LegCo Panel on Environmental Affairs

Meeting 28 January 2002

Mechanism of Environmental Impact Assessment

Comments from Association of Consulting Engineers of Hong Kong (ACEHK)

INTRODUCTION

The Association of Consulting Engineers of Hong Kong (ACEHK) is pleased to have the opportunity today to present its view on the Environmental Impact Assessment Ordinance (EIAO) and the environmental impact assessment (EIA) process. Members of the ACEHK are engineering consultants whose business is in planning and developing infrastructure in Hong Kong. As such, besides commenting on the EIAO based on our experience, we will also comment on how the EIA process could be more conducive to our business without compromising the integrity of the process.

Firstly, we view the EIAO as an important piece of legislation for protecting and conserving our valuable environment. The spirit of the EIA process is not to deter development, but to ensure that the developments are sustainable. The EIA process, if properly considered and taken in the planning and development of infrastructure, should not and would not adversely affect the programme of these infrastructure projects.

As many members of the ACEHK are practitioners of the EIA process, our experience on the process and our familiarity with the EIAO will be valuable to this Panel. We do not regard our comments today as criticism of the process but as constructive ideas to improve the process for the benefit of the Hong Kong people, as well as reducing our business risk.

The EIA STUDY BRIEF

For a Designated Project, the authority, upon receipt of the Project Profile from the proponent, will issue an EIA Study Brief. Yet we find these project-specific EIA study briefs generic and vague in defining the scope of the EIA. One item in particular is the requirement on environmental baseline surveys, including air quality, noise, water quality, and in particular ecology. The EIA Study Brief does not contain information on the environmental parameters to be monitored, the monitoring locations, monitoring frequency at each location, and the monitoring duration.

This creates an "uncertainty" in the EIA process that not only exposes our members to business risk but could also compromise the quality of the EIA because the tender with a skeletal and most basic survey programme always has an advantage on cost. To alleviate this problem, our suggestion is to either spell out the survey requirements in detail in the EIA Study Brief, or failing this, to procure the surveys later as reimbursable or additional services after the detailed scope of these surveys has been agreed with the authority.

THE EIA PROCESS, THE EIA REPORT AND THE ENVIRONMENTAL PERMIT

Our environment would benefit most if the EIA process starts early in the planning and feasibility study stage, because there is more room to maneuver for considering various options and impact avoidance at that stage. The dilemma is that project specific information, particularly design details and construction programme, is often sketchy and at a macro-level. Under the present system, the EIA Report for Schedule 2 projects leads to the Environmental Permit (EP). The EP is therefore the end point of the impact assessment process and the authorities want all the answers for it. This results in a lot of assumptions, particularly on the construction programme, purely for the sake of impact assessment to get to the end point, but may have little bearing on how realistic are the assumptions when construction is actually carried out. The implementation schedule based on the assessment of these assumptions is often generic and from the top down. Many contractors have commented that it has been difficult for them to implement these schedules from the bottom up during the construction stage.

The fact that the EIA should be a continual process, that the EIA should be carried out as early as possible to achieve maximum environmental benefit, and that the EP should be issued as late as possible near the commencement of construction to better depict the implementation for construction impact mitigation all point to the need to de-couple the EIA Report submission and EP issuance.

Our suggestion is to carry out the EIA study in the planning and feasibility study stage. The EIA Report should focus on evaluating and comparing alternatives, ensuring that there is no over-riding constraint that cannot be resolved, and providing an implementation schedule on operation of the project so that items in this schedule could be adopted during the detailed design stage and the mitigation measures could be incorporated into the detailed design of the project. Upon approval of this EIA Report, the project could commence detailed design during which the EIA process should continue, particularly on assessing construction impact when the construction programme could be detailed. Any further assessment during the detailed design stage could form an addendum to the approved EIA report. This addendum should also contain an

implementation schedule on construction of the project. Towards the end of the detailed design stage and before the commencement of the construction stage, the addendum, making reference to the approved EIA Report, should be submitted for approval by the authorities, public consultation under the statutory process, and application of the EP. The environment is still safe guarded because the EP would not be issued if construction impacts could not be overcome.

ACEHK

22 January 2002