

LEGISLATIVE COUNCIL BRIEF

Environmental Impact Assessment Ordinance **(Amendment of Schedule 2) Order 1999**

INTRODUCTION

The Secretary for Planning, Environment and Lands has made the Environmental Impact Assessment (Amendment to Schedule 2) Order 1999, at Annex, under section 4(2) of the Environmental Impact Assessment (EIA) Ordinance (Chapter 499). It gives effect to include theme parks and amusement parks with a site area of more than 20 hectares in size as designated projects, the construction or operation of which will require an environmental permit.

BACKGROUND

2. The EIA Ordinance provides for the assessment of environmental impacts of designated projects and the implementation of prevention and mitigation measures to protect the environment. The Director of Environmental Protection is responsible for administering and enforcing the provisions of the EIA Ordinance.

3. The EIA Ordinance covers more than 100 items of designated projects listed in the Part I of Schedule 2 of the Ordinance. Environmental permits are required for their construction and operation. The present Schedule 2, as part of the EIA Ordinance, was drafted in 1996 when new major theme parks or amusement parks of over 20 hectares were not anticipated and thus not included.

4. In recognition of the need to make Hong Kong as an internationally important tourist centre, the possibility of introducing major theme park and amusement park developments of international standard within the territory has substantially increased since the enactment of the EIA Ordinance. The public interest and the need to address the potential environmental impacts arising from the construction and operation of these theme parks make it necessary to amend the Part I of Schedule 2 of the EIA Ordinance to include such developments as designated projects.

THE PROPOSED AMENDMENT ORDER

5. The Environmental Impact Assessment Ordinance (Amendment to Schedule 2) Order 1999 amends Part I of Schedule 2 of the Ordinance by adding theme parks and amusement parks, with a site area of more than 20 hectares in size, as designated projects. Their construction or operation will require an environmental permit under the EIA Ordinance.

6. The rationale for adopting 20 hectares as the site size threshold is, firstly, small theme parks or amusement parks, by nature, are not expected to cause significant adverse environmental impact under normal circumstances. Also, any small theme park or amusement park falling wholly or partly within environmentally sensitive areas would already be covered under Item Q.1, Part I of Schedule 2 of the EIA Ordinance. The intention is, therefore, to bring under control within the Ordinance any new "major" theme parks or amusement parks outside of such areas. Secondly, Schedule 3 of the EIA Ordinance uses 20 hectares as the threshold for "major" engineering feasibility study of urban development projects. Hence, the use of 20 hectares to describe "major" theme parks and amusement parks is consistent with the present schedules of the EIA Ordinance.

IMPLEMENTATION TIMETABLE

7. This Amendment Order takes immediate effect upon the publishing of the Order in the Gazette on 30 July 1999.

FINANCIAL AND STAFFING IMPLICATIONS

8. This Amendment Order will be implemented through the existing approval and enforcement arrangements under the EIA Ordinance. The additional workload is expected to be small and will be absorbed within the current establishment. No additional staffing is required.

ECONOMIC IMPLICATIONS

9. The Environmental Impact Assessment process is only one of the steps in the planning, design and implementation of a major theme park. The cost of carrying out the EIA is estimated to be less than 0.5% of the capital works involved in a typical large theme park. The inclusion of major theme parks and amusement parks under the control of the EIA Ordinance is, therefore, not expected to have any significant economic implications.

ENVIRONMENTAL IMPLICATIONS

10. This Amendment Order requires major theme parks and amusement parks to assess and evaluate the potential impacts they have on the environment during their construction and operation, so that appropriate mitigation measures can be formulated and enforced through the permitting system of the EIA Ordinance. Environmental benefit is expected from the Amendment Order.

PUBLIC CONSULTATION

11. The Amendment Order is made in recognition of public interest. Though no formal consultation is conducted, we estimate that the public at large will welcome the Amendment Order as it will facilitate more direct control on the environmental impacts of major theme parks and amusement parks.

PUBLICITY

12. A press release will be issued on the day when the Amendment Order is published in the Gazette. A spokesman will be available for answering media enquiries.

ENQUIRY

13. For any enquiries on this brief, please contact Miss Agnes Kwan, Assistant Secretary (Environment), Planning, Environment and Lands Bureau, at 2848 2981.

Planning, Environment and Lands Bureau

July 1999

**ENVIRONMENTAL IMPACT ASSESSMENT ORDINANCE
(AMENDMENT OF SCHEDULE 2) ORDER 1999**

(Made under section 4 (2) of the Environmental Impact Assessment Ordinance (Cap. 499))

1. Designated projects requiring environmental permits

Part I of Schedule 2 to the Environmental Impact Assessment Ordinance (Cap. 499) is amended under the heading " O - TOURIST AND RECREATIONAL DEVELOPMENTS " by adding -

"O.8 A theme park or amusement park with a site area of more than 20 ha in size."

(Gordon K C Siu)

Secretary for Planning, Environment
and Lands

26 July 1999

Explanatory Note

This Order amends Part I of Schedule 2 to the Environmental Impact Assessment Ordinance (Cap. 499) by adding theme parks and amusement parks with a site area of more than 20 ha in size as designated projects, the construction or operation of which require an environmental permit.