

#### **Information Note**

# **Strategic Environmental Assessment**

IN02/14-15

#### 1. Introduction

- 1.1 At its meeting held on 24 November 2014, the Panel on Environmental Affairs discussed, among other things, the Environmental Impact Assessment ("EIA") for the Three-Runway System Project. Some Members noted the concern that Tung Chung residents might not be aware of the full impact of the possible worsening air and noise pollution levels in Tung Chung resulting from the implementation of three ongoing/proposed major infrastructural projects in Lantau, namely the Three-Runway System Project, the Hong Kong-Zhuhai-Macao Bridge, and the Tung Chung New Town Development Extension. The Panel has requested the Research Office to study the ways currently adopted to assess cumulative environmental impacts of major public works projects.
- 1.2 In order to avoid or reduce any cumulative environmental impacts of the policies, plans and programmes ("PPP") proposed, many countries have adopted Strategic Environmental Assessment ("SEA") as a process to analyse and evaluate broader environmental implications of PPPs at an early stage of the decision-making process. SEAs, as a macro-level assessment, differ from EIAs. EIAs are intended to improve project design and implementation by identifying ways to prevent, mitigate and compensate adverse environmental impacts.
- 1.3 In Hong Kong, the *Environmental Impact Assessment Ordinance* (Cap. 499) does not set out the statutory requirement for SEA, as that for EIA. Nevertheless, the territory has seen the conduct of SEA exercises for many major urban development plans in recent years. For the Three-Runway System Project, some Members of the Panel have requested that an SEA be conducted for the project.<sup>2</sup>

See Environmental Protection Department (2014a).

See the motion passed at the Panel meeting on 23 April 2012 for details.

Against the above, this information note explains SEA procedures and reviews the implementation of SEA in Hong Kong. It also studies the environmental protection regimes in Scotland and Singapore that adopt different approaches for assessing cumulative environmental impacts of government's infrastructural projects. Scotland aims to establish itself as a world leader within the field of SEA.<sup>3</sup> In contrast, Singapore does not enact any specific legislation for SEAs and environmental assessments are embodied in urban planning and pollution control legislations.<sup>4</sup>

#### 2. Strategic Environmental Assessment

- 2.1 SEA is a formalized, systematic and comprehensive process for evaluating proposed PPPs and alternatives during the early stage of decision-making process, thereby avoiding any environmental problems and identifying environmental-friendly options. In general, the procedures governing the conduct of SEA comprise:
  - (a) screening to decide whether a PPP should be subject to SEA, i.e., whether it is likely to have significant impact on the environment;
  - (b) scoping to determine the parameters, boundaries and key issues to be addressed by SEA;
  - (c) environmental assessment and reporting to investigate and establish the likely significant (positive and negative) environmental effects of implementing a PPP. The effects of a PPP and any potential reasonable alternatives are considered along with viable mitigating measures;
  - (d) consultation to consult relevant environmental authorities and members of the public during the various stages of the SEA process; and

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See Scottish Government (2011).

Singapore is considered as one of the greenest cities in Asia. According to a 2011 study conducted jointly by Siemens and the Economist Intelligence Unit, Singapore was ranked as above average among Asian countries in terms of environmental protection performance.

(e) monitoring – to monitor the implementation of a PPP to ensure that any unforeseen environmental effects will be identified and to allow for appropriate remedial action to be taken.

### <u>Key differences between Strategic Environmental Assessment and</u> Environmental Impact Assessment

- 2.2 Both SEA and EIA are tools adopted for environmental protection and sustainable development. Although international practices vary on whether SEA and EIA should be both carried out for PPPs, the common feature is that if SEA is carried out, it will usually be undertaken much earlier in the decision-making process than EIA at the project level.<sup>5</sup>
- 2.3 Although the SEA and EIA processes are separate mechanisms, they play complementary roles to each other when applied together. SEA is an "up-stream" approach which identifies the best options at an early planning stage, whereas EIA is a "down-stream" approach applicable to individual projects that are coming through at a later stage. In particular, EIA is intended as a tool which helps decision makers to establish whether a single project will have negative impacts on the local environment. As a result, it gives significant importance to practical mitigation and compensation solutions. A table comparing the key differences between SEA and EIA is in **Appendix I**.

#### 3. Implementation of Strategic Environmental Assessment in Hong Kong

3.1 In Hong Kong, major designated projects are statutorily required to go through EIA in accordance with the *Environmental Impact Assessment Ordinance* which was enacted in 1997. There is no statutory requirement stipulating the conduct of SEAs for major PPPs.<sup>7</sup> As an administrative requirement, it is mandatory for a bureau or department to include information on environmental implications when making submission of a policy or plan

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<sup>&</sup>lt;sup>5</sup> See United Nations Economic Commission for Europe (2003).

See European Commission (1998).

The lack of a legally prescribed process and standard practice to trigger SEAs under administrative requirements has aroused concerns from stakeholders such as ecologists. See, for example, Cornish (2013).

document to the Executive Council for approval.<sup>8</sup> This requirement has set the stage for the conduct of various forms of SEAs for major PPPs since the 1990s.

#### Forms of Strategic Environmental Assessments in Hong Kong

- 3.2 According to the Environmental Protection Department ("EPD"), SEAs should be carried out at the earliest possible stage and tie in with the critical decision-making stages of PPPs being considered. Examples of major SEAs conducted in the past are in **Appendix II**. SEAs are generally grouped into three categories: (a) territorial land use planning, (b) transportation strategies and policies, and (c) sectorial strategies and policies, and take the forms of:
  - (a) comprehensive, quantified SEA to fully inform decision makers, stakeholders and the public on the environmental implications of various PPPs, what follow up actions to be required, and how environmental considerations to be integrated for achieving a sustainable solution. This form of SEA is usually applied in large-scale and long-term land use planning processes;
  - (b) consideration of strategic environmental issues as part of an overall study to facilitate integration of environmental considerations when PPPs are formulated at an early stage of the study process. This form of SEA is used largely in transport and broad infrastructure planning to assess alternatives; and
  - (c) a relatively simplified SEA designed for quick PPP decision making. Such SEAs are carried out in a way similar to environmental appraisals in which environmental considerations are included as part of an internal appraisal process to facilitate decision makers to make decisions. This form of SEA is mainly applied to PPPs with decisions that have to be made within a short time frame. The findings of these assessments are typically used as internal reference in the policy-making process.<sup>10</sup>

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See Environmental Protection Department (2014b). A series of commitments made by the Administration since 1988 collectively form the body of administrative requirements. These include (a) a circular issued in 1988 on environmental assessments for large-scale development project, (b) a requirement since 1992 for environmental implications to be stated clearly in all submissions to the Executive Council, and (c) the commitment made in the 2005 Policy Address to subject all major government policies to environmental protection scrutiny.

See Environmental Protection Department (2014d).

See Environmental Protection Department (2014a).

#### Assessment process

3.3 Although there is no established and unified process for conducting SEA in Hong Kong, the following key elements of the SEA process can be identified from examples of SEAs carried out previously: scoping, environmental assessment and reporting, consultation and monitoring.

#### Scoping

3.4 At the start of the SEA process, EPD will work closely with project proponents to draft a study brief tailor-made for each SEA which sets out the terms of references, the scope, the approach to be adopted and other guidance for proponents to conduct the SEA study.

#### Environmental assessment and reporting

3.5 When detailed assessments are required for complicated PPPs, the project proponent might employ environmental consultants to conduct the SEA concerned. Typical key objectives of SEA reports include reviewing the environmental targets; identification of environmentally-preferred development options; and evaluation at a strategic level the potential environmental impacts and cumulative effects of the preferred options and relevant mitigating measures.

#### **Consultation**

3.6 EPD is consulted in most stages of SEAs. For some large-scale SEAs, external members such as environmental protection groups and academics will be invited to serve as specialist advisors for the SEA study. In order to foster community consensus on the key issues and promote ownership of the outcome, the public as well as all stakeholder groups will be closely consulted throughout the entire study process.

#### **Monitoring**

3.7 As SEA is not a statutory required mechanism, there is no established mandatory monitoring process. It is a general practice for the project proponents to upload the SEA reports onto the EPD's website for public reference.

#### **Latest developments**

- 3.8 In late 2014, the Planning Department issued an invitation notice for expression of interest for undertaking the consultancy study *Strategic Environmental Assessment for Updating HK2030 Study*, which is expected to commerce in March 2015. According to the Draft Brief<sup>11</sup> of the SEA in the tender invitation document, the Administration considers that in line with the strategy to keep developing new land as stated in the 2014 Policy Address, an updated plan should be provided on land supply to meet the housing, employment and various social and economic needs of the projected population, vide an updating of the HK2030 Study.
- 3.9 The development strategy of Lantau will be a key area of study in the proposed SEA. As stated in the Draft Brief of the SEA, since Lantau will become the confluence of Hong Kong, Macau and the western Pearl River Delta after the completion of the Hong Kong-Zhuhai-Macao Bridge, the overall spatial development and conservation strategy for Lantau will be formulated so as to meet the long-term development needs of Hong Kong.

#### 4. Scotland

- 4.1 Scotland has started to undertake SEAs as a statutory requirement since 2005 for all PPPs prepared by the government authorities and public bodies that are likely to have significant environmental effects, in an effort to establish the region as a world leader within the field of SEA.<sup>12</sup> The legal basis for conducting SEA is the *Environmental Assessment (Scotland) Act 2005*, which came fully into force on 20 February 2006. The *Act* serves to implement the European Union Directive 2001/42/EC *On the Assessment of the Effects of Certain Plans and Programmes on the Environment (*also known as the *SEA Directive)*<sup>13</sup>, the original driver for SEA within Scotland.
- 4.2 Under the SEA Directive, environmental assessment reports on PPPs shall identify, describe and evaluate the likely significant effects on the environment, including the secondary, cumulative and synergistic effects, and reasonable alternatives. Before the passage of the SEA Directive, major

See Planning Department (2014).

See Scottish Government (2011).

The European Union ("EU") approved the directive on 27 June 2001. By 2009, all EU Member States have transposed the SEA Directive into their national legislations.

projects in the EU countries likely to have an impact on the environment had been subject only to EIAs under the EU EIA Directive 85/337/EEC.<sup>14</sup> However, the assessment might be required take place at a stage when options for significant changes were often limited. By adding additional requirements, the SEA Directive has plugged this gap by requiring the environmental effects of a broad range of plans and programmes to be assessed, so that they can be taken into account while plans are actually being developed, and in due course adopted.

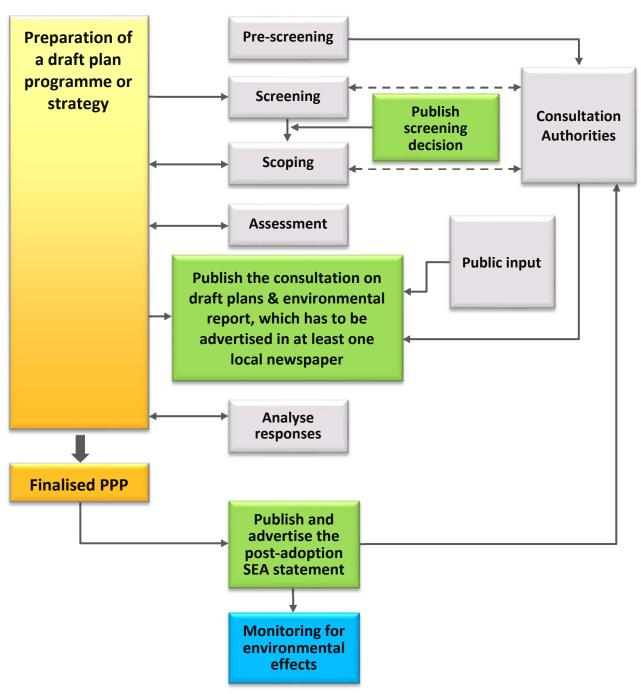
#### Assessment process

4.3 The procedures for conducting an SEA in Scotland is depicted in the **Figure** below:

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<sup>&</sup>lt;sup>14</sup> The *EU EIA Directive* also applies to Scotland.

Figure — Main stages of a Strategic Environmental Assessment in Scotland



Source: Scottish Government (2010).

#### *Pre-screening*

Pre-screening is effectively a process of self-exemption undertaken 4.4 by the Responsible Authority (i.e. proponent of a PPP). Plans which deal with national defence or civil emergencies and financial and budgetary plans automatically fall out with the scope of SEA. Where it is clear that they will have no or minimal environmental effects, certain public plans can be "pre-screened" out of the SEA process.

#### Screening

- 4.5 Screening takes the form of a formal submission, where the Responsible Authority seeks the views of the Consultation Authorities on whether a development plan is likely to have significant environmental effects and therefore whether an SEA is required. The submission, referred to as a "screening report", sets out the characteristics of the development plan and its likely environmental effects if implemented.
- 4.6 The Scottish Environment Protection Agency, the Scottish Natural Heritage, and the Scottish Ministers responsible for Historic Scotland are listed as the statutory Consultation Authorities to be consulted during the assessment process. Coordination of SEA caseworks is administered via the Scottish Government SEA Gateway. 15

#### Scoping

4.7

Once decided to carry out a SEA, the Responsible Authority has to define the scope of the study. Scoping reports are sent to the Consulting Authorities for comments, before the scope and level of details of the information to be included in the Environmental Report and the proposed length of the period of public consultation are determined.

The SEA Gateway is a Scottish government coordinating office set up to oversee the implementation of the Environmental Assessment (Scotland) Act 2005. It also liaises between the public bodies undertaking SEAs and the Consultation Authorities.

#### Environmental assessment and reporting

4.8 The SEA assessment establishes the likely significant (positive and negative) environmental effects of implementing a development plan on issues such as air, biodiversity, cultural heritage and human health. The effects of the plan and any potential reasonable alternatives should be considered at this stage, along with viable mitigation measures to avoid, reduce or offset adverse effects. Assessment findings are highlighted in an Environmental Report, which is then used as a key tool for public engagement in the main consultation.

#### **Consultation**

4.9 Responsible Authorities are required to consult the public and the Consultation Authorities. The consultation on the Environmental Report and the draft development plan has to take place at a sufficiently early stage within a plan's preparation, thus ensuring that any views received during the consultation process can be taken into account.

#### Post-adoption Strategic Environmental Assessment statement

4.10 After the adoption of a development plan, the Responsible Authorities must produce a public statement which outlines how the assessment and consultation have been taken into account within the finalised plan.

#### **Monitoring**

4.11 Monitoring is an important component of SEA, as it seeks to ensure that the development plan avoid generating unforeseen adverse environmental effects. Responsible Authority have to be prepared to take remedial action where adverse environmental effects arise.

# Relationship between Strategic Environmental Assessment and Environmental Impact Assessment

4.12 In Scotland, the relationship between SEA and EIA are complimentary to each other. SEA offers an opportunity to strengthen and streamline subsequent EIA undertaken at project level. For example, SEA provides an ideal opportunity to explore potential for cumulative effects at an early stage in the process of developing multiple projects within a given area. By identifying environmental issues at strategic level, SEA helps to facilitate the screening and scoping stages of EIA. Strategic mitigation measures identified through the SEA process also helps to improve project level design.

#### 5. Singapore

- 5.1 Singapore is considered as one of the greenest cities in Asia. Unlike Scotland which adopts a specific statutory framework mandating SEAs for all PPPs, Singapore has taken a different approach with environmental protection embodied in legal and administrative measures. The Ministry of Environment and Water Resources is responsible for the overall management of the environment. It has established the National Environmental Agency as its executive arm in charge of environmental planning, air and water pollution control, and the regulation of hazardous substances and wastes.
- 5.2 There is no specific legislation in Singapore making EIA or SEA compulsory for major development projects. Pollution-control studies for industrial developments and mandatory environmental management practices for a wide range of industries and projects are incorporated through the requirements stipulated in the *Environmental Protection and Management Act* (the main environmental legislation in Singapore). For example, Part VII of the *Act* provides the legal requirement for owner or occupier of hazardous installations to carry out EIA. The Singaporean Government will require major development projects to undergo EIAs when they are close to sensitive areas such as nature reserves. Mitigating measures will be considered and stakeholders will be involved to address their concerns.
- 5.3 In Singapore, EIA is also embodied in urban planning which falls under the purview of the Urban Redevelopment Authority. Environmental concerns are taken into account when the Urban Redevelopment Authority

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See BMT Asia Pacific (2008).

prepares two strategic development plans: the Concept  $Plan^{17}$  and the Master  $Plan^{18}$ . The Singaporean Government also issues various plans and blueprints such as the Sustainable Singapore Blueprint 2015  $^{19}$  and the Green  $Plan^{20}$ , which contain guidance for environment protection.

- 5.4 The basic environmental concerns that might be considered in the Master Plan include:
  - (a) identification of development constraints and major land uses that affect the environment, e.g. airports, live-firing areas for military training, and areas for pollutive and hazardous industries;
  - (b) projection of land needs for environmental infrastructure such as refuse facilities (incinerators and dumping grounds), sewage treatment plans, etc.;
  - (c) identification of possible areas for major utility installations and infrastructural needs that may be pollutive, e.g., gasworks, explosive storage, and other hazardous-goods storage; and
  - (d) identification of possible areas for nature conservation.

During the drafting of the Master Plan, the Master Plan Committee<sup>21</sup> can require EIAs to be conducted for development projects which have pollution potentials.<sup>22</sup> Conditions could be imposed for developments which have potential to threaten air quality, create noise or create adverse impact to cultural heritage.

At the apex of Singapore's planning and development process is the Concept Plan, a broad, long-term land use and transportation plan that guides the physical development of the country. The Concept Plan is reviewed every 10 years, and the latest review was completed in 2011.

The vision of the Concept Plan is translated into a detailed working plan and gazetted as the Master Plan, which is revised every five years to guide Singapore's development over the next 10 to 15 years.

See Ministry of Environment and Water Resources (2014).

See Ministry of Environment and Water Resources (2006).

The Master Plan Committee is a collaborative effort by public authorities in Singapore. It consists of representatives from the Urban Redevelopment Authority, the Ministry of Environment and Water Resources, the Housing and Development Board, and other major ministries. The committee considers and co-ordinates public department proposals, as well as resolving conflicts and land uses among the public agencies.

See BMT Asia Pacific (2008).

### **Appendix I**

# Key differences between SEA and EIA

Aspects of the assessment	SEA	EIA	
Stage in the process	Takes place at earlier stages of the decision-making process: aims to prevent impacts	Takes place at the project level: aims to minimize impacts	
Proactive or reactive	Proactive approach to development of proposals	Reactive approach to development of proposals	
Consideration of alternatives	Considers broad range of potential alternatives	Considers limited number of feasible alternatives	
Cumulative impacts	Early warning of cumulative effects	Limited review of cumulative effects	
Area of emphasis	Emphasis on meeting objectives and maintaining systems	Emphasis on mitigating and minimizing impacts	
Breadth of perspective	Broader perspective and lower level of details to provide a vision and overall framework	Narrower perspective and higher level of details	
Process	Multi-stage process, continuing and iterative, with overlapping components	Well-defined process, clear beginning and end	
Area of focus	Focuses on sustainability agenda and sources of environmental deterioration	Focuses on standard agenda and symptoms of environmental deterioration	

Source: Secretariat of the Convention on Biological Diversity, Netherlands Commission for Environmental Assessment (2006).

# **Examples of major SEAs conducted in Hong Kong**

Study	Year of completion	SEA Category	Details
Territorial Development Strategy Review	1996	Territorial land use planning	• The Territorial Development Strategy Review was a comprehensive review of the land use development strategy for the whole of Hong Kong in view of the potential increase of population from 6.4 million in 1996 to about 8.1 million in 2011. An SEA was conducted as part of the review as land use planning would have remarkable influences on people's lives, environmental conditions as well as sustainability.
Third Comprehensive Transport Study	1999	Transportation strategies and policies	<ul> <li>The study aimed to develop a comprehensive territory-wide transportation strategy to meet the short and long-term transport needs of Hong Kong. SEA, as part of the study, assessed strategic environmental implications of transportation strategies.</li> </ul>
Second Railway Development Strategy 2000	2000	Transportation strategies and policies	The Second Railway Development Strategy aimed to identify railway development options and improvements to meet the transportation needs up to 2016 while improving the efficiency of railway networks. The SEA so conducted helped to formulate environmentally acceptable strategies and ensured that environmental considerations were fully integrated into the overall study, thereby maximizing environmental benefits and avoiding adverse environmental impacts of all the options selected.

# **Examples of major SEAs conducted in Hong Kong**

Study	Year of completion	SEA Category	Details
Extension of Existing Landfills and Identification of Potential New Waste Disposal Sites	2003	Sectorial strategies and policies	• The purpose of the study was to identify both possible extensions to the existing landfills and new sites for waste disposal so that replacement landfills can be planned, developed and opened ready to accept waste. The SEA so conducted helped to avoid a number of environmentally sensitive sites and identify insurmountable ecological problems by ruling them out during the site selection process. The SEA was also formed as one key element of an evolving waste management strategy for Hong Kong.
Hong Kong 2030 : Planning Vision and Strategy	2007	Territorial land use planning	The study was to review the Territorial Development Strategy and bring it up-to-date. Under the overarching goal of adhering to the principle of sustainable development, one of the planning objectives of the Hong Kong 2030 Study is to provide a good quality living environment. The SEA so conducted helped to avoid major environmental problems and identify new development areas.
Land Use Planning for the Closed Area - Feasibility Study	2010	Territorial land use planning	The study was to examine the future use of areas to be released from the Closed Area and put them under planning control. SEA was conducted to provide strategic and regional environmental information to address any potential environmental conditions, so as to achieve sustainable development in the study area.

Sources: Planning Department and Environmental Protection Department.

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