

L.N. 115 of 2007**ENVIRONMENTAL IMPACT ASSESSMENT
(EXEMPTION OF SHENZHEN SECTION OF THE
SHENZHEN BAY BRIDGE) ORDER**

(Made by the Chief Executive in Council under section 30 of the
Environmental Impact Assessment Ordinance (Cap. 499))

1. Commencement

This Order shall come into operation on the day on which sections 3 and 5 of the Shenzhen Bay Port Hong Kong Port Area Ordinance (4 of 2007) come into operation.

2. Duration

(1) This Order shall—

(a) cease to have effect on the expiry of 12 months from the commencement of this Order; or

(b) cease to have effect on the issue of an environmental permit for the Shenzhen section of the Shenzhen Bay Bridge,

whichever is the earlier.

(2) Where this Order ceases to have effect under subsection (1)(b), the Director of Environmental Protection shall by notice published in the Gazette give notice of the cessation of this Order.

3. Interpretation

In this Order, “Shenzhen section of the Shenzhen Bay Bridge” (深圳灣公路大橋部分) means the Shenzhen section of the Shenzhen Bay Bridge as described in Parts 2 and 3 of Schedule 1 to the Shenzhen Bay Port Hong Kong Port Area Ordinance (4 of 2007).

4. Exemption

Subject to the conditions set out in Part 2 of the Schedule, the Shenzhen section of the Shenzhen Bay Bridge is exempted from section 9(1)(a) of the Ordinance.

SCHEDULE

[s. 4]

PART 1

INTERPRETATION

In this Schedule, “current environmental permit” (現行環境許可證) means the environmental permit (No. EP-162/2003/B) for the Shenzhen Western Corridor and Part of Deep Bay Link which is on the register kept under section 15 of the Ordinance.

PART 2

CONDITIONS

1. The Director of Highways shall—
 - (a) give a copy of this Order to any person in charge of the operation of the Shenzhen section of the Shenzhen Bay Bridge; and
 - (b) ensure that such person fully understands all conditions in this Part.
2. (1) The Director of Highways shall employ—
 - (a) an environmental team headed by a leader to discharge the obligations specified in section 3(1), (2) and (3); and
 - (b) an Independent Environmental Checker to—
 - (i) audit the result of the discharge of the obligations specified in section 3(1), (2) and (3);
 - (ii) validate and verify the accuracy of the monitoring result and report; and
 - (iii) inspect the Shenzhen section of the Shenzhen Bay Bridge to detect any irregularity in the discharge of the obligations specified in section 3(1), (2) and (3).

(2) Both the environmental team leader and the Independent Environmental Checker referred to in subsection (1) shall have at least 7 years' experience in environmental monitoring and auditing or environmental management.
3. (1) The Director of Highways shall ensure that the carriageway of the Shenzhen section of the Shenzhen Bay Bridge is cleaned twice a week by means of vacuum air sweeper(s) or suction truck(s) to remove grit and pollutants. The interval between 2 cleaning operations shall not exceed 4 days. The removed grit and pollutants shall be transported away for off-site disposal.

(2) The Director of Highways shall also ensure that the quality of the rain-water runoff from the Shenzhen section of the Shenzhen Bay Bridge is monitored and audited to determine whether the cleansing frequency of the carriageway of the Shenzhen section of the Shenzhen Bay Bridge has to be reviewed.

(3) The Director of Highways shall also ensure that the bird mortality due to collision with the Shenzhen section of the Shenzhen Bay Bridge is recorded and monitored to provide reference for operating the bridge lighting scheme. The Director of Highways shall cause a quarterly report to be produced to document the bridge lighting scheme monitoring methodology and results, including the types and schemes of illumination used on the bridge, the weather conditions and records of bird mortalities by date, number, species, locations and estimated cause of death. The report shall also give an outline of the monitoring programme in the next quarter and the bridge lighting scheme to be used in the next quarter in view of the bird mortality (if any) of the previous quarter, including various combinations of illumination schemes in different weather conditions, time of day and season of year.

4. In the discharge of the obligations specified in section 3(1), (2) and (3), the Director of Highways shall adopt the requirements and procedures concerning the operation of the Shenzhen Western Corridor provided for in the Environmental Monitoring and Audit Manual (September 2002) as referred to in the current environmental permit.

5. The Director of Highways shall brief the Environmental Impact Assessment Subcommittee of the Advisory Council on the Environment on progress of the discharge of the obligations specified in section 3(1), (2) and (3), including the bridge lighting scheme under section 3(3), within 6 months after the commencement of this Order and every 6 months thereafter.

6. The Director of Highways shall make all finalized reports required under this Part available for inspection by the public by—

- (a) depositing copies of the reports at the EIAO Register Office or at any other place specified by the Director of Environmental Protection;
- (b) uploading the reports onto any Internet website specified by the Director of Environmental Protection; or
- (c) any other means specified by the Director of Environmental Protection.

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Clerk to the Executive Council

Explanatory Note

The Shenzhen section of the Shenzhen Bay Bridge (“the Project”) will commence operation on the day on which the Shenzhen Bay Port Hong Kong Port Area commences operation. The object of this Order is to exempt, subject to the conditions set out in Part 2 of the Schedule to the Order, the Project from section 9(1)(a) of the Environmental Impact Assessment Ordinance (Cap. 499) for a period of 12 months from the commencement of the Order or until the issue of an environmental permit for the Project.