

立法會
Legislative Council

LC Paper No. CB(1) 1121/01-02
(These minutes have been seen
by the Administration)

Ref: CB1/PL/EA/1

LegCo Panel on Environmental Affairs

**Minutes of meeting held on
Monday, 28 January 2002, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon CHOY So-yuk (Chairman)
Hon Cyd HO Sau-lan (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Martin LEE Chu-ming, SC, JP
Hon CHAN Yuen-han, JP
Hon SIN Chung-kai
Hon LAU Kong-wah
Hon Miriam LAU Kin-ye, JP
Hon Emily LAU Wai-hing, JP
Hon LAW Chi-kwong, JP
Hon Abraham SHEK Lai-him, JP
Hon Henry WU King-cheong, BBS
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Audrey EU Yuet-mee, SC, JP

Member attending : Hon MA Fung-kwok

Members absent : Hon WONG Yung-kan
Dr Hon LO Wing-lok
Hon LAU Ping-cheung

**Public officers
attending**

: For item IV

Environment and Food Bureau

Mr Donald TONG
Deputy Secretary (B)

Mr Raistlin LAU
Principal Assistant Secretary (B)1

Environmental Protection Department

Mr Benny WONG
Assistant Director

Dr M J BROOM
Principal Environmental Protection Officer

For item V

Environment and Food Bureau

Mr Thomas CHOW
Deputy Secretary (C)

Ms Jessie WONG
Principal Assistant Secretary (C)2

Environmental Protection Department

Mr Elvis AU
Assistant Director (Environmental Assessment and Noise)

Mr Simon HUI
Principal Environmental Protection Officer
(Assessment and Audit)

Agriculture, Fisheries and Conservation Department

Mr C C LAY
Assistant Director (Conservation)

**Attendance by
invitation : For item V**

Chinese University of Hong Kong

Prof LAM Kin-che
Director (Centre for Environmental Policy and Resource
Management)

Conservancy Association

Dr Gordon NG
Chief Executive

Dr NG Cho-nam
Director

The Association of Consulting Engineers of Hong Kong

Mr Alan Y KWOK
Member

Hong Kong Institute of Architects

Mr WONG Wah-sang
Honourable Secretary

Mr K S WONG
Chairman/Environment and Sustainable Development
Committee

Hong Kong Institution of Engineers

Ir Patrick W M NG
Chairman/Public Relations Committee

Ir Dr Gabriel C K LAM
Committee Member/Environmental Division

Hong Kong Institute of Environmental Impact Assessment

Mr Glenn FROMMER
Honourable Secretary

Hong Kong Institute of Surveyors

Mr David C LEE
Chairman/Town Planning/Sustainable Development/
Urban Renewal Committee

The Real Estate Developers Association of Hong Kong

Mr Roger NISSIM
Representative

Clerk in attendance : Miss Becky YU
Chief Assistant Secretary (1)1

Staff in attendance : Mrs Mary TANG
Senior Assistant Secretary (1)2

I Confirmation of minutes of previous meeting

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| (LC Paper No. CB(1) 687/01-02 | — | Minutes of the joint meeting with the Planning, Lands and Works Panel held on 1 November 2001 |
| LC Paper No. CB(1) 867/01-02 | — | Minutes of the joint meeting with the Planning, Lands and Works Panel and the Transport Panel held on 27 November 2001 |
| LC Paper No. CB(1) 891/01-02 | — | Minutes of the joint meeting with the Transport Panel held on 13 December 2001 |
| LC Paper No. CB(1) 917/01-02 | — | Minutes of the meeting held on 13 December 2001) |

The minutes of the meetings held on 1 and 27 November and 13 December 2001 were confirmed.

II Information paper issued since last meeting

2. Members noted that the following information papers had been issued since last meeting -

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| (LC Paper No. CB(1) 661/01-02 | — | Referral from Duty Roster Members on the request of the Wong Tai Sin District Council for the decking of the Kai Tak Nullah |
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- LC Paper No. CB(1) 689/01-02 — Information note on the Progress of Tolo Harbour Sewerage of Unsewered Areas Stages 1 and 2 Works provided by the Administration
- LC Paper No. CB(1) 766/01-02 — Submission from a Mr CHOY Chi-ming, together with the Administration's reply to his concerns about the level of sulphur dioxide emissions from power generating facilities in Hong Kong
- LC Paper No. CB(1) 822/01-02 — A copied letter from Mr Manab CHAKRABORTY, Executive Director of Kadoorie Farm and Botanic Garden Corporation, to the Secretary for Security regarding the impact of development of Frontier Closed Area on ecologically important areas within its boundaries)

III Date of next meeting and items for discussion

- (LC Paper No. CB(1) 918/01-02(01) — List of follow-up actions arising from discussion
- LC Paper No. CB(1) 918/01-02(02) — List of outstanding items for discussion)

3. The Deputy Secretary for the Environment and Food (B) (DSEF(B)) informed members that the Environment and Food Bureau was working on a tentative work schedule for the current legislative session and would discuss with the Chairman in due course. As regards the agenda for the next meeting on 25 February 2002, DSEF(B) said that the Bureau was preparing a paper on the waste subject which would likely be included for discussion. He would provide more details on the subject in two to three weeks.

4. Noting from a press report that the Government had recently approved a contract for in-situ treatment of the contaminated mud at Kai Tak Nullah, Ms Cyd HO proposed that the Panel should follow up the issue at the next meeting. DSEF(B) said that the type of treatment referred to was not entirely new and had been adopted in treating the sediment at Shing Mun River. He nevertheless agreed to liaise with the relevant department on the subject. Mr Martin LEE said that the Administration should take the initiative to inform members of the latest environmental developments.

5. Members noted the information paper (LC Paper No. CB(1) 689/01-02) on the progress of Tolo Harbour sewerage of unsewered areas stages 1 and 2 works provided by the Administration and agreed that the subject need not be further discussed by the Panel.

IV Proposed amendments to the Technical Memorandum on effluent standards under the Water Pollution Control Ordinance

(LC Paper No. CB(1) 918/01-02(03) — Information paper provided by the Administration)

6. DS/EF(B) briefed members on the proposed amendments to improve and streamline the Technical Memorandum on Effluent Standards (TM) promulgated under section 21 of the Water Pollution Ordinance (Cap. 358) (WPCO) by highlighting the salient points of the information paper.

7. Mr Martin LEE asked if the relaxation of effluent standards were proposed because the prevailing standards being set in 1991 were overly stringent. If not, he failed to see the need for relaxation. DSEF(B) explained said that the economic structure of Hong Kong had changed since the promulgation of the current TM in 1991 and its progressive implementation. By way of illustration, the toxic industrial discharges had significantly reduced while the sewage treatment systems had been upgraded and expanded in many areas. In the light of experience gained in implementing TM and taking into account comparable overseas practices such as the oil and grease (O&G) standards adopted in other Southeast Asian countries with cooking styles similar to Hong Kong, it was decided that the prevailing effluent standards be reviewed. The green groups had been consulted on the proposed amendments and they had indicated support.

8. The Assistant Director of Environmental Protection (ADEP) supplemented that although TM was published in 1991, some of the effluent standards only came into effect much later. For example, the discharge standard for restaurants along the Victoria Harbour was only applicable consequent upon the extension of the Water Pollution Control Ordinance to the Harbour in 1996. At present, according to the trade's self-monitoring, about 80% to 90% of restaurants were able to comply with the discharge standards through strenuous efforts in effluent treatment. As the review indicated that there was room for relaxation of the discharge standards, the Administration decided to review these standards to facilitate compliance by the trades. Under the revised TM, roughly 40% of dischargers would have relaxed standards.

Streamlining of flow bands

9. Ms Emily LAU noted that the petroleum trade had objected to the merging of flow bands for discharges to inland/coastal waters and foul sewer since there was no practical and feasible way for about 30 affected petrol filling stations to fit into the new system which would result in the tightening of some discharge standards. She stressed that in setting effluent standards, efforts should be made to strike a balance between facilitating the trade and protecting the environment. Members should also

be notified of any deterioration in the quality of receiving waters as a result of the implementation of the new standards. ADEP clarified that there were in fact 24 petrol filling stations that would be affected by the proposed arrangement. Of these, 18 were already provided with sewers and all they had to do was to connect their wastewater to the public sewer system. The retrofitting cost would vary according to the length of sewer connections. For a sewer measuring 10 to 20 metres, the retrofitting cost would range from \$100,000 to \$200,000. As for the remaining six stations, they could choose to continue with the use of septic tanks and petrol interceptors. With good housekeeping they should have no problem in complying with the proposed standards.

10. Mr LAW Chi-kwong questioned the rationale for setting different time frames for compliance by different trades. By way of illustration, the bleaching and dyeing (B&D) trade would be given at least five years to adjust its treatment facilities while the petroleum trade would be given ample time for upgrading. ADEP said that as petrol filling stations only need to connect their wastewater to the public sewage system, the lead time for compliance should be relatively short depending on the length of sewer to be connected. However, retrofitting treatment facilities by the B&D trade would take a longer time to complete. He assured members that ample time would be given to different trades taking into account their individual circumstances. Mr LAW however opined that the Administration should spell out the reasonable lead time for compliance by different trades to allow them to adjust to the new requirements. DSEF(B) said that as the details of implementation of the proposed amendments had yet to be worked out by the Environmental Protection Department (EPD) taking into account the trades' views, it was not appropriate to set aside specific time frames for compliance with the effluent standards.

Relaxation of standards for discharges to sewer

11. Ms Emily LAU enquired about the financial benefit which the 131 petrol filling stations would enjoy as a result of the proposed repeal of the prohibition for discharge of petroleum hydrocarbon to sewers. ADEP said that it was difficult to quantify the financial benefit but the trade would be able to discharge effluent into sewers subject to a standard of 100mg/L which was in line with overseas practices.

Miscellaneous proposals

12. Mr Henry WU enquired about the rationale for deleting references to radioactive substances from TM. ADEP advised that as comprehensive control over radioactive substances, including radioactive wastes, was exercised through the Radiation Ordinance (Cap. 303), it was decided that references to these substances be deleted from TM.

Impact on existing dischargers

13. Mr Tommy CHEUNG said that the restaurant trade welcomed the proposed relaxation on discharge standards, particularly on the O&G standards, which were difficult to comply with. Noting from paragraph 13 of the information paper that

over 97% of the catering establishments would benefit from the more relaxed discharge standards, he expressed concern on the extent to which the remaining 3% would be affected. The Assistant Director of Environmental Protection (ADEP) explained that the relaxation of the O&G standards would only apply to discharges to sewers. As over 97% of the catering establishments were connected to sewers, they would benefit from the more relaxed discharge standards. However, for the remaining establishments which directly discharged effluent into more sensitive environmental waters such as inland or inshore waters next to the coast, there would be no change in the O&G discharge standards. He added that 58 of them discharged effluent into inshore waters and 134 into inland waters.

14. Referring to paragraph 14 of the information paper which stated that less than 600 dischargers would be affected by the proposed tightening of nutrient, bacteria total residual chlorine and ammonia standards, Ms Cyd HO opined that the Administration might have under-estimated the number of dischargers which was calculated on the basis of dischargers living within 100 meters of the boundary of gazetted beaches. The actual number of dischargers living in the proximity of inshore beaches was much higher. She expressed concern about the appalling hygiene conditions in unsewered areas such as those in Sai Kung. She also pointed out that as septic tanks serving village houses were not properly maintained, and that there was no building management corporations to coordinate maintenance works for the sewage facilities, the Administration's consultation with the Hong Kong Association of Property Management Ltd (HKAPML) would not be useful since individual owners of village houses might not be aware of the proposed amendments. ADEP clarified that the 600 affected dischargers referred to those large low-rise private residential complexes such as the Fairview Park which were equipped with more sophisticated sewage treatment facilities. Since these developments were mostly managed by members of HKAPML, the Administration had consulted HKAPML which did not raise any objection to the proposed amendments. Village houses equipped with septic tanks connected to soakaways would not be affected by the proposed amendments. In the long run, these would be provided with sewers for connection to the main sewage disposal system.

15. While supporting the need for protecting the environment, Mr Henry WU stressed that due regard should be given to the resource implications on the trades in implementing environmental practices, particularly amid the present economic situation. He asked what technologies and professional services were available for the trades to upgrade their treatment facilities. ADEP assured members that there were sufficient technology and expertise available in the market to assist the dischargers in this respect. Upon the advice of Mr WU, ADEP undertook to consult the Chinese General Chamber of Commerce, which was inadvertently left out in the list of consultees at Annex I to the information paper, on the proposed amendments.

Admin

Way forward

16. Mr SIN Chung-kai remarked that the proposed relaxation was belated since many of the polluting industries such as electroplating and dyeing industries had been relocated to the Mainland. It seemed that only the catering industry could benefit

from the relaxation. Given the complexity of the proposed amendments, he considered it necessary to set up a subcommittee to scrutinize the revised TM in greater detail after its gazettal. Meanwhile, he urged the Administration to conduct a compliance assessment on the proposed amendments.

17. The Chairman sought members' view on the need for consulting the trades on the proposed amendments. Mr LAW Chi-kwong said that as the amendments were very technical and difficult to comprehend, it would be best for the Panel to seek the views of those affected without having to await the setting up of a subcommittee. Upon receipt of comments from the trades, the Panel could consider inviting only those with dissenting views to give presentation at a meeting convened for the purpose. The Chairman instructed that invitations for written submissions be sent to the relevant consultees. It was agreed that, depending on the response, the Panel would consider holding informal meetings with the consultees for an exchange of views. Mr Tommy CHEUNG supported the said arrangement as this would not delay the legislative timetable for the proposed amendments. He also suggested that only relevant extracts from TM should be sent to the trades to save time and efforts. DSEF(B) however advised that the full set of document should be sent to the trades since some of the amendments were interrelated.

(Post-meeting note : Invitation letters to 36 consultees were issued on 31 January 2002.)

V Mechanism of Environmental Impact Assessment

18. The Chairman said that the subject was last discussed at the meeting on 13 December 2001 during which deputations had been invited to express their views. Since Prof LAM Kin-che of the Chinese University and representatives of the Association of Consulting Engineers of Hong Kong (ACEHK) had not attended the last meeting, they would be invited to present their views to the Panel first before other deputations were allowed to supplement.

Meeting with deputations

*Prof LAM Kin-che, Chinese University of Hong Kong (CUHK)
(LC Paper No. CB(1) 918/01-02(04))*

19. Prof LAM Kin-che said that the effectiveness of the Environmental Impact Assessment (EIA) system was underpinned by timeliness, certainty and quality. On timeliness, early acknowledgement of potential problems in the study process could avoid delays. All parties concerned should be encouraged to take small steps in the right direction. He also pointed out that the issuance of Environmental Permits (EP) in stages was not an answer to expediting infrastructural building. If a project was not considered in its totality, works undertaken in the initial stages might severely compromise the ability of works in subsequent stages. To improve certainty of projects, it was imperative that an over-arching infrastructure-building strategy should be formulated. Once the right strategic framework had been established, subsequent

individual projects would fall into their respective places within the framework. The formulation of a territory-wide conservation policy would also help minimize the uncertainties arising from projects in areas of ecological importance. To ensure the quality of EIA reports, a rigorous and independent review process should be put in place. In addition, a transparent consultation process was also necessary to enhance the integrity of the review process.

The Association of Consulting Engineers of Hong Kong
(LC Paper No. CB(1) 918/01-02(05))

20. Mr Alan KWOK took members through the submission of ACEHK. He said that many members of ACEHK were practitioners of the EIA process and their comments were meant to improve the process for the benefit of the Hong Kong people and to reduce the business risk of practitioners. ACEHK considered that the project-specific EIA study briefs were generic and vague in defining the scope of EIA which had created uncertainties in the process. To this end, consideration should be given to spelling out the detailed requirements on environmental baseline surveys in the EIA study brief. If this could not be done, the surveys could be procured at a later stage as reimbursable or additional services after the detailed scope of the surveys had been agreed with the authority.

21. Mr KWOK added that ACEHK was of the view that EIA should be carried out as early as possible, preferably at the planning and feasibility study stage, to achieve maximum environmental benefit while EP should be issued at a much later stage nearer the commencement of construction to better depict the implementation of mitigation measures. The EIA report should also include evaluation and comparison of alternatives as well as an implementation schedule for the project. Detailed design of the project should commence upon approval of the EIA report, during which the EIA process should continue, particularly on assessing construction impact. Any further assessment during the detailed design stage could form an addendum to the approved report, which would be subject to approval by the relevant authorities, public consultation under the statutory process and application for EP. As EP would not be issued if environmental impacts could not be overcome, this could safeguard the environment.

Hong Kong Institution of Engineers (HKIE)

22. Ir Dr Gabriel LAM said that members of HKIE had been participating in the EIA process since 1980. HKIE supported the need for the EIA process but hoped that the uncertainties in the legislative process could be minimized.

Meeting with the Administration and general discussion

(LC Paper No. CB(1)566/01-02(10)-- Background brief prepared by the Legislative Council Secretariat

LC Paper No. CB(1) 566/01-02(11) -- Information paper provided by the Administration

LC Paper No. CB(1) 918/01-02(06) -- Summary of views on the mechanism of Environmental Impact Assessment

LC Paper No. CB(1) 918/01-02(07) -- Administration's response to CB(1) 918/01-02(06))

23. DSEF(C) said that since the coming into operation of the EIA Ordinance (Cap. 499) on 1 April 1998 up to the end of November 2001, the Director of Environmental Protection (DEP) had received 71 EIA reports. Of these, 46 were approved, one was rejected, five were considered unsuitable for public inspection while the remainder (excluding those that had been withdrawn by the project proponents) were under consideration. The total cost of the approved projects amounted to over \$200 billion. Therefore, it was a misconception that the EIA process had impeded the infrastructural development of Hong Kong. By reducing the environmental impact to an acceptable level, the EIA process had in fact helped to ensure the sustainability of developments.

24. While acknowledging that there was a general consensus at the last meeting that the EIA Ordinance played a significant role in ensuring that major developments were carried out in an environmentally acceptable manner, DSEF(C) noted that the deputations had expressed some concerns about the operation of the mechanism. The Administration's response to these concerns was set out in LC Paper No. CB(1) 918/01-02(07). On the comment that study briefs were too broad in scope, DSEF(C) advised that EPD would follow the advice of the EIA Appeal Board on the Spur Line case and would be as specific as possible in drawing up future study briefs to facilitate project proponents to comply with the requirements under the EIA mechanism. In order to enhance public involvement and to identify and try to resolve potentially contentious environmental issues in the EIA process in a more effective manner, EPD would encourage project proponents to initiate early dialogue with the relevant authorities and stakeholders. It would also convene Environmental Study Management Group meetings with project proponents with a view to facilitating the compilation of EIA reports. Efforts were being made to improve communication which was the key to success in implementing the EIA process in a certain, efficient and timely manner. Communication between project proponents and EPD was seen to have improved over the last six to nine months.

Discussion session

25. Referring to paragraph 16 of the Administration's response, Ms Emily LAU enquired about the efficacy of the new measures to improve coordination within Government on EIA-related matters. Mr Glenn FROMMER/Hong Kong Institute of Environmental Impact Assessment (HKIEIA) agreed that the proposed measures would address the concerns raised previously. Mr David LEE/Hong Kong Institute of Surveyors (HKIS) stressed the need for the Administration to be concise about its requirements so that there would not be moving goalposts which the stakeholders would find it difficult to comply with. He said that certainty was of vital importance in the EIA process and the improvements as proposed by the Administration would benefit the community. Ir Dr Gabriel LAM/HKIE said that since the EIA Ordinance was relatively new, it would take time for both the professionals and the Administration to adapt to the provisions under the Ordinance. As such, more training should be provided to the officials responsible for implementing the EIA process. Mr Patrick NG/HKIE declared interest as a staff of the Kowloon Canton

Railway Corporation responsible for the Tsim Sha Tsui Line project. He expressed appreciation for the efforts being made in improving the co-ordination in the EIA process. While agreeing that EPD had strengthened its advisory role and had provided more guidance in the EIA process, Mr Alan KWOK/ACEHK noted with concern that in some cases, improved communication had led to additional requirements for compliance by the project proponents. Mr WONG Wah-sang/Hong Kong Institute of Architects (HKIA) said that although Government strategies and policies were well intended, there were operational difficulties in implementing them. He hoped that the EIA mechanism would not be confined to reduce the environmental impact of new development projects but could also be applied to address existing environmental problems such as air and noise pollution. Matters such as standards for aesthetics and quality of living should also form part of the EIA mechanism. Prof LAM Kin-che/CUHK however pointed out that the EIA process would not improve the environment but would reduce the environmental impact of designated projects to an acceptable level. Environmental improvements could only be made through the implementation of more proactive environmental legislation and conservation policy. To this end, a bio-diversity database of Hong Kong should be put in place to assist in the conservation of ecologically sensitive areas. He also agreed on the need for early consultation with the public and stakeholders, including the green groups, in the EIA process.

26. Through the chair, DSEF(C) responded that under the Technical Memorandum of the EIA Ordinance, EPD together with a number of Government departments were involved in the EIA process. Where project proponents encountered difficulties in carrying out requirements under the EIA mechanism, they could approach EPD direct for guidance and/or seek assistance from the relevant departments through EPD. He re-affirmed that the EIA mechanism was meant for reduction of environmental impact of designated projects to an acceptable level rather than environmental control which was dealt with by separate legislation. He added that training programmes had been provided for EPD staff undertaking EIA to enhance their competency in enforcing the EIA Ordinance. Subsequent to the review of the EIA mechanism, DEP had held meetings with the working level on the means to facilitate the project proponents to comply with EIA requirements. To further facilitate the EIA process, EPD would prepare more detailed guidance notes and organize more training sessions, seminars and liaison meetings to familiarize project proponents, consultants and contractors with the EIA procedures and requirements. To avoid conflicts resulting in deadlocks at the working level, staff of EPD and other works departments were required to escalate issues that could not be satisfactorily resolved to the senior management at the earliest possible stage. As regards the bio-diversity database, DSEF(C) said that the Administration had agreed to set up the database and was examining the system for setting up the database.

27. Mr LAW Chi kwong noted that at present, EIA consultants were employed by project proponents. He expressed concern that this would undermine the impartiality and credibility of the EIA reports. There might be a need to review such a relationship to ensure the independence of EIA consultants. To this end, Members of the Democratic Party advocated the setting up of a fund to be financed by project proponents for the engagement of consultants to undertake EIA studies.

Mr Glenn FROMMER/HKIEIA agreed that EIA consultants were paid by project proponents for the compilation of EIA reports, and that there was no control over the relationship between project proponents and their EIA consultants. He considered that a licence system should be in place for those who undertook EIA, but it was much regretted that the Administration was reluctant to set up such a system. Notwithstanding, HKIEIA had provided in its website a listing of EIA practitioners accredited by the Institute from which ready reference could be made. Dr NG Cho-nam/Conservancy Association (CA) said that as project proponents and EIA consultants had to work closely, there were advantages for them to establish a good working relationship. To enhance objectivity, consideration could be given to setting up an independent review mechanism as in the case of Holland to ensure the quality of EIA reports. While welcoming the proposed review mechanism, Prof LAM Kin-che/CUHK pointed out that if EIA consultants were to work independently without interaction with project proponents, mitigating measures recommended by the consultants might not be acceptable to the project proponents. Ir Dr Gabriel Lam/HKIE said that there were experts in environmental discipline within HKIE who were able to undertake EIA. While supporting the need for independence of EIA consultants, he said that there was more urgency in the setting up of an independent environmental monitoring system.

28. Ir Dr Raymond HO was concerned about the rigid application of the noise limit of 70dB(A) under the EIA Ordinance. Mr Patrick NG/HKIE agreed that to facilitate the construction process, some flexibility should be given in relaxing the noise limit. Dr NG Cho-nam/CA noted that there was a number of noise mitigating measures, including traffic management measures and planning of land use, which could address the noise problem. However, given the operational constraints in implementing these measures, the Administration often tended to resort to building noise barriers which was a simpler but not an aesthetically acceptable way to address the noise problem.

29. Noting that some new residential developments such as Wong Tai Sin Upper Estate (WTSUE) were built next to busy roads, Miss CHAN Yuen-han questioned the efficacy of the EIA mechanism. Dr NG Cho-nam/CA advised that as most residential developments were not regarded as designated projects under the EIA Ordinance, they were not required to go through the EIA process. Mr K S WONG/HKIA declared interest that his company was involved in the development of WTSUE. He said that while WTSUE was adjacent to Lung Cheung Road, the residential blocks did not face the road direct and therefore the traffic noise impact on residents was minimal. The crux of the problem rested with the overall planning of land use within the area. Mr Alan KWOK/ACEHK agreed that there were planning constraints in a congested city like Hong Kong. Mr David LEE/HKIS echoed that there was a need to strike a balance in the development of construction projects given the space constraints in Hong Kong.

30. In response to the Chairman's question on the roles of EDP as the umpire and the regulator for both public and private designated projects in the EIA process, Mr Alan KWOK/ACEHK said that EPD had set a more stringent standard for EIA reports for public projects.

31. Through the chair, DSEF(C) responded that generally for a designated project with a construction period of six to seven years, the EIA process would take about six to 18 months during which the EIA consultants had to work closely with the project proponents to ensure effectiveness of the mitigating measures and timely delivery of the projects. Since EIA reports would be assessed against the stringent standards set by EPD and subject to inspection by the public and the Advisory Council on the Environment, the scrutiny process would ensure the quality of EIA reports. As regards EIA for public works projects, DSEF(C) advised that under the Government tendering system for consultancy study, selection of bidders to whom contracts would be awarded was based on a weighting scheme, under which technical capability and tender price would contribute to 70-80% and 20-30% of the assessment weightings respectively. On the proposed establishment of an independent review mechanism for EIA reports, DSEF(C) pointed out that while there was a similar commission in Holland, the ultimate decision to approve or reject EIA reports rested with the government authority deciding on the proposed projects. Hence, the project proponent could also be the approving authority in cases of government projects.

VI Any other business

32. There being no other business, the meeting ended at 16:35 pm.

Legislative Council Secretariat

22 February 2002