

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

**Group : 5, 12**

**19 October 1998**

**Works Bureau Technical Circular No. 17/98**

**Environmental Impact Assessment Ordinance  
Guidance on the Preparation of Briefs for  
Architectural/Engineering and Associated Consultancy Agreements**

**Scope**

This Circular provides additional guidance on the preparation of Briefs for Architectural/Engineering and Associated Consultancy Agreements as a result of the Environmental Impact Assessment Ordinance (EIA Ordinance) which came into operation on 1 April 1998.

**Effective Date**

2. This Circular takes immediate effect.

**Effect on Existing Circulars**

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

WBTC No. 11/94 & 11/94A	- Memorandum of Agreement and General Conditions of Employment (1994 Edition), Special Conditions of Employment and Guidance on the Preparation of Briefs for Engineering and Associated Consultancy Agreements
WBTC No. 6/93	- Standard Documents and Guidance on the Preparation of Briefs for Engineering and Associated Consultancy Agreements (November 1992)

## **Policy**

4. The attached Appendix A includes sample clauses which indicate the services that the Consultants may be required to provide under a consultancy assignment as a result of the EIA Ordinance which came into operation on 1 April 1998. However, for each particular assignment the wording of the clauses shall be expanded and, where necessary, further clauses shall be added, to describe exactly and in as much detail as possible what is required.

5. The proponent department shall, in consultation with the Director of Environmental Protection if necessary, determine and state in the Brief whether the project is a designated project under the EIA Ordinance. In the case that the project is exempted from the provisions of the EIA Ordinance in accordance with S9(2) and S9(3) of the EIA Ordinance, this shall be stated in the Brief.

(W S Chan )  
Deputy Secretary (Works Policy)

**Sample Clauses**

- (1) Prepare a project profile as set out in the Technical Memorandum on Environmental Impact Assessment Process (under the Environmental Impact Assessment Ordinance (EIA Ordinance) S16) and advise and assist the Employer to apply to the Director of Environmental Protection (DEP) in accordance with the EIA Ordinance for an environmental impact assessment study brief or for approval to apply directly for an environmental permit.
  - (2)<sup>1</sup> Conduct an environmental impact assessment (EIA) study and prepare an EIA report in accordance with the EIA study brief issued by the DEP and EIA Ordinance, and advise and assist the Employer in obtaining approval for the EIA report in accordance with the EIA Ordinance, including public consultation and presentation to the Advisory Council on the Environment if required.
  - (3) Advise and assist the Employer in obtaining environmental permits for the Employer for *\*constructing/operating/decommissioning* the Project in accordance with the EIA Ordinance.
  - (4) Liaise with the DEP or his representative to obtain variations of environmental permits for the Employer in accordance with the EIA Ordinance should there be any changes to the Project or to the environmental impact of the Project that would give rise to a need for variation of the conditions of the environmental permit. Where it is required by the DEP to submit an EIA report for the variations sought and the Director's Representative so instructs, the Consultants shall conduct an EIA study and prepare an EIA report for the variations sought in accordance with the EIA Ordinance. Payment for the cost of such study and report shall be on a time charge basis or by means of a negotiated lump sum fee.
- \* Delete as appropriate

**Note :**

1. *Clause (1) may be included in a Preliminary Project Feasibility Study assignment where the Project has already been confirmed as a designated project under the EIA Ordinance.*
3. *Clauses (2) and (3) shall be included in a consultancy assignment when the Project has obtained a study brief from the DEP.*
4. *Clause (4) shall only be included in a consultancy assignment which involves construction stage for designated project.*
5. *Projects that have obtained DEP's approval to apply directly for an environmental permit(s) only need to include clause (3) and/or clause (4).*

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<sup>1</sup> Project proponent should ensure that adequate number of copies of the EIA report has been specified in the section of "Deliverables" in the assignment.