

**LegCo Panel on Environmental Affairs**

**Follow-up to meeting on 13 December 2001**

**Summary of views on the mechanism of Environmental Impact Assessment (EIA)**

<b>Organization/Member</b>	<b>Comments</b>
Conservation Association (LC Paper No. CB(1) 566/01-02(03))	<ul style="list-style-type: none"> <li>- the EIA process has mitigated the adverse impact of many environmentally unfriendly projects and safeguard sustainable future;</li> <li>- the lack of a clear conservation policy has undermined the integrity of the EIA Ordinance;</li> <li>- an independent EIA Commission should be set up to conduct EIA studies to ensure the quality and impartiality of EIA reports. Funding for the Commission can be collected from project proponents;</li> <li>- early public involvement in the preparation, arbitration, mediation, adjudication of EIA reports can help avoid unnecessary cost incurred from appeals. Proper reconciliation channel should also be set up; and</li> <li>- the Environmental Protection Department (EPD) should uphold its role as the regulator and umpire of the Ordinance.</li> </ul>
Friends of the Earth (LC Paper No. CB(1)566/01-02(04))	<ul style="list-style-type: none"> <li>- EIA is a vital tool to assist decision makers to make best-informed decisions;</li> <li>- the quality of EIA reports has been compromised by the “two-envelope” tendering system in which too much emphasis has been put on financial concerns enabling less technically competent consultants to win contracts using lower bids. The situation will be further aggravated if the works are done by the cheapest available sub-contractors;</li> </ul>

<b>Organization/Member</b>	<b>Comments</b>
	<ul style="list-style-type: none"><li>- officials responsible for vetting EIA reports may not be competent enough to critically evaluate and monitor these studies;</li><li>- valuable discussion on EIA reports is not possible in the lack of sufficient information for public consultation; and</li><li>- EPD should uphold its independent and impartial regulatory role in the EIA process.</li></ul>
World Wide Fund for Nature Hong Kong (LC Paper No. CB(1) 566/01-02(05))	<ul style="list-style-type: none"><li>- the EIA process has been an effective and efficient planning tool to avoid, minimize and control the adverse impacts on the environment from Designated Projects (DPs);</li><li>- the scope of DPs under the EIA Ordinance should be expanded to cover small scale projects that can impose significant ecological impacts on sensitive and vulnerable areas with high conservation interest;</li><li>- sustainability assessment of development plans at the inception stage should be instituted and implemented to ensure the need for the project;</li><li>- the Administration to clarify who is the authority to determine the nature of alternatives to be studied in the EIA process and how such an authority can ensure project proponents have fulfilled their obligations to consider all possible alternatives;</li><li>- a system should be set up to assess the professional standards of environmental consultants so that only qualified consultants will be eligible for conducting EIA studies. In the long term, additional resources should be allocated to local tertiary institutions to support more ecology-related research projects and to train local ecological/conservation planning and management personnel;</li></ul>

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	<ul style="list-style-type: none"><li>- the Agriculture, Fisheries and Conservation Department should be made responsible for monitoring the implementation of ecological mitigation measures, particularly the management and monitoring of mitigation habitats; and</li><li>- the Technical Memorandum under the Ordinance should include clear guidelines on the effectiveness of mitigation measures, the need to adhere to the goal of “no net loss” in habitat size and function as well as mitigation ratio based on the functional value of habitat loss.</li></ul>
Hong Kong Institution of Engineers (LC Paper No. CB(1)566/01-02(06))	<ul style="list-style-type: none"><li>- supports the genuine intent of the EIA Ordinance to ensure infrastructure are implemented in an environmentally sustainable manner;</li><li>- the spirit of the Ordinance has been inadvertently biased towards the negative thoughts of seeking to veto environmentally sensitive projects rather than as a constructive quest for workable solutions to overcome environmental concerns;</li><li>- the EIA process should be embarked before gazettals so that objections can be dealt with at an early stage, thereby reducing the lead time for implementation of infrastructure projects;</li><li>- consideration should be given to issuing Environmental Permits in stages to enable early commencement of less contentious site preparation works such as site formation. The more cumbersome EIA process on the operation phase can be dealt with during detailed design of the works;</li><li>- the current definition and categorization of DPs under the Ordinance are subject to interpretation;</li></ul>

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	<ul style="list-style-type: none"><li>- a clear and unambiguous EIA brief is instrumental to quality EIA reporting and hence the analysis and processing of effective mitigation measures to sustain projects. However, the current EIA brief is broad in scope while too meticulous in the study areas in respect of air, noise, water and waste etc, rendering it impracticable for project proponent to complete the EIA report within the time and resource constraints of the project;</li><li>- the Administration should announce the detailed criteria and standards by which the Director of Environmental Protection (DEP) decides to grant or refuse an environmental permit under the Ordinance; the mechanism through which DEP can effectively and efficiently resolve conflicting opinions from the public, the Advisory Council on the Environment and other Government departments; the breadth and depth of information required; the minimum qualifications and experience which a person should possess to undertake EIA studies;</li><li>- the Administration should clarify the areas in the Ordinance which may be subject to interpretation by individual EPD officers;</li><li>- the public should be made aware that some changes to the environment and ecosystem arising from infrastructure projects are intangible. Pursuing higher goals on ecological balance can sometimes deter the essential projects or incur excessive costs. An overall strategy well received by interested parties should be developed taking into account the willingness-to-pay principle;</li><li>- the Administration should strengthen the control of the Applicant's Authorized Professional Representative who are the key persons contributing to the avoidance of undue delay of major infrastructure projects. They should also be required to ensure compliance with the recommendations and conditions in the Environmental Permit. Similar control should be applied to other personnel responsible for certifying</li></ul>

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	<p>Environmental Monitoring and Audit reports under the Ordinance; and</p> <ul style="list-style-type: none"><li>- the Administration should improve coordination among Government departments and consultation with public bodies on related environmental issues.</li></ul>
Hong Kong Institute of Surveyors (LC Paper No. CB(1)566/01-02(07))	<ul style="list-style-type: none"><li>- the concept of EIA is good but it has created many practical problems and caused delay to many projects;</li><li>- the EIA process which runs parallel but not replacing nor correlating with the planning study creates a lot of problems in the implementation of projects. The problem is compounded as EIA requires very comprehensive and detailed analysis on the future design of the project as well as the potential nuisance that may be created during construction;</li><li>- it is unrealistic and a waste of resources to carry out EIA studies on noise, air quality, visual impact, traffic at an early stage before the detailed layout has been completed;</li><li>- the need to carry out EIA studies again after the design of the project has been finalized will further delay the project;</li><li>- there is no clear guidelines as to whether a project profile is considered acceptable for direct application for an Environmental Permit;</li><li>- the data used in EIA studies, which may be carried out substantially before the construction work, may not accurately reflect the real situation and hence some of the conditions in the Environmental Permit may not be applicable anymore;</li><li>- the Administration should clarify the relationship between a phased development and a continuous project; and</li></ul>

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	<ul style="list-style-type: none"> <li>- the Administration should consider putting EPD under the Planning and Lands Bureau instead of the Environment and Food Bureau given its close relationship with planning and development rather than food and hygiene.</li> </ul>
<p>Hong Kong Institute of Planners (LC Paper No. CB(1)566/01-02(08))</p>	<ul style="list-style-type: none"> <li>- fully supports the EIA Ordinance as an effective mechanism in the pursuance of sustainable development in Hong Kong;</li> <li>- delay of projects is not caused by the Ordinance but a lack of good coordination among all players and the non-availability of sufficient information;</li> <li>- the current legislative framework is not effective to protect and conserve the natural and built heritage. A comprehensive and clear policy in this respect should be established;</li> <li>- the Administration should keep an open mind in implementing the EIA process and streamlining the procedures; and</li> <li>- EPD should take a proactive role in the early stage of the EIA process, particularly for public works projects, by advising the Government on the calculated risk that may arise at both strategic and project assessment levels in different development scenarios; and</li> <li>- early consultation with the stakeholders and the public on the environmental impacts of various projects will help reach a consensus for future development.</li> </ul>
<p>Hong Kong Institute of Environmental Impact Assessment (LC Paper No. CB(1)604/01-02(01))</p>	<ul style="list-style-type: none"> <li>- the EIA Ordinance is the appropriate framework to undertake and implement EIA studies in Hong Kong. The Technical Memorandum has also provided clear guidance on the assessment criteria;</li> <li>- EIA is frequently conducted as part of an overall engineering design consultancy in which the assessment lacks independence and is given a low priority;</li> </ul>

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	<ul style="list-style-type: none"><li>- EIA studies are awarded to the lowest bidder who may not have appreciated the difficulties involved in the conduct of the assessment;</li><li>- project proponents do not manage their consultants well and appear to be not knowledgeable about the content or implications of the EIA reports;</li><li>- there is a general lack of understanding on how the Ordinance works in practice and little appreciation of the spirit of partnership; and</li><li>- the Administration should consider the need for accreditation for professionals involved in EIA to ensure their competency.</li></ul>
Hong Kong Institute of Architects (LC Paper No.604/01-02(02))	<ul style="list-style-type: none"><li>- recognizes the contribution of EIA to the betterment of planning and building the environment of Hong Kong;</li><li>- development should be based on an “integrative and holistic” approach so that appropriate and balancing designs can be identified towards sustainability;</li><li>- the Administration has to take into account the importance of aesthetical control for EIA to the built environment;</li><li>- the scope of EIA should include human comfort and preservation of cultural heritage so that the most appropriate design towards urban sustainability can be assessed at an early stage; and</li><li>- architectural design professionals should take a coordinating role in the EIA studies, particularly for projects relating to the design of the built environment.</li></ul>

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The Real Estate Developers Association of Hong Kong	<ul style="list-style-type: none"> <li>- the current EIA mechanism lacks a degree of certainty, particularly in respect of timing, for the development industry and repeated requests for additional information have extended the preparation time and affected the entire development process.</li> </ul>
Mr LAU Kong-wah	<ul style="list-style-type: none"> <li>- whether environmental concern is the prime consideration factor in the issue of Environmental Permits; and</li> <li>- early communication between the works departments/agencies and EPD may not be useful in resolving conflicts since the Director of Environmental Protection (DEP) has the ultimate authority to decide whether an Environmental Permit should be issued.</li> </ul>
Ir Dr Raymond HO	<ul style="list-style-type: none"> <li>- how to ensure the independence of EIA reports;</li> <li>- how to improve the coordination and operation of the EIA process to ensure objectivity; and</li> <li>- how to improve the EIA brief to achieve better results.</li> </ul>
Ms Emily LAU	<ul style="list-style-type: none"> <li>- whether enhanced communication among all parties concerned can really resolve all the problems arising from the EIA process; and</li> <li>- the Administration to clarify the allegation that DEP has held a joint press conference with a project proponent on the project before the commencement of EIA studies.</li> </ul>
Miss CHAN Yuen-han	<ul style="list-style-type: none"> <li>- sustainable development should not be compromised as a result of expedition of public works projects to create job opportunities;</li> <li>- the rationale for the Administration to withhold information from interested parties in the</li> </ul>

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	<p>course of EIA studies; and</p> <ul style="list-style-type: none"><li>- whether statutory requirements are in place to require the release of the requisite information by the Administration.</li></ul>
Mr WONG Yung-kan	<ul style="list-style-type: none"><li>- who should be held responsible for failures in implementing the required mitigation measures in the Environmental Permits; and</li><li>- residents or business operators affected by DPs should also be consulted on the EIA studies.</li></ul>