

Mechanism of Environmental Impact Assessment

The HKIP fully supports the Environmental Impact Assessment Ordinance as an effective mechanism in the pursuance of sustainable development in Hong Kong. The Environmental Impact Assessment Ordinance was enacted in 1997 and came into effect in April 1998. Since then, EIAs became statutory for designated projects and legally binding permits which list out the required mitigation measures have to be obtained before the works are carried out.

To achieve sustainable development for Hong Kong, the Government have set up the Sustainable Development Unit within the Offices of the Chief Secretary for Administration to facilitate the implementation of the various initiatives. It is important to develop planning and lands policies as integral components of a sustainable development policy for Hong Kong. Upon implementation of these policies, they require legal/institutional back up while the Town Planning Ordinance should be further strengthened by enacting the Town Planning Bill. EIAO has proved to be an effective means in helping achieve sustainable development in Hong Kong.

Recently, there are concerns on the effect of Environmental Impact Assessment Ordinance on the implementation of infrastructure and building projects especially in the arena of construction site management and the depth of Environmental Impact Assessment for options selection at early study stage. We believe that there is room for improvement possibly through streamlining of administrative procedures and enhancement of accountability of decision makers.

The spurline saga or any other project being delayed by the EIA process is not the problem with the Ordinance but a matter of lack of good coordination amongst all players and insufficient information being released to justify whatever decision. EIA is not just relating to ecological assessment, there is visual impact assessment whose authority is planners. The conservation of natural heritage rests on AFCD while the conservation of built heritage is under the authority of the AMO. However, a comprehensive and clear policy on how to protect and conserve our natural as well as built heritage are lacking and the current legislative frameworks are not effective to provide the protection urged by the community, nor the clarity in land use intentions requested by the developers. Therefore, a clear policy should be established.

On the other hand, the EIA process can be improved. The administration could be more open minded in carrying out the EIA process and streamline the procedure. In order to avoid unnecessary wastage of efforts and resources, we expect that EPD should take up a proactive role in the early stage of the EIA process, especially for Government projects. Being part of the Government and part of the decision-making body, and as an expert in environmental protection, the EPD should act as an advisor to Government on the calculated risk that might have to be taken in engaging in different development scenarios at strategic as well as project assessment levels. The Government should also carry out detail territorial baseline studies to fully map our natural resources and built heritage. They have to come into agreement with stakeholders on the definition of various terms and conservation value of different species, ecological significant areas, landscape protection spots as well as heritage and cultural assests. It is considered that early consultation with the stakeholders and the public on the environmental impacts of various projects will help reaching a consensus for our future development.

Environmental Impact Assessment Ordinance is a statutory mechanism which is fundamental in sustaining our future environment. It is essential that it be maintained clear, transparent, fair to everybody and allow for public participation and consensus building. It is also a means where public education can take part. EPD, as the administrative body, is expected to adopt a new and proactive strategy and open-mindedness in the new era.