

## **Information Note on Applying for Required Government Permits/Approvals/Visas to Carry out Works Related to Submarine Cable Systems within Hong Kong Waters**

This information note is prepared with a view to facilitating the applications for government approvals required to carry out works (including installation, maintenance and repair works) related to submarine cable systems within Hong Kong waters (“the waters”) by external fixed carriers<sup>1</sup> or their agents/contractors (hereinafter collectively referred to as the “Carriers”). It provides the Carriers with an outline of the procedures in applying for the necessary statutory permits, approvals and/or visas, as the case may be, (hereinafter collectively referred to as “statutory approvals”) required by the relevant government departments. While the Government renders facilitation to the Carriers in the process, it by no means carries any implications that the necessary statutory approvals are guaranteed.

2. The Government is not bound by the guidelines and any information communicated to the Carriers concerned through their enquiries to the officers whose contacts are given in this note. This note is for reference only. The Government does not accept any responsibilities arising from any claims that the information given in this note, or any statements or information provided in the guidelines referred to is not accurate or up-to-date.

3. There are different procedures involved in the applications for the statutory approvals. The Carriers may contact the Office of the Communications Authority (“OFCA”) for assistance in case of any difficulties encountered. While OFCA will offer appropriate assistance to the Carriers during the process, the Carriers shall be responsible for making applications for securing the necessary statutory approvals. They should provide the relevant government departments with necessary information in a timely manner, and comply with the procedures and requirements laid down by those government departments.

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<sup>1</sup> For the purpose of this information note, “external fixed carriers” refers to unified carrier licensees and fixed carrier licensees authorised to provide cable-based external fixed services.

4. External fixed carriers are strongly encouraged to hire local agents/contractors and local vessels for emergency repairs of their submarine cable systems within the waters. It will significantly reduce the application lead time required for obtaining the statutory approvals. In general, local vessels are mainly operated by local crews. There is therefore no need to apply for employment visas for all the crew members except for those non-local skilled personnel who are not available in Hong Kong. Furthermore, it is also not required to apply for certain permits (e.g. Temporary Operating Licence) from the Marine Department for local vessels working within the waters. The Carriers may refer to the respective Annexes for detailed information and advice on the applications for the statutory approvals from the relevant government departments.

5. The Carriers should take into account the lead time for different applications and allow sufficient time for obtaining all the relevant statutory approvals in their work plans and schedules.

6. The Carriers should refer to the checklist in **Annex 1** for a summary of the necessary statutory approvals and **Annexes 2 to 6** for specific and detailed requirements set out by individual government departments.

Office of the Communications Authority  
March 2017

**Annex 1**

**Checklist of Statutory Approvals Required to Carry out Works  
Related to Submarine Cable Systems within the Waters**

<b>Type of Approval</b>	<b>Relevant Government Department</b>	<b>When to Apply</b>	<b>Normal Processing Time of Application [Note 1]</b>	<b>Reference</b>
Employment Visa [Note 2]	Immigration Department (“ImmD”)	Non-local crew members are employed	4 weeks upon receipt of all necessary documents [Note 3]	Annex 2
Temporary Operating Licence (“TOL”) [Note 4]	Marine Department (“MD”)	Non-local vessel is hired	<p>Before applying for a TOL, two prior approvals from MD must be obtained, including Approval-In-Principle (“AIP”) Letter and Certificate of Survey.</p> <p>The normal lead time of the application for AIP Letter is 21 working days upon receipt of all necessary documents.</p> <p>The lead time of the application for Certificate of Survey varies from case to case, subject to the availability of ship surveyors and number of applications being handled by MD [Note 3].</p> <p>The normal lead time of the application for TOL is one working day upon receipt of all necessary document and fees.</p>	Annex 3
Marine Department Notice (“MDN”)	MD	Mandatory	14 working days upon receipt of all necessary documents and issuance of the TOL	Annex 3

<b>Type of Approval</b>	<b>Relevant Government Department</b>	<b>When to Apply</b>	<b>Normal Processing Time of Application</b> [Note 1]	<b>Reference</b>
Marine Traffic Impact Assessment (“MTIA”)	MD	<ul style="list-style-type: none"> <li>• Mandatory for laying of submarine cable</li> <li>• May not be required for repair or maintenance works, subject to determination of MD</li> </ul>	Subject to the submission of marine traffic surveys by the applicant	Annex 3
Environmental Permit (“EP”)	Environmental Protection Department (“EPD”)	Depending on the location and the scope of work, laying of a submarine cable may be classified as a designated project which requires an EP issued by EPD under the Environmental Impact Assessment Ordinance (Cap. 499) (“EIAO”).	<p>The applicant should apply for an environmental impact assessment (“EIA”) study brief to proceed with an EIA study for the project. Alternatively, if the applicant considers that the impact of the designated project is unlikely to be adverse and the mitigation measures described in the project profile meet the requirements of the “Technical Memorandum on EIA Process”, the applicant could submit a project profile to the Director of Environmental Protection applying for approval to apply directly for an EP.</p> <p>The guidelines on the application procedure and timeline for the aforementioned two applications are detailed in “A Guide to the Environmental Impact Assessment Ordinance”.</p>	Annex 4

<b>Type of Approval</b>	<b>Relevant Government Department</b>	<b>When to Apply</b>	<b>Normal Processing Time of Application</b> [Note 1]	<b>Reference</b>
Construction Noise Permit (“CNP”)	EPD	Construction works involving the use of powered mechanical equipment and/or carrying out of prescribed construction work will be performed within restricted hours as defined under the Noise Control Ordinance (Cap. 400)	Applicant would be notified of the result (whether a CNP would be issued or not) within 28 calendar days upon receipt of his/her CNP application	Annex 4
Approval Letter by Lands Department (“LandsD”)	LandsD	Mandatory	Subject to the comments and approvals from the relevant government departments	Annex 5
Comments on the installation/maintenance proposal	Drainage Services Department (“DSD”)	Location of the works is within 100m from the centre line and end point of DSD’s submarine outfall pipelines	Subject to the adequacy of the submission	Annex 6

Note 1: For emergency repairs of submarine cable systems in the waters, the Carriers concerned may approach OFCA for assistance in coordinating with other government departments to expedite the application processes.

Note 2: There is no need for local crew members to apply for employment visas/entry permit.

Note 3: For emergency repair of submarine cable system with OFCA’s support, the lead time of application for employment visa is about 7 working days upon receipt of all the necessary documents and the lead time of application for Certificate of Survey is about 7 working days upon receipt of all the necessary documents and issuance of the AIP Letter.

Note 4: There is no need to apply for TOL for local vessel.

## **Annex 2**

### **Application to ImmD for Employment Visa/Entry Permit**

Non-local professional personnel require employment visas/entry permits before they can work in Hong Kong. Depending on the professional level of applicants, employment visas may be applied under the General Employment Policy (“GEP”). The GEP does not apply to Chinese residents of the Mainland of China (the Mainland), who may apply to work under the Admission Scheme for Mainland Talents and Professionals (“ASMTP”). GEP is also not applicable to nationals of Afghanistan, Cambodia, Cuba, Laos, Korea (Democratic People’s Republic of), Nepal and Vietnam.

#### **GEP and ASMTP**

2. The purpose of GEP and ASMTP is to allow non-local professionals to work in Hong Kong. These professionals should possess special skills, knowledge or experience of value to and not readily available in the local labour market. Applicant of visa/entry permit taking up employment under GEP or ASMTP may be favourably considered if –

- (a) there is no security objection and no known record of serious crime in respect of the applicant;
- (b) the applicant has a good education background, normally a first degree in the relevant field, but in special circumstances, good technical qualifications, proven professional abilities and/or relevant experience and achievements supported by documentary evidence may also be accepted;
- (c) there is a genuine job vacancy;
- (d) the applicant has a confirmed offer of employment and is employed in a job relevant to his/her academic qualifications or work experience that cannot be readily taken up by the local work force; and

- (e) the remuneration package including income, accommodation, medical and other fringe benefits is broadly commensurate with the prevailing market level for professionals in Hong Kong.

3. The application procedures for visas/entry permits under GEP and ASMTP and the supporting documents required for applicants and the employing companies are specified in the “Guidebook for Entry for Employment as Professionals in Hong Kong”<sup>2</sup>. In general, visa/entry permit application will be completed within 4 weeks upon receipt of all necessary documents.

#### Emergency Repair of Submarine Cable System

4. To expedite the processing of the applications for employment visas/entry permits for non-local crew members (who are at specialist level in the relevant submarine cable repair/maintenance field and whose employments are of short-term basis, normally lasts for three months or less) to carry out emergency repair of submarine cable system within the waters, the applicant can submit directly a batch of applications together with the following supporting documents to ImmD via OFCA –

- (a) A covering letter from OFCA in support of the application;
- (b) Completed application form ID990A<sup>3</sup> from each of the non-local crew members;
- (c) Completed application form ID990B<sup>4</sup> from a local sponsoring company;
- (d) Copy of the passport of each of the crew members (showing holder’s personal particulars, nationality, and passport validity);
- (e) Document of the repair project from the local sponsoring company (indicating the location and schedule of works to be carried out);

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<sup>2</sup> The “Guidebook for Entry for Employment as Professionals in Hong Kong” is available at <http://www.immd.gov.hk/eng/forms/hk-visas/employment-as-professionals.html>.

<sup>3</sup> A copy of application form ID990A is available at <http://www.immd.gov.hk/pdforms/ID990A.pdf>.

<sup>4</sup> A copy of application form ID990B is available at <http://www.immd.gov.hk/pdforms/ID990B.pdf>.

- (f) AIP Letter issued by MD (can be provided at later stage when available, see also **Annex 3**);
- (g) A supporting letter from the local sponsoring company (indicating that all non-local crew members are (i) under their short-term employment; and (ii) carrying out the specialised submarine repair duties in the vessel in an expert team formation); and
- (h) A name-list of the non-local crew members including names, nationalities<sup>5</sup>, job titles, education/technical qualification attained, years in relevant working experience, total remuneration package (salary and fringe benefits, if any) for the short-term employment. A template of the name-list is at the **Appendix**.

5. In cases warranting expedition and with OFCA's support, the employment visa/entry permit applications may be processed within 7 working days upon receipt of all the necessary documents.

### **Supplementary Labour Scheme ("SLS")**

6. SLS is implemented in Hong Kong to handle applications for import of labour at technician level or below and is administered by the Labour Department. It allows employers with genuine difficulties in finding suitable employees locally to import workers from outside Hong Kong. Applicants can refer to the Labour Department website<sup>6</sup> for details of the SLS application procedures. In general, employers intending to import workers under the SLS need to first apply to the Labour Department for approval-in-principle. Subject to the grant of approval-in-principle, employers shall arrange for their prospective workers to individually submit a visa/entry permit application to ImmD. ImmD has issued the "Guidebook for Entry for Employment as Imported

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<sup>5</sup> It should be noted that nationals of Afghanistan, Cambodia, Cuba, Laos, Korea (Democratic People's Republic of), Nepal, Vietnam and residents of Mainland China are generally excluded from entry for employment in Hong Kong under the GEP. For details, please refer to the relevant section of the "Guidebook for Entry for Employment as Professionals in Hong Kong".

<sup>6</sup> SLS application procedures are available at <http://www.labour.gov.hk/eng/form/eform/sld/note/EF0601/content1.htm>.



Workers in Hong Kong”<sup>7</sup> for visa applications under SLS. However, the lead time of visa application under the SLS generally takes several months as the application process will involve a local recruitment exercise. For those applicants who are eligible for GEP, the Carriers may apply under GEP for visa applications for emergency repairs of submarine cable systems within the waters. SLS is not applicable to nationals of Afghanistan, Cambodia, Cuba, Laos, Korea (Democratic People’s Republic of), Nepal and Vietnam.

7. For general enquiries on GEP and ASMTP, applicants may contact the Employment and Visit Visas Section<sup>8</sup> of ImmD at (852) 2294 2299 (phone) and (852) 2136 6334 (fax) and Quality Migrants and Mainland Residents Section<sup>9</sup> of ImmD at (852) 2294 2050 (phone) and (852) 2119 0522 (fax) respectively.

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<sup>7</sup> The “Guidebook for Entry for Employment as Imported Workers in Hong Kong” is available at <http://www.immd.gov.hk/eng/forms/hk-visas/employment-as-imported-workers.html>.

<sup>8</sup> The contact of the Employment and Visit Visas Section is available at [http://tel.directory.gov.hk/0269000189\\_ENG.html](http://tel.directory.gov.hk/0269000189_ENG.html).

<sup>9</sup> The contact of the Quality Migrants and Mainland Residents Section is available at [http://tel.directory.gov.hk/0269000151\\_ENG.html](http://tel.directory.gov.hk/0269000151_ENG.html).

## **Annex 3**

### **Applications to MD for TOL, MDN and MTIA**

#### **TOL**

Normally, an applicant cannot apply for TOL until it has successfully obtained an AIP letter and Certificate of Survey issued by the MD.

#### AIP Letter

2. Every vessel shall be certificated and licensed prior to operating within the waters. For foreign vessel to operate in Hong Kong within a definite period in the event of carrying out works (including installation, maintenance or repair works) related to submarine cable system, the applicant concerned should first apply to the Director of Marine for an AIP Letter before applying for the approval of plans, survey, and TOL for the vessel. The applicant should send an application letter to the Central Marine Office (“CMO”) of MD informing it of the reasons of application, duration and location of the works as well as the particulars of the vessel, and provide the following information/documents in support of the application for AIP Letter –

- (a) Completed application form – Application for Approval-in-Principle Letter<sup>10</sup>;
- (b) A copy of Certificate of Incorporation from the vessel’s owner;
- (c) A copy of Business Registration Certificate from the vessel’s owner, if any;
- (d) in case of application made by an agent,
  - (i) a letter from the vessel’s owner authorising the agent to apply for the temporary operating licence for and on behalf of the owner;
  - (ii) a notice of appointment of agent from the vessel’s

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<sup>10</sup> A copy of application form is available at <http://www.mardep.gov.hk/en/forms/pdf/md521.pdf>.

- owner for the purpose of section 7 of the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548D)<sup>11</sup>;
- (iii) the acceptance of appointment from the agent;
  - (iv) a copy of Certificate of Incorporation from the agent;
  - (v) a copy of Business Registration Certificate from the agent; and
  - (vi) if the agent is an individual, a copy of his/her Hong Kong Identify Card;
- (e) a map/sketch indicating the exact position of the cable repair works;
- (f) two copies of the vessel's General Arrangement Plan in A4 size;
- (g) a copy of the vessel's crew list and trading certificates including –
- (i) Certificate of Registry;
  - (ii) Document of Compliance;
  - (iii) Cargo Ship Safety Construction Certificate;
  - (iv) Cargo Ship Safety Equipment Certificate;
  - (v) Cargo Ship Safety Radio Certificate;
  - (vi) Safety Management Certificate;
  - (vii) International Load Line Certificate;
  - (viii) International Tonnage Certificate;
  - (ix) International Oil Pollution Prevention Certificate;
  - (x) International Air Pollution Prevention Certificate;
  - (xi) Protection & Indemnity Certificate;
  - (xii) Minimum Safe Manning Certificate; and
  - (xiii) International Ship Security Certificate;
- (h) copies of the contractual agreement(s) (i.e. agreement(s) among cable owner, cable maintenance contractor and consultant) which leads to the deployment of the vessel to Hong Kong; and
- (i) supporting document from OFCA in regard to the application.

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<sup>11</sup> The Regulation can be downloaded at <https://www.elegislation.gov.hk/hk/cap548D@2007-01-02T00:00:00/s7>.

3. In general, an AIP Letter will be issued within 21 working days upon receipt of an application with all requisite documents, and it is valid for one year from the date of issue. Application for extension of the validity of an AIP Letter should be made to the Director of Marine with reasonable grounds in writing prior to its expiry. For further information, applicants may refer to the “Guidance Notes for Application for Approval-in-Principle Letter”<sup>12</sup>.

### Approval of Plans, Vessel Survey and Certificate of Survey

4. Upon the grant of the AIP Letter, the applicant should then apply to the Local Vessels Safety Section (“LVSS”) of MD for approval of plans and survey of the vessel. A Certificate of Survey will be issued upon approval of plans and completion of ship survey with relevant requirements met. Details of the application procedures are available at MD’s website<sup>13</sup>.

5. According to MD, surveys of low risk vessels including cable ships can also be carried out by authorised surveyors (“AS”), authorised organisations (“AO”) or recognised authorities (“RA”) other than public officers from MD. A list of AS, AO and RA is available at MD’s website<sup>14</sup>. Applicants are advised to arrange in advance for the survey of their cable ships. Hiring the service of AS/AO/RA may reduce the time taken to obtain the TOL. For such case, both the owner/agent and the engaged competent surveyor need to sign a “Notice of Engagement” and the signed copy should be submitted to LVSS for record. The documents (e.g. declaration of plan approval and declaration of survey) issued by AS/AO/RA are required to be submitted to MD for inspection and a Certificate of Survey will be issued if the documents are found satisfactory. With the support of OFCA, the processing time of the

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<sup>12</sup> The “Guidance Notes for Application for Approval-in-Principle Letter” is available at <http://www.mardep.gov.hk/en/forms/pdf/md521n.pdf>.

<sup>13</sup> Detailed application procedures for plans approval and vessel survey is available at [http://www.mardep.gov.hk/en/pub\\_services/ocean/lvs.html](http://www.mardep.gov.hk/en/pub_services/ocean/lvs.html).

<sup>14</sup> List of AS, AO and RA is available at [http://www.mardep.gov.hk/en/pub\\_services/ocean/pdf/lvs\\_list.pdf](http://www.mardep.gov.hk/en/pub_services/ocean/pdf/lvs_list.pdf).

application for Certificate of Survey is about 7 working days upon receipt of all the necessary documents including the AIP letter.

6. Within the validity period of the Certificate of Survey, which is usually one year, there is no need to re-examine the approved plans and conduct another vessel survey even if the vessel re-enters the waters to carry out other installation, maintenance and/or repair projects. If the owner/agent intends to modify the vessel since the last plan approval, the owner/agent is obliged to notify LVSS and submit required plans to LVSS for approval in advance before carrying out the intended modification. Vessel survey has to be carried out accordingly due to modification. Although vessel survey may not be necessary during the validity of the Certificate of Survey, the owner/agent is still required to submit fresh applications for AIP Letters, TOLs and MDNs for other projects to be carried out within the waters.

### TOL

7. If an applicant has obtained valid AIP Letter and Certificate of Survey, it can proceed to apply for the TOL by submitting the following documents to the CMO of MD and paying the prescribed fees at the same office. The normal processing time of the application for TOL is one working day upon receipt of all necessary documents and fees.

- (a) The **original** application letter submitted to CMO as mentioned in paragraph 2 of Annex 3;
- (b) In case of application by an agent, the **original** authorised letter, notice of appointment of the agent and the acceptance of appointment (i.e. paragraph 2(d)(i)-(iii) of Annex 3);
- (c) **Certified true copies** of items as mentioned in paragraph 2(b), (c), (d) (iv)-(v), (e), (f) and (h) of Annex 3;
- (d) The **original** crew list and trading certificates as mentioned in paragraph 2(g) of Annex 3 (these original documents may be provided to the CMO for verification when the shipping agent reports the vessel's arrival to the Marine Department);
- (e) The AIP Letter;

- (f) The Certificate of Survey;
- (g) The arrival documents for the vessel; and
- (h) Completed application form MD 517<sup>15</sup>.

8. For further information, applicants may refer to the “Guidance on How to Apply for the Certificate of Ownership and Operating Licence for Local Vessel (Class I, II & III Vessels)”<sup>16</sup>.

9. For enquiries on or applications for TOL, applicants may contact the officer-in-charge of the CMO<sup>17</sup>. For enquiries on or applications for approval of plans, vessel survey and Certificate of Survey, applicants may contact LVSS at (852) 2852 4444 (phone) and (852) 2542 4679 (fax), or visit its office at 23rd Floor, Harbour Building, 38 Pier Road, Central, Hong Kong.

10. Please note that the master and engineer(s) on board should possess the relevant local qualification(s), i.e. certificate of competency as coxswain and engine operator, to operate the vessel in the waters. Any enquiries regarding the local qualification requirements, please contact the Seafarers’ Certification Section of MD at (852) 2852 3052 (phone).

## **MDN**

11. For any marine works which may interfere with the operation of port facilities, navigation of vessels, or safety of any person within the waters, permission of the Director of Marine in the form of an MDN shall be sought before such marine works commence.

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<sup>15</sup> A copy of application form is available at <http://www.mardep.gov.hk/en/forms/pdf/md517.pdf>.

<sup>16</sup> “Guidance on How to Apply for the Certificate of Ownership and Operating Licence for Local Vessel (Class I, II & III Vessels)” is available at <http://www.mardep.gov.hk/en/forms/pdf/md517n.pdf>.

<sup>17</sup> The office hours and contacts of all District Marine Offices are available at <http://www.mardep.gov.hk/en/forms/pdf/distoffi.pdf>.

12. Applicants should refer to Annex I to Marine Department Notice No. 24 of 2009<sup>18</sup>. The following documents should be provided as other relevant information when submitting an application for MDN –

- (a) Supporting document or authorised letter from the submarine cable system owner and parties concerned;
- (b) Relevant approval from District Lands Office (“DLO”) under the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127);
- (c) Supporting document from OFCA in regard to the works concerned;
- (d) No objection/written consent from relevant District Office(s) of the Home Affairs Department and stakeholders within the marine works area;
- (e) Relevant permits/requirements (e.g. CNP, EP, and silt curtain requirement (if any)) from the EPD (see also **Annex 4**);
- (f) TOL of the vessel from MD; and
- (g) Local Master and Engineer Certificate for the vessel from MD.

13. In general, the processing time of the application for MDN is 14 working days if all necessary documents are submitted.

## **MTIA**

14. MTIA evaluates the impact on marine traffic and navigation safety due to marine works and it has to be conducted for one month to collect the relevant data. If a vessel is used to carry out marine works related to submarine cable system in the vicinity of the marine traffic areas, the applicant may be required to conduct an MTIA upon the request of MD. In general, MTIA is always required for the installation of a new submarine cable system while it may not be necessary for emergency repair work of short duration. Nevertheless, it is up to MD to determine whether or not MTIA is required. It is advisable for an

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<sup>18</sup> The Marine Department Notice No. 24 of 2009 is available at <http://www.mardep.gov.hk/en/notices/pdf/mdn09024.pdf>.

applicant to contact MD for clarification on whether MTIA is required before embarking on the repair work.

15. Applicants may contact the Planning and Services Division<sup>19</sup> of MD for detailed information on MDN and MTIA at (852) 2852 4394 (phone) and (852) 2581 1765 (fax).

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<sup>19</sup> Contact of the Planning and Services Division is available at <http://www.mardep.gov.hk/en/aboutus/qckcnect.html>.



## Annex 4

### Applications to EPD for Approvals

#### EP

##### Installation of New Submarine Cable System

For the installation of a new submarine cable system, the applicant should refer to the OFCA document entitled “*Information Note for External Fixed Carriers to Apply for Statutory Approvals for Laying of Submarine Cable and Landing at Cable Landing Station*” for the relevant requirements set out by EPD. The document can be downloaded at –

<http://www.coms-auth.hk/filemanager/statement/en/upload/92/i834e.pdf>.

2. Before carrying out installation works of submarine cable system which constitutes a designated project listed in Schedule 2 of the EIAO, the applicant shall obtain an EP issued by the EPD under the EIAO and implement the requirements set out in the EP to minimise the impact on the marine environment and ecosystem when conducting the works.

3. The applicant should refer to the following EPD documents for the necessary steps and timing involved in applying for an EP and the advice on how to prepare the EM&A manual and baseline monitoring reports before commencing the installation works of a submarine cable system –

- (a) Annex 21 “Contents of an Environmental Monitoring and Audit (EM&A) Programme”<sup>20</sup> of the Technical Memorandum issued under the Environmental Impact Assessment Ordinance (“TM-EIAO”);

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<sup>20</sup> Annex 21 of the TM-EIAO is available at  
<http://www.epd.gov.hk/eia/english/legis/memorandum/annex21.html>.

- (b) A Guide to the Environmental Impact Assessment Ordinance<sup>21</sup> ;
- (c) Guiding Principles of Environmental Monitoring and Audit<sup>22</sup>; and
- (d) Recommendations made in the environment impact assessment report, if applicable.

### Emergency Repair and Maintenance of Submarine Cable System

4. The applicant needs to make a submission to the EPD for assessment on whether an EP is required for the proposed repair/maintenance works. Information to be submitted shall include the scope, locations and duration of the works and the methods of maintenance. In case an EP is not required, the applicant can embark on the maintenance works provided that the other statutory approvals from relevant government departments are secured. Otherwise, the applicant may refer to the documents mentioned in paragraph 1 of this Annex for the necessary steps and the timing that may be involved in applying for an EP.

5. For enquiries of EIAO applications, applicants may contact the EIAO Register Office of EPD at (852) 28351835 (phone), (852) 21470894 (fax) and [reo@epd.gov.hk](mailto:reo@epd.gov.hk) (email).

### **CNP**

6. Under the current Noise Control Ordinance (Cap. 400),<sup>23</sup> use of powered mechanical equipment for construction work or carrying out prescribed construction work during the restricted hours (i.e. between 7 pm and 7 am; and any time on a general holiday (including Sunday)) is an offence unless a valid CNP is in force.

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<sup>21</sup> “A Guide to the Environmental Impact Assessment Ordinance” is available at <http://www.epd.gov.hk/eia/english/guid/index1.html>.

<sup>22</sup> The “Guiding Principles of Environmental Monitoring and Audit” is available at <http://www.epd.gov.hk/eia/hb/materials/guidelines.htm>.

<sup>23</sup> Guidelines and references regarding environmental noise are available at [http://www.epd.gov.hk/epd/english/environmentinhk/noise/guide\\_ref/noise\\_guidelines.html](http://www.epd.gov.hk/epd/english/environmentinhk/noise/guide_ref/noise_guidelines.html).

7. There is no guarantee a CNP would be issued. When assessing the CNP application, the Noise Control Authority would follow the requirement and procedures as laid down in the relevant Technical Memorandum (“TM”) and would take into account the merit of individual case and other relevant special factors. If the assessment result indicates that the requirement of TM is not complied with, no CNP would be issued.

8. The applicant may refer to the guideline entitled “How to Apply for a Construction Noise Permit”<sup>24</sup> Also, a Construction Noise Self-Assessment Tools is available in the EPD’s website. The applicant may click into the following link to conduct the self-assessment before making the application –

[http://www.epd.gov.hk/epd/english/environmentinhk/noise/help\\_corner/gw\\_assess.html](http://www.epd.gov.hk/epd/english/environmentinhk/noise/help_corner/gw_assess.html).

9. For CNP application, the Noise Control Authority (i.e. Director of Environmental Protection) would notify the applicant of the outcome of his/her application within 28 calendar days after an application is received.

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<sup>24</sup> The guideline entitled “How to apply for a Construction Noise Permit” is available at [http://www.epd.gov.hk/epd/english/application\\_for\\_licences/guidance/files/how\\_chow\\_e.pdf](http://www.epd.gov.hk/epd/english/application_for_licences/guidance/files/how_chow_e.pdf).

## **Annex 5**

### **Application to LandsD for Approval**

#### **Installation of New Submarine Cable System**

For the installation of a new submarine cable system, the applicant should refer to the OFCA document entitled “*Information Note for External Fixed Carriers to Apply for Statutory Approvals for Laying of Submarine Cable and Landing at Cable Landing Station*” for the relevant requirements under the purview of LandsD. The document can be downloaded at –

<http://www.coms-auth.hk/filemanager/statement/en/upload/92/i834e.pdf>.

Moreover, the applicants are required to apply for a land licence to cover the submarine cable system.

#### **Emergency Repair and Maintenance of Submarine Cable System**

2. For emergency repair and maintenance of submarine cable system, the applicant shall comply with the relevant conditions stipulated under the land licence agreement for the submarine cable system.

3. The boundary plan of DLO can be found on LandsD’s website<sup>25</sup>. For enquiries, applicants may contact the responsible DLO<sup>26</sup> of the area.

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<sup>25</sup> The boundary plan of DLO is available at [http://www.landsd.gov.hk/en/about/boundary\\_plan.htm](http://www.landsd.gov.hk/en/about/boundary_plan.htm).

<sup>26</sup> The contacts of all DLOs are available at <http://www.landsd.gov.hk/en/about/enquiries.htm>.

## **Annex 6**

### **Application to DSD for Approval**

The submarine outfall pipelines (“SOP”) vary in their design and layout. Each installation or maintenance proposal for the submarine cable system which may affect DSD’s SOP needs to be reviewed on a case-by-case basis.

2. The submarine cable owner (the “Owner”) should not lay his submarine cable within 100m from the centre line and end point of SOP, unless otherwise agreed by DSD. The submarine cable should in no case be laid within 100m from the centre line of the diffuser zone of SOP as determined from the as-built drawings.

3. For those submarine cables which have to be laid within 100m of the alignment of the SOP, the Owner shall –

- (a) submit to DSD for approval with justifications for the request, details of the design alignment as well as the method and programme of construction or maintenance or repair of the affected section;
- (b) ascertain on site the actual alignment of the submarine outfall features;
- (c) not disturb the surrounding armour rock/concrete surrounding the SOP without prior approval;
- (d) allow sufficient slewing length of submarine cable to enable maintenance work of the SOP;
- (e) conduct dye tests to ensure that the work will not have harmful effect on the normal operation of the outfall pipelines before and after the work or any subsequent repair works;
- (f) rectify any damage to the submarine outfall pipelines as a result of the installation, operation, maintenance of the submarine cable system;
- (g) provide adequate protective measures or lay alignment markers on top of the submarine cable;

- (h) divert or remove the installed submarine cable at his own cost to facilitate DSD's repair and replacement for the submarine outfall pipelines in the future;
- (i) provide DSD the as-built records containing the alignment, depth, material, size and means of protection of the submarine cable;
- (j) ensure that the submarine cable system will not interfere with the electronic, electrical and mechanical plants in the sewage treatment plants and pumping stations;
- (k) indemnify DSD in respect of any loss, damage or disturbance to the SOP in connection with the cable laying, maintenance or repair work done by the Owner; and
- (l) not make any claims against DSD in respect of any loss, damage or disturbance whatsoever caused to or suffered by the Owner due to the inspection, maintenance or repair of the SOP done by DSD.

4. For enquiries, applicants may contact the DSD's general enquiries at (852) 2877 0660 (phone) and [enquiry@dsd.gov.hk](mailto:enquiry@dsd.gov.hk) (email).

**Appendix - Crew List**

S/N	Family Name	Given Name	Date of Birth	Nationality	Date of Expiry of the Passport	Education Attainment	Job Title	Relevant Job Experience (in years)	Salary (in HK\$ per month)	Fringe Benefit (in HK\$ per month)	Total Value of Remuneration Package (in HK\$ per month)
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											