
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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

25 January 2017

Drainage Services Department

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

Project Title: Hang Hau Tsuen Channel at Lau Fau Shan
(Application No. FEP-175/2016)

I refer to your above application received on 30 December 2016 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-01/343/2009) 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. Stanley LAU at 2835 1113.

Yours sincerely,

(C.F. WONG)

Principal Environmental Protection Officer
for Director of Environmental Protection

Encl.

b.c.c. S(RN)2

ENVIRONMENTAL IMPACT ASSESSMENT ORDINANCE
(CHAPTER 499)
Sections 10 & 12

環境影響評估條例
(第499章)
第10條及12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 Sections 10 and 12 of the Environmental Impact Assessment Ordinance (the Ordinance), the Director of Environmental Protection (the Director) grants this environmental permit to the Drainage 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 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條及12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。本環境許可證是依據下列文件、批准或許可而簽發：

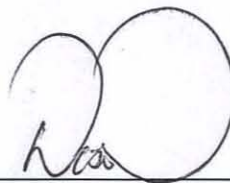
Application No. 申請書編號	FEP-175/2016
Document in the Register 登記冊上的文件	<ol style="list-style-type: none">1. Project Profile – “Hang Hau Tsuen Channel at Lau Fau Shan” (Register No. : PP-318/2007) 工程項目簡介 – “流浮山坑口村排水道工程” (登記冊編號 : PP-318/2007)2. Hang Hau Tsuen Channel at Lau Fau Shan : Environmental Impact Assessment (EIA) Study Brief (Register No. : ESB-167/2007) 流浮山坑口村排水道工程環境影響評估(「環評」)研究概要 (登記冊編號 : ESB-167/2007)3. Hang Hau Tsuen Channel at Lau Fau Shan : Environmental Impact Assessment Report, Environmental Monitoring and Audit (EM&A) Manual and Executive Summary



	<p>(Register No. : AEIAR-134/2009) [Hereinafter referred to as “ the EIA Report ”] 流浮山坑口村排水道工程 - 環境影響評估報告、環境監察及審核 (「 環 監 」) 手冊及行政摘要 (登記冊編號 : AEIAR- 134/2009) 「 下稱 " 環評報告" 」</p>
4.	<p>The Director’s letter of approval of the EIA Report dated 1 April 2009 referenced (3) in Ax(2) to EP2/N6/I/34 Pt. V 署長於 2009 年 4 月 1 日簽發批准環評報告的信件，檔案編號 (3) in Ax(2) to EP2/N6/I/34 Pt. V</p>
5.	<p>Application for Environmental Permit dated 22 April 2009 (Application No. : AEP-343/2009) for construction and operation of the designated project – “Hang Hau Tsuen Channel at Lau Fau Shan” 於二零零九年四月二十二日提交的環境許可證的申請文件(申請書編號 : AEP-343/2009)為建造及 營辦指定工程項目 - "流浮山坑口村排水道工程"</p>
6.	<p>Environmental Permit No. EP-343/2009 issued on 21 May 2009 於 2009 年 5 月 21 日簽發的環境許可證編號 EP-343/2009</p>
7.	<p>Application for Further Environmental Permit dated 30 December 2016 (Application No. FEP-175/2016) for operation of this designated project 於 2016 年 12 月 30 日提交的新的環境許可證的申請文件 (申請書編號 FEP-175/2016) 為營辦本指定工程項目</p>

25 January 2017

Date
日期



(C.F. WONG)

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) 黃傳輝代行)



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 :

<p>Title of Designated Project 指定工程項目的名稱</p>	<p>Hang Hau Tsuen Channel at Lau Fau Shan (This designated project is hereinafter referred to as “ the Project ”) 流浮山坑口村排水道工程 (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>Waterways and drainage works 水道及排水工程</p>
<p>Location of Designated Project 指定工程項目的地點</p>	<p>Hang Hau Tsuen, Lau Fau Shan The location of the designated project is shown in <u>Figure 1</u> of this permit 坑口村，流浮山 指定工程項目的地點見載於本許可證的圖1</p>
<p>Scale and Scope of Designated Project 指定工程項目的規模和範圍</p>	<p>The project comprises the operation of followings –</p> <ul style="list-style-type: none"> (i) Trained Hang Hau Tsuen stream including a 370 m long drainage channel connecting to the downstream ends of Fung Kong Tsuen Channel and San Hing Channel to Deep Bay; (ii) A 25 m long triple-cell box culvert of 5.5 m in width and 3 m in height beneath the Deep Bay Road and 4 nos. of footbridges across the channel; (iii) A 3.5 m wide access road with passing bays along the northern bank of the channel; a 3.5 m wide maintenance access road along the southern bank of the channel; 2 m wide footpaths on both sides of the channel; and ancillary works such as retaining walls, drainage and water works as well as associated landscaping works; and (iv) A viewing point and a car park at the downstream end of the channel.



工程包括營辦以下項目 -

- (i) 已治理的坑口村溪流，包括一條370米長的排水道，連接鳳降村和新慶村排水道下游至后海灣；
- (ii) 在深灣路下面的一條長25米的三管箱型暗渠，寬5.5米而高3米，和四條行人橋橫跨排水道；及
- (iii) 沿排水道北面的一條附有避車處3.5米闊的道路；在排水道南面的一條3.5米闊的維修道路；在排水道的兩旁的2米闊的行人路；及其他相關工程包括護土牆、排水系統、水務及相關景觀美化工程；及
- (iv) 在排水道下游末端的一個觀景區及停車場。



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 (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人士必須完全遵守本許可證的全部條件。任何人士如有不遵守本許可證的情況，則可能構成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 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). 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遵守現行法例，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)；及廢物處置條例(第 354 章)。根據任何法例掀起的法律程序，本許可證本身不能作為任何抗辯理據或視為某法例所默許。

- 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 authorised officers at the Permit Holder's office. Any reference to the Permit shall include all documents referred to in the Permit and also the relevant documents in the Register.

許可證持有人須複印本許可證及本許可證所述的所有文件，或本許可證 A 部所述的文件，以供署長或其授權人士在許可證持有人的辦事處隨時查閱。凡引述本許可證，即包括本許可證所述的所有文件和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 the Permit.

許可證持有人須把本許可證的副本交予負責營辦本工程項目的人士，並確保這些人士完全明白本許可證內載的所有條件與規定。

- 1.5 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，營辦本工程項目。

- 1.6 The Permit Holder shall ensure that the Project is operated in accordance with the information and recommendations described in the approved EIA Report (Register No.: AEIAR-134/2009) in the Register, and the information and mitigation measures described in this Permit, and mitigation measures recommended in the submissions that deposited with or approved by the Director under 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.

許可證持有人須確保工程項目的營辦，符合登記冊內的核准環評報告(登記冊編號：AEIAR-134/2009)所說明的資料及建議；以及本許可證所說明的資料及緩解措施；和因應本工程項目送交署長存放或批可的文件內所建議的緩解措施。即使登記冊文件所述的建議沒有在本許可證內明確引述，這些建議仍須實施，除非在本許可證內明確地表示豁除或默示已修訂。

2. Specific Conditions

特別條件

Measures during Operation of the Project

營辦工程項目期間須採取的措施

- 2.1 All design and mitigation measures shall be fully implemented in accordance with the description in the EIA Report (Register No. AEIAR-134/2009) and submissions approved or deposited in compliance with the conditions of this permit.

所有的設計及緩解措施，須按照環境影響評估報告(登記冊編號：AEIAR-134/2009)所述及根據本環境許可證的條件提交存放或獲批可的文件所載資料徹底執行。

- 2.2 If desilting is required during operation, odorous excavated material shall be placed at a location at least of 20 m away from the sensitive receivers.

在營辦期間如需疏浚，散發異味的挖掘物料的放置地點，須離開感應強的地方至少20米。

- 2.3 If desilting is required during operation, temporary stockpiles of excavated material shall be properly covered with tarpaulin or packed in plastic bags/enclosed skips and shall be removed off-site within 2 days.

在營辦期間如需疏浚，臨時堆存的挖掘物料，須以防水布妥善覆蓋或裝入膠袋/密封式吊箱，及於2天內移走。

- 2.4 If desilting is required during operation, it shall be conducted by hand or light machinery during the dry season (October to March). Containment structures such as sheet pile barriers, sand bags barrier or earth bunds shall be provided for the desilting works area to facilitate a dry or at least confined working area within the channel

在營辦期間如需疏浚，須於旱季（10月至3月）期間以人手或輕型機械進行。疏浚工程範圍須裝設圍堵物如板樁屏障、沙包屏障或土堤，以便在河道中營造乾涸或至少圍封的施工環境。

- 2.5 The Permit Holder shall fully implement the landscape and visual measures as set out in the Landscape Plan shown in Figure 2 of this permit.

許可證持有人須徹底執行本許可證圖2 所示的景觀及視覺措施。

- 2.6 The Permit Holder shall implement the following measures at locations as shown in Figure 1 of this permit. These measure include (i) retaining the existing river bed in the downstream section; (ii) adding a layer of the original river sediment on top of the rip-rap bedding of the dry weather flow channel to



recreate a natural stream environment; and (iii) placing grasscrete on the upstream section of the channel and also on the maintenance access road along the southern bank of the channel.

許可證持有人須在如圖1所示的位置，執行以下措施。這些措施包括 (i)保留在下游的一段原有河床；(ii)在旱流排水道的碎石河床加上天然物料，以重生河道的自然環境；及(iii)在排水道的上游和位處排水道南岸的維修通道上鋪設混凝土草格。

- 2.7 The Permit Holder shall provide not less than 0.07 ha of mangroves to compensate for the loss of mangroves within the channel and retain not less than 0.08 ha of the existing mangroves at the mangrove zones as shown in Figure 3 of this permit.

許可證持有人須在如圖3所示的紅樹林區，提供面積不少於0.07公頃的紅樹林，以補償河道內損失的紅樹林，及保留不少於0.08公頃現有的紅樹林。

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，署長或獲授權人員可在環境局局長的同意下勒令停止相關工程，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。

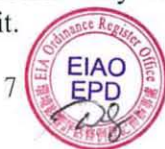
3. The Permit Holder may apply under Section 13 of the Environmental Impact Assessment Ordinance (the "Ordinance") to the Director for a variation of the conditions of this Permit. The Permit Holder shall replace the original permit by the amended permit.

許可證持有人可根據本條例第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原有的許可證。

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，可根據該條例第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.



根據本條例第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。

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 operate a designated project listed in 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，則必須在繼續進行工程項目之前，根據本條例規定取得另一份環境許可證。根據本條例第 26(1)條的規定，任何人在沒有有效環境許可證的情況下，營辦本條例附表 2 所列明的指定工程項目，即屬違法。

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，根據該條例，即屬違法 —

- (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。

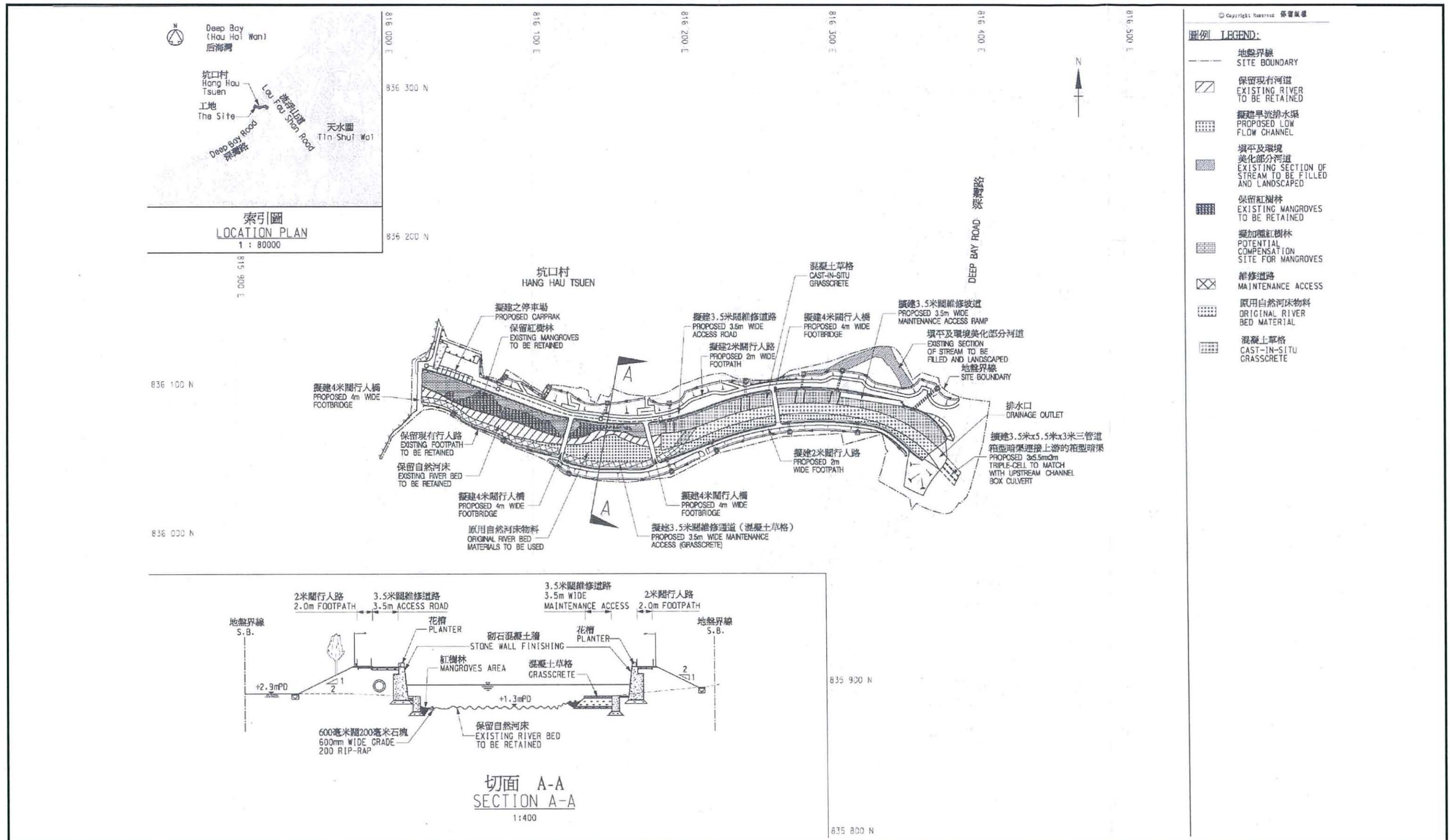
8. The Permit Holder may appeal against any condition of this Permit under Section 17 of the Ordinance within 30 days of receipt of this Permit.

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 EIA Ordinance 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。





Project Title: Hang Hau Tsuen Channel at Lau Fau Shan
 工程項目名稱：流浮山坑口村排水道工程

Environmental Permit No. : FEP-01/343/2009
 環境許可證編號 : FEP-01/343/2009

Figure 1 : General Layout of Hang Hau Tsuen Channel
 圖 1 : 坑口村排水道工程位置圖



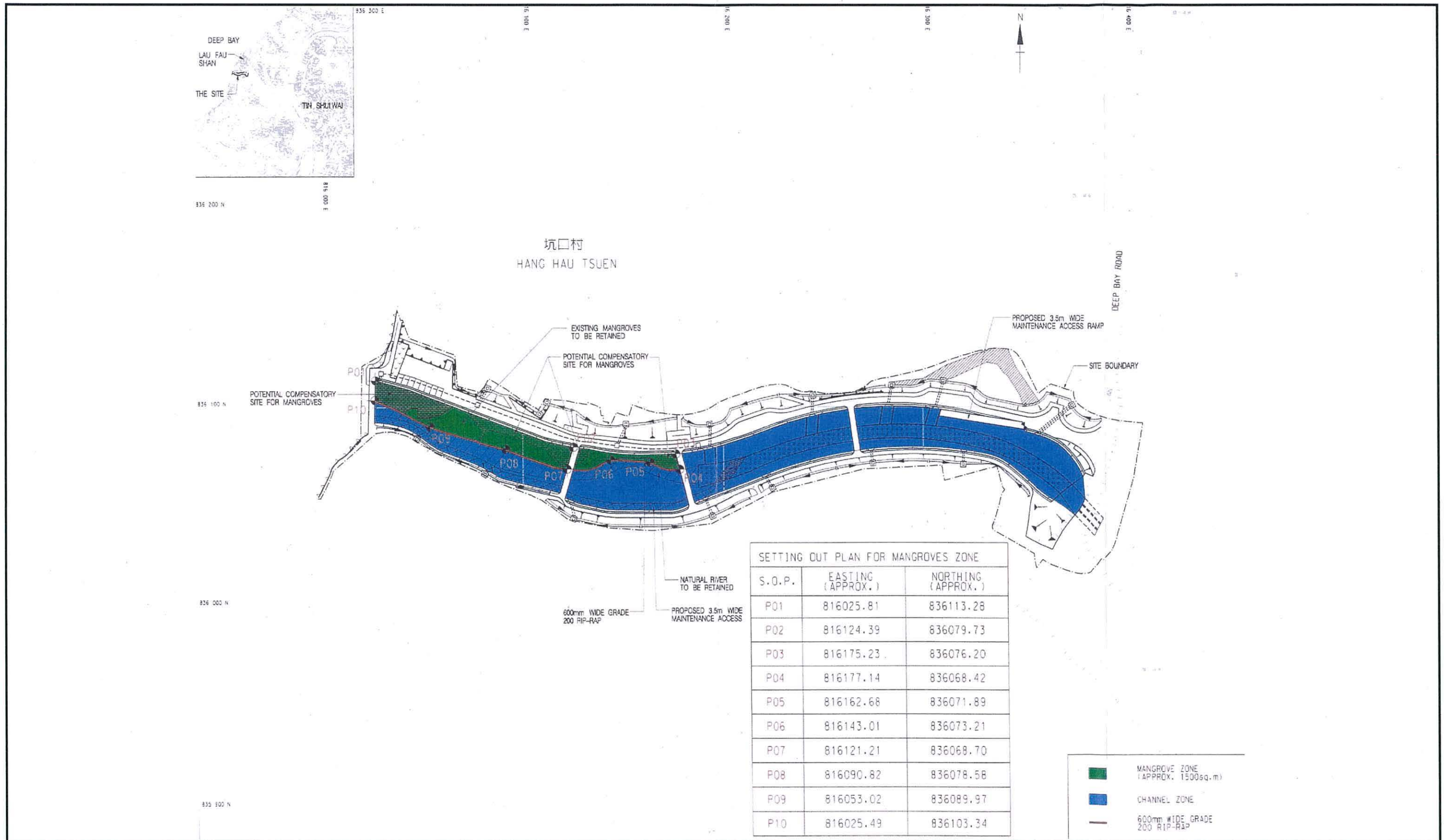


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Figure 2 : Landscape Master Plan
 圖 2 : 景觀總綱圖





Project Title: Hang Hau Tsuen Channel at Lau Fau Shan
 工程項目名稱：流浮山坑口村排水道工程

Environmental Permit No. : FEP-01/343/2009
 環境許可證編號 : FEP-01/343/2009

Figure 3 : Locations of the Mangrove Zone and Channel Zone within Hang Hau Tsuen Channel
 圖 3 : 坑口村排水道內的紅樹林區及排水道區位置圖

