

**Ref. : WB(W) 271/32/05**

**Group : 5, 12**

**25 October 1999**

**Works Bureau Technical Circular 27/99**

**Environmental Impact Assessment Ordinance**

**Particular Specification Clause**

**Scope**

This Circular introduces a standard particular specification clause for contracts where the proponent department has obtained an environmental permit for construction under the Environmental Impact Assessment (EIA) Ordinance (Cap. 499). This Circular does not apply to design and build contracts which will be dealt with in the Administrative Procedures for Design and Build Contracts to be promulgated in early 2000.

**Effective Date**

2. This Circular takes immediate effect in all new contracts except in those exceptional cases where the provisions would result in delay in the case of current tender invitations.

**Effect on Existing Circular**

3. This Circular shall be read in conjunction with the following Works Bureau Technical Circulars :

WBTC No. 17/98 - Environmental Impact Assessment Ordinance Guidance  
on the Preparation of Briefs for Architectural/Engineering  
and Associated Consultancy Agreements

WBTC No. 18/98 - Procedures for Environmental Impact Assessment of  
Development Projects and Proposals

**Policy**

4. Where a project has been identified as a designated project under the EIA Ordinance and the proponent department has obtained an environmental permit for the construction of the project, the proponent department shall include the environmental permit and the particular specification clause in Appendix A in the tender documents.

5. It is unnecessary for the contractor to apply for and hold an environmental permit since he can rely on the environmental permit obtained by the proponent department. However should for any reason the contractor choose to apply for and hold a further environmental permit he shall do so at his own cost and risk.

6. Before the Architect/Engineer issues a variation under the Contract which he considers may cause a material change to the designated project or to an environmental impact of the project as defined in the “Technical Memorandum on Environmental Impact Assessment Process” he shall consult the Director of Environmental Protection (DEP). If the DEP considers that the environmental permit should be so varied, the Architect/Engineer shall advise the proponent department and the proponent department shall apply for a variation of the environmental permit under Section 13 of the EIA Ordinance. After obtaining the variation of the environmental permit, the Architect/Engineer shall then order the variation under the Contract.

7. Should the Contractor submit an alternative proposal during the course of the Contract which may give rise to a material change to the designated project or to an environmental impact of the project, the proponent department shall consider whether it is more appropriate for him or the Contractor to apply for variation of the environmental permit. No agreement shall be entered into until it has been clarified whether a variation to the environmental permit is required and which party shall be responsible for making the application.

( W S Chan )  
Deputy Secretary (Works Policy)

**Environmental Impact Assessment Ordinance**  
**Particular Specification Clause for Contracts where an Environmental Permit under**  
**the Environmental Impact Assessment Ordinance (Cap. 499) is required**

**Environmental Permit**

- (1)<sup>1</sup> Further to General Conditions of Contract Clause 30 the Contractor shall conform in all respects with the conditions of the Environmental Permit a copy of which is reproduced in Appendix \_\_\_\_.
- (2) For the purpose of this Contract, the “Environmental Permit” means any environmental permit issued by the Director of Environmental Protection in respect of the Works or project which the Works form a part thereof under the Environmental Impact Assessment Ordinance (Cap. 499) including any variation of the environmental permit.
- (3) The Contractor shall be responsible for displaying a copy of the most updated Environmental Permit at the locations as stipulated under the Environmental Permit or as directed by the Architect/Engineer.
- (4) It is unnecessary for the Contractor to apply for and hold an environmental permit since he may rely on the Environmental Permit obtained by the Employer. Should for any reason the Contractor choose to apply for and hold an Environmental Permit he shall do so at his own risk and cost and it shall not form the basis of any claim for extension of time.

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<sup>1</sup> This paragraph shall be modified if more than one Environmental Permit is involved.