

# Friends of the Earth

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### Views on the Mechanism of Environmental Impact Assessment

#### Friends of the Earth's Submission to Legislative Council

13 December 2001

Environmental impact assessment (EIA) is a vital tool to assist the decision makers to make best-informed decisions. However, some recent environmental impact assessment reports have raised Friends of the Earth (Hong Kong)'s concerns about the existing mechanism of environmental impact assessment. Our concerns are as follows:

#### 1. Quality of the EIA reports

The quality of the reports has been compromised mainly because of the following two factors:

- a) The "two-envelope" system currently in use by the government in the tendering process gives too much weight to financial concerns. A less technically competent consultant can easily win a contract by putting forward a very low bid. Sometimes a bid can be as low as one dollar.
- b) The problem of low-quality EIA reports is made worse by the practice of commissioning the work to the cheapest sub-contractors available without having the responsibility clearly defined.

Our concerns over the quality of the EIA reports are shared by the Environmental Protection Department and the consultancy profession. At a meeting of the Advisory Council on the Environment on 8 October 2001, a representative of the Environmental Protection Department pointed out that part of the problem was "*related to the tendering mechanism in which a contract would usually be awarded to the consultant offering the lowest cost. Another problem was that the contract was usually priced on a lump sum basis which discouraged consultants to do additional work even when the need arose in the middle of the study*".<sup>1</sup>

Views from the consultancy profession, on the other hand, were expressed at a public forum entitled "Consultants' Paradise? A Review of the Tendering and Monitoring Mechanism of the Environmental Consultancy in Hong Kong" in April 2001 organised by Friends of the Earth. The proceedings of the forum are electronically available at our website <http://www.foe.org.hk>.

#### 2. Effectiveness of the monitoring mechanism of the EIA reports

The quality of EIA reports of government projects are supervised by their client departments that can issue adverse reports to consultants with unsatisfactory performance. However the recent consultancy studies of the Strategic Sewage Disposal Scheme and the "Sustainable Development for the 21<sup>st</sup> Century" have heightened our concerns that these officials might not be competent enough to critically evaluate and monitor those studies and the effectiveness of the monitoring mechanism has thus been jeopardised.

<sup>1</sup> ACE Paper 44/2001, electronically available at <http://www.info.gov.hk/efb>.



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### 3. Quality of public consultation

In some previous EIA studies, consultation either came too late or early enough but without adequate information for a valuable discussion. Informal dialogue between project proponents and concerned parties at an early stage would be useful.

### 4. Role of the Environmental Protection Department

It is a disturbing fact that Mr Rob Law, Director of the Environmental Protection Department, attended the press conference held on 18 September 2001 in which the Kowloon-Canton Railway Corporation announced the tunnel option for the Lok Ma Chau Spur Line, and backed the plan by commenting that "*there is no reason at the present stage to believe the tunnel would have any environmental drawback*"<sup>2</sup>. It is undesirable for the department, as a regulator of the EIA process, to be seen as a "supportive partner" of a project proponent before the EIA report has gone through the process of public consultation. We are of the view that the independent and impartial role of the department as an EIA regulator should be maintained intact.

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<sup>2</sup> "Long Valley tunnel on track despite \$2b cost increase", South China Morning Post, 19 Sep 2001.

