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Hong Kong, 27 June 2011

Chairman and Members
Panel on Environmental Affairs
Legislative Council
Legislative Council Building
8 Jackson Road, Central,
Hong Kong
panel_ea@legco.gov.hk

Honorable Chair and Members,

RE: Review of Environmental Impact Assessment Mechanism

Following are suggestions for improving our control over the environmental impact of our social and economic activities and developments. Most measures are administrative in nature, some require minor statutory amendments.

1. Minimizing conflict of interest

- The Director of Environment (DEP) finds himself in a conflicting position once he has issued an environmental permit, as he can only control activities which breach standards in the technical memorandum or conditions he himself has decided to set. In setting conditions, the Director will have to reserve more discretionary rights for himself and changes in the project – even when they do not immediately result in a breach of statutory limits or specific conditions – must be notified to the public and allow for comments to be considered;
- Greater care is needed to ensure the Director of Environment as a member of Government, can execute his duties under the Environmental Impact Assessment Ordinance regarding public works projects with the utmost care and independence.

2. Control over cumulative impacts

- The DEP must maintain and publish a database of baseline data and impacts of known, committed and planned projects, to ensure cumulative impacts can be considered in decision making;
- Projects are to consider baseline data for the construction and operation periods.

3. Improving EIA related communications

Notifications

- Allow interested parties to sign up to “Friends of EIA” with their email address, and send a weekly alert of EIA documents posted for comments in the preceding week (short description, deadline and link for each item);

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- Inform the District Offices of documents posted on the EIA website for projects within their respective districts – the DO can then inform members, district committees, owner committees and other known interest groups via email, fax and by posting notices on villages/estates/etc;
- Set up a EIA facebook to alert people;
- Put EIA info on GovHK (See: <http://www.gov.hk/tc/residents/environment/air/>);
- Improve the map (HKMAP) on the EIA website to better show project locations currently inviting public comments;
- Create an application for handheld communication devices for commenting on EIA documents.

Public engagement procedures

- Inform and reply to comments made (adopted/ partly adopted/ rejected) ;
- Lengthen consultation period for EIA Profiles from two weeks to 1 month;
- Extend the consultation period for the EIA report to 60 days;
- Allow for a one month "comment on comments" period with bilingual gist of comments submitted;
- “Hearings of representations” for EIA comments where commenters can express their views, and EPD can ask questions to clarify comments made;
- Public forums for critical projects.

Herewith we so submit for your consideration.

Yours sincerely,



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c.c. Director of Environment (dep@epd.gov.hk)