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21 January 2004

Clerk of Public Accounts Committee  
Legislative Council Secretariat  
Legislative Council Building  
8 Jackson Road  
Central  
Hong Kong

(Attn.: Mr. Colin Chui)

Dear Mr. Chui,

**The Director of Audit's Report on the  
Results of value for money audits (Report No. 41)  
Chapter 5 : Provision of noise barriers for mitigating road traffic noise**

Please find attached the information in both English and Chinese as requested in your letter of 15 January 2004.

Yours faithfully,

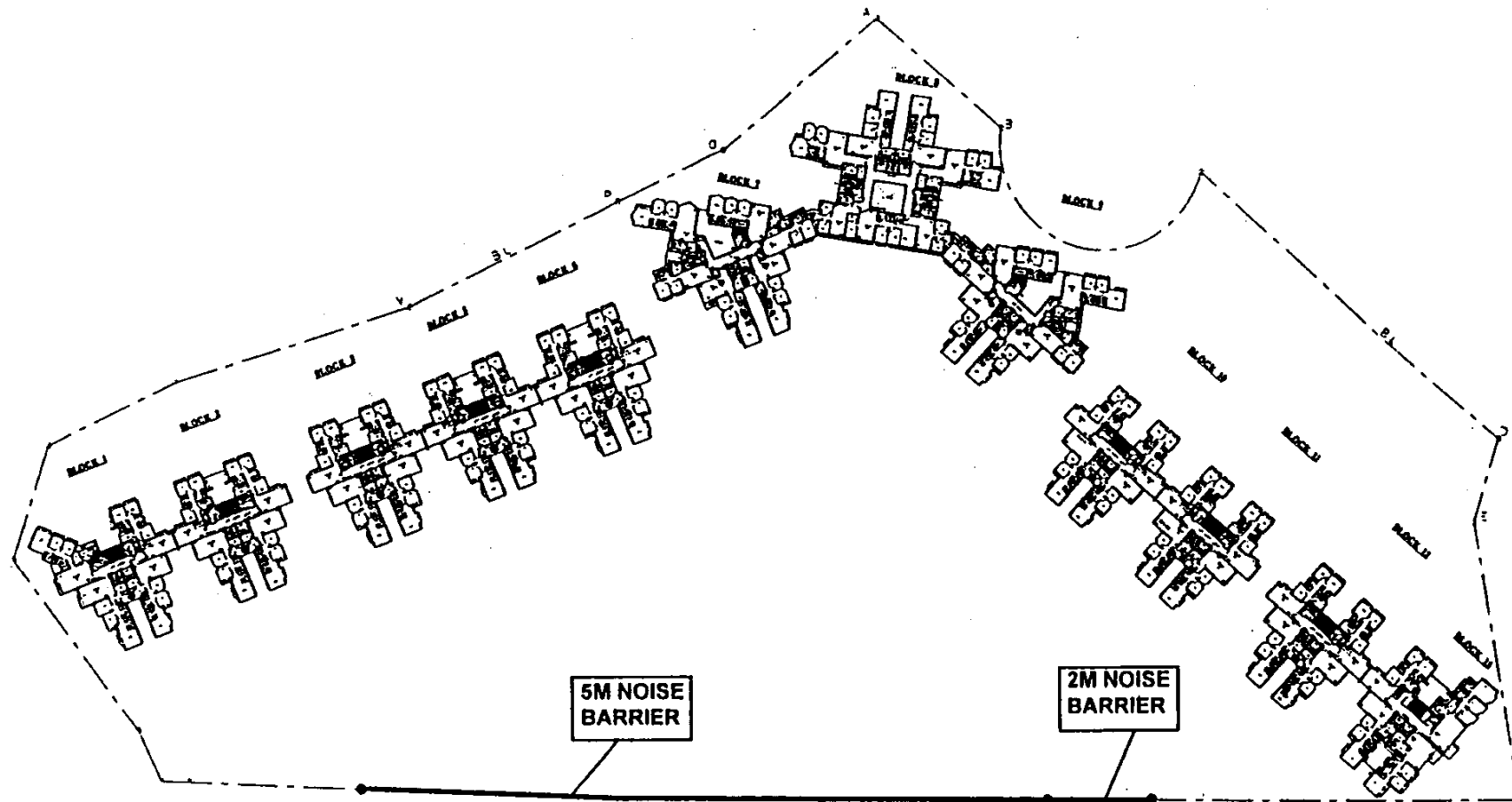
(Robert J.S. Law)

Director of Environmental Protection

c.c. w/e Secretary for the Environment, Transport and Works  
Director of Territory Development  
Director of Lands  
Director of Audit

- (a) The EIA Study Management Group was set up under the then Joint Planning, Environment and Lands Branch Technical Circular No. 2/92 and Works Branch Technical Circular No. 14/92, which provided that “the group shall be convened by DEP to guide the work of the EIA, to provide comments and advice on its methodology, findings and implications, and to act as a forum for discussion of environmental issues associated with the project” (Paragraph 12, Appendix IV). Land premium issues were generally not within the ambit of the Group and EPD has no authority over such matters. In accordance with the discussion and agreement at the EIA Study Management Group meeting on 6.2.98, EPD would write to DLO/ST informing the EIA recommendation and PM/NTE would follow up with DLO/ST later on any land premium implication.
- (b) Under Works Bureau Technical Circular No.18/98 (Planning, Environment and Lands Bureau Technical Circular No.10/98) the Government policy on mitigation of traffic noise impacts is that proponents of new road projects are required to assess noise impacts and identify suitable alignments, consider options to prevent and mitigate traffic noise impacts, and propose the best practicable package of noise mitigation measures to protect both existing and planned sensitive uses (paragraph 59). TDD as proponent for the T7 project has acted according to the policy and recommended a package of noise barriers to address the noise problem in their Environmental Review Report under the Environmental Permit application in May 2000. The construction of the proposed barriers was then included as a condition in the Permit and became a legal requirement under the EIA Ordinance (Cap.499).

As requested please find attached the drawing showing the noise barriers proposed by the developer, which is an extract from the traffic noise impact assessment accepted by EPD in December 1997.



**Proposed Residential Development in STTL 446 Area 108, Ma On Shan- TNIA**

Proposed Noise Barrier on Southern Site Boundary (Plan)

Fig. No.	Page No.
10b	
Scale	Date
NTS	10/97



Ref: PELB(E)55/10/13(88)II  
WB(W)271/32/05(88)II

Planning, Environment and  
Lands and Works Branches  
Government Secretariat  
Murray Building  
Garden Road  
Hong Kong

21 April 1992

PLANNING, ENVIRONMENT AND LANDS BRANCH  
TECHNICAL CIRCULAR NO. 2/92

WORKS BRANCH TECHNICAL CIRCULAR NO.14/92

Environmental Impact Assessment of Major Development Projects

Introduction

This circular supersedes Lands and Works Branch Technical Circular No. 9/88 of 5 May 1988, and provides updated procedures for application of the environmental impact assessment (EIA) process to public sector projects. The circular does not deal with procedures for hazard assessment which are outlined in the Circular for the Coordinating Committee on the Land-use Planning and Control relating to Potentially Hazardous Installations. Similar procedures for reviewing private sector projects are dealt with in Environmental Protection Department Advice Note 2/90 "Application of the Environmental Impact Assessment Process to Major Private Sector Projects". This circular clarifies and puts into writing current practice, and refines it as necessary. Procedures for release of the results of EIA studies to the public are contained in Planning, Environment and Lands Branch General Circular No. 2/92, "Public Access to Environmental Impact Assessment Reports".

2. The EIA process is a structured and systematic approach to the assessment and control of possible environmental impacts arising from a project, and can be applied at all stages of the project, from conception and design to construction, operation and ultimate decommissioning.

3. Many public sector projects have the potential to cause environmental problems because of their impacts on the environment or because they locate sensitive receivers near a source of pollution. The potential environmental consequences of major public sector projects need to be considered at all stages of project planning in order to prevent pollution problems, minimize environmental damage and avoid expensive remedial measures.

4. Public sector projects are subject to controls under existing environmental protection legislation. It is Government's intention to introduce legislation for applying the environmental impact assessment process to major public and private sector development projects. Until this requirement is introduced into legislation, the administrative procedures in this circular should be followed by Government departments and agencies, including corporations, authorities and other bodies wholly owned by Government.

#### Summary of Procedures

5. If a project is likely to have an adverse impact on the environment (including people and the natural environment), the proponent shall notify the Director of Environmental Protection (DEP) of the project at an early stage of project planning and development. The proponent is the department, agency or body, directly responsible for the project development at different stages of activities such as feasibility study, design and implementation. For example, during the project feasibility study, the department who evaluates the need and subsequently initiates the project shall be the proponent. As the project advances into the design stage, the proponent shall be the department who carries out the design work by their in-house staff or who employs the project development consultant. An illustration of the proponent as defined at different stages of project activities for some typical development projects is given in Appendix I.

6. Examples of projects for which notification is required are listed in Appendix II. DEP shall also be notified if a project to provide housing, educational, health care, recreational and similar facilities, is proposed for a site which could experience adverse environmental impacts from another development. The proponent for a project which is to be implemented through Public Works Programme procedures (as detailed in Financial Circular No. 8/90) shall notify DEP at the Category C stage of the Public Works Programme. If project planning is initiated outside normal PWP procedures, DEP should

be notified of the project immediately. Where a proponent is in any doubt about the need to notify, he should consult DEP.

7. DEP shall undertake an "environmental review" of the proposed project, based on information about the project. A project profile, which conforms to the guidelines in Appendix III, should be provided by the proponent. The environmental review is a preliminary screening exercise to decide whether an EIA study is required and, if so, what matters it will address. This will not involve a detailed assessment.

8. If an EIA study is needed, DEP shall prepare a study brief for the proponent with details of the study requirements and the proponent may wish to discuss it with DEP if any disagreement arises. DEP shall also establish a study management group representing the various interests within Government, to guide and review the work of the EIA study.

9. The EIA Study Brief will require the EIA study to identify the environmental and social advantages of the project, as well as disbenefits and mitigation measures proposed for it. The proponent shall be responsible for funding and completing the study in accordance with the Study Brief. Likely costs of the necessary studies will be identified by discussion between DEP and the proponent during preparation of the project profile. The proponent must ensure that funds for necessary studies are included in the project estimates.

10. The proponent, or any department, agency or contractor to whom responsibility for implementation is given by the proponent, is responsible for:

- (a) undertaking the EIA study (usually through employment of environmental consultancy specialists although it is normal and desirable for this work to be taken on by the in-house environmental consultancy staff of the engineering consultancy firm) [DEP holds a list of environmental consultancy firms which can be consulted by proponents];
- (b) implementing the necessary pollution control and environmental protection measures (called "mitigation measures") identified in the study;
- (c) undertaking an environmental monitoring and audit programme to ensure that the project's expected environmental performance is achieved. The funding and responsibility for the implementation of monitoring and audit programme

- during the construction period shall lie with the executing department; and
- (d) taking any necessary remedial measures to address unanticipated or unacceptable impacts arising during project construction and operation.

11. When an environmental monitoring and auditing programme at the post-construction stage is recommended by the EIA study and agreed by DEP, DEP shall advise the proponent of the scope and funding requirements of the programme for incorporation into the PWSC paper when upgrading the project to Category A. Upon approval, funds will be allocated under the project.

12. The actual arrangements for implementing the programme may vary from project to project, depending on the nature of the work, and should be agreed between the proponent and EPD. In many cases, it would be appropriate for the work to be carried out by consultants, appointed either by the proponent or EPD, depending on circumstances. The project vote will be open normally for about two years after the commissioning of the project to provide funds for the programme. If any further extension of the programme is needed, the funding arrangements will have to be discussed and agreed between EPD and the proponent.

13. The EIA process is a planning tool, and not merely a means for identifying measures to reduce unacceptable environmental impacts. If the adverse impacts of a project are predicted to be very serious and cannot be reduced to an acceptable level, the project should be abandoned in its current form, or substantially modified to achieve acceptable environmental performance. In such cases the proposal shall be referred by DEP to the Secretary for Planning, Environment and Lands (SPEL) and the relevant Policy Secretaries as soon as its environmental unacceptability is known. If the EIA report shows that the project cannot be implemented without serious environmental impacts, even with all reasonable mitigation measures taken, or unless mitigation measures are taken but at a cost unacceptable to the proponent department, DEP shall advise SPEL accordingly and recommend whether the project should be allowed to proceed.

14. The proponent shall allocate sufficient time for the EIA study to be completed before irrevocable development decisions which have environmental implications are taken. If for any reason the proponent feels that this is not possible, he shall advise SPEL.

accordingly. DEP shall also seek the proponent's agreement to implement the mitigation measures.

15. If agreement is not reached in cases mentioned in paragraphs 12, 13 and 14 above, DEP shall inform SPEL who shall then seek to resolve the disagreement in consultation with the proponent, DEP and the relevant Policy Secretaries. If full resolution is not achieved, the unresolved issues shall be referred to the Chief Secretary for determination.

16. Detailed procedures for notification, environmental review and environmental impact assessment study are outlined in Appendix IV.

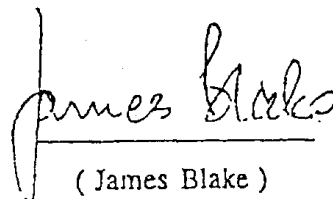
#### Reference in the Public Works Programme

17. When a submission is made to PWSC to upgrade a project to Category A in order to proceed from detailed design to tender or construction, the proponent shall make reference to the outcome of the environmental review and the results of the EIA study (when required). This reference shall indicate whether environmental protection measures recommended by DEP or (where applicable) mitigation measures and monitoring and audit requirements arising from EIA studies, are included in the detailed planning, design and budget of the project.



( A G Eason )

Secretary for Planning,  
Environment and Lands



( James Blake )

Secretary for Works

Proponent as Defined at Different Stages of the Project Activities

Facilities	Feasibility Study	Design	Implementation	Maintenance	User
Transport infrastructure, termini, and depots	TD/TDD HyD	HyD/TDD	HyD/TDD	HyD S	TD
New Town Development	TDD	TDD	TDD	Various Depts	Various Depts
Housing Development	HD	HD	HD	HD	HD
Kai Tak Airport facilities	CAD/CED/ASD	ASD/CED/EMSD	ASD/CED/EMSD	ASD/CED/EMSD	CAD
Reclamations, typhoon shelters and breakwaters	MD/TDD/CED	TDD/CED	TDD/CED	CED	MD
Sewage and drainage facilities	EPD/DSD/TDD	DSD/TDD	DSD/TDD	DSD	DSD
Sewage treatment facilities	EPD/DSD/TDD	DSD/TDD	DSD/TDD	DSD	DSD
Water supply facilities and water treatment plants	WSD	WSD	WSD	WSD	WSD
River training and diversion, and flood protection works	BLD/TDD/CED/DSD	BLD/TDD/CED/ DSD	TDD/CED/DSD	CED/DSD	Various Depts
Waste collection, storage	EPD/USD/RSD/ASD	ASD/USD/RSD	ASD/USD/RSD	ASD/USD/RSD	USD/RSD
Waste treatment and disposal facilities	EPD/EMSD/CED	EPD/EMSD/CED	EPD/EMSD/CED	EPD/EMSD	EPD
New abattoirs and crematoria	CED/USD/RSD	CED/EMSD	ASD/EMSD	EMSD	USD/RSD
Marine and Land borrow areas and marine dumping ground	CED /TDD	CED/TDD	CED/TDD	CED	Various Depts
Sporting and recreational facilities.	USD/RSD/TDD	ASD/TDD	ASD/TDD	ASD	USD/RSD

Appendix II

LIST OF MAJOR GOVERNMENT PROJECTS  
REQUIRING NOTIFICATION

1. Major transport and land use planning studies
2. New town development studies, urban redevelopment proposals, and planning of new industrial areas
3. Major road and rail projects, including major road improvement schemes
4. Development of road, rail, marine and air transport termini and depots
5. Development of port facilities, including container terminals and barge loading areas
6. Construction of reclamations, typhoon shelters and breakwaters
7. Construction of sewerage and drainage facilities
8. Sewage treatment facilities and pumping stations
9. Schemes for re-use of treated sewage effluent
10. Construction of tunnels, bridges, piers, nullahs and canals
11. Water supply projects and water treatment plants
12. River training and diversion, and flood protection works
13. Construction of oil, gas and water and other pipelines
14. Electricity transmission lines and large sub-stations
15. Waste collection, storage, treatment and disposal facilities
16. Extraction of materials from marine or land borrow areas, and schemes for disposal of marine muds
17. Development of mariculture
18. Development of major sporting and recreational facilities
19. Proposals for new abattoirs and crematoria
20. Major housing development projects near major roads or industrial areas.

## Appendix III

### PROJECT PROFILE INFORMATION REQUIRED FOR NOTIFICATION OF PROJECTS

Use of the following checklist for preparing a project profile will ensure that most of the significant environmental factors of a proposed development are able to be considered by DEP in deciding whether an EIA study is required and what matters it will address. This decision will be made as a result of an environmental review of the information in the project profile.

2. The checklist is reasonably thorough, but it is for guidance only. If the proponent feels that additional or alternative types of information would also be useful, this information should also be provided in the profile.

3. Wherever appropriate, the information should be accompanied by plans, process flowcharts, diagrams, illustrations and other information which may assist in carrying out the environmental review.

4. In preparing the proposal and hence the project profile, the proponent should take into account the provisions of the environmental chapter, Chapter 9, of the Hong Kong Planning Standards & Guidelines.

#### BASIC INFORMATION

Project title

Purpose and nature of the project

Name of project proponent

Location of project (include plans)

Name and telephone number of contact person(s)

Project budget

#### OUTLINE OF PLANNING AND IMPLEMENTATION PROGRAMME

How will the project be planned and implemented?  
(consultant, contractor or in-house)

What is the project time-table?  
(e.g. for appointment of consultants, finalizing of design, commencement of construction, commissioning and operation)

Are there any interactions with broader programme requirements or other projects which should be considered?

#### POSSIBLE IMPACT ON THE ENVIRONMENT

Outline any processes involved, including process flow diagrams, site plans, storage requirements, and information on emissions and discharges

Comment on any activities associated with the proposed project which may result in the following types of environmental impacts or issues, either during the construction or operation of the project:

- gaseous emissions
- dust
- odour
- noisy operations
- night-time operations
- traffic generation
- liquid effluents, discharges, or contaminated runoff
- generation of waste or by-products
- storage, handling, transport, or disposal of hazardous materials or wastes
- risk of accidents which would result in pollution or hazard
- disposal of spoil material, including potentially contaminated material
- disruption of water movement
- unsightly visual appearance

#### MAJOR ELEMENTS OF THE SURROUNDING ENVIRONMENT

Consider sensitive receivers and sensitive parts of the natural environment including:

- residential developments
- temporary housing areas
- educational institutions, including schools, kindergartens and nurseries
- health care facilities, including hospitals, clinics, and homes for the aged
- places of worship, including temples and churches
- recreational facilities including amphitheatres, stadiums, recreational grounds and sporting clubs
- agricultural areas
- water courses and confined bodies of water
- beaches, gazetted or otherwise
- water catchment areas and gathering grounds
- ground-water resources

fisheries and mariculture areas  
industries which are sensitive to pollution  
airsheds with limited capacity to disperse  
pollution  
country parks  
areas of conservation value, including woodlands,  
wildlife habitat, ecologically significant  
areas, and sites of cultural, archaeological  
and scientific interest  
fung shui  
places of high visual value

Outline the major elements of the surrounding  
environment which might affect the area in which  
the project is proposed to be located, such as:

existing pollution blackspots  
nearby industrial operations  
nearby trunk roads, and primary or secondary  
distributors  
nearby noisy commercial or community activities  
aircraft noise  
rail noise  
existing or planned waste handling, treatment and  
disposal facilities  
potentially hazardous installations  
noisy or dusty open storage uses

ENVIRONMENTAL PROTECTION MEASURES TO BE INCORPORATED IN THE  
DESIGN AND ANY FURTHER ENVIRONMENTAL IMPLICATIONS

Consider measures to minimize environmental impacts or  
enhance the environment, including the following:

pollution control technology  
waste management systems and practices  
potential for waste and wastewater minimization  
acoustic barriers and insulation  
buffer zones and landscaping  
site layout and building design  
retention and enhancement of natural  
environmental features  
control of construction work practices  
application of the Deep Bay Guidelines for  
dredging, reclamation & drainage works  
application of Chapter 9 of the Hong Kong  
Planning Standards & Guidelines

Comment on the possible severity, distribution and  
duration of environmental effects:

beneficial and adverse effects  
short and long term effects  
secondary and induced effects  
cumulative effects  
tranboundary effects

Comment on any further implications, such as:

- history of similar projects
- public consultation to date
- public interest and political sensitivity

DETAILED PROCEDURES FOR  
THE ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

Notification Procedures

DEP should be notified by proponents of proposals for major public sector projects, or any other projects with the potential for significant environmental impacts, as early as possible in the project planning process, irrespective of whether they are for permanent or temporary use. It is essential to have an appropriate level of environmental input to all stages and levels of project planning: strategic, conceptual, pre-feasibility, site selection, feasibility, and detailed design. In this way the proponent can integrate environmental, technical and economic assessments to produce the best overall project design.

2. Notification shall include a project profile, and DEP may also issue notes from time to time to guide proponents of particular types of projects in the submission of the necessary information. Where DEP finds that insufficient information has been provided in the project profile, he may request additional information from the proponent.

3. In some cases DEP may initiate the process of notification and environmental review at an early stage of project planning, by writing to a proponent and requesting a project profile. This is likely to occur, for example, where a relatively minor project is to be located in a sensitive environment, or where a proponent may have overlooked the need for early notification.

4. Proposals for large infrastructure projects, major planning exercises, and large public facilities would normally require an EIA study and hence should always be notified to DEP, preferably at the conceptual or pre-feasibility stage. Even if it is intended to privatize the design, construction and/or operation of the project at a later stage, the proposal should be notified to DEP by the department responsible for taking the project forward.

5. For many of the projects for which notification is required, the EIA study will need to be conducted in stages, in parallel with the staged development of the proposal itself from a concept or strategy to a detailed design or implementation plan, or the calling of tenders. Early notification will assist DEP to determine the form that each of these staged components of the EIA study will take.

6. It is important to recognize that housing, educational, recreational and health care facilities can indirectly create environmental problems if they are located too close to industrial areas, major roads and other sources of pollution. Also, relatively minor projects will often require EIA if they are proposed to be located near especially sensitive receivers (such as sites of special scientific interest). Therefore, notification of proposals of these types at the planning stage, and especially during site selection, is strongly recommended.

7. Where planning of a project has stopped or its development has been delayed, and more than one year has elapsed from submission of the project profile without commencement of an EIA study which has been required by DEP, the proponent shall notify DEP again when the project is re-activated and submit a revised project profile if there has been any substantial change to the proposal which would affect the scope and content of the EIA study.

8. Similarly, if a project for which an EIA study was not required by DEP undergoes a significant change of direction during project planning, and that change has potentially adverse environmental implications, the proponent shall notify DEP and provide the additional information necessary for a supplementary environmental review.

#### Procedures for Environmental Review

9. Upon notification of a project by a proponent DEP will conduct an environmental review, which shall be completed and the results advised to the proponent within two months of submission of an adequate project profile. The result of the review will fall into one of the following two categories:

- (a) that the project has a limited potential for environmental problems and no EIA study is required (if required, environmental protection and pollution control measures will be recommended by DEP for the design, construction and operation of the project) [most projects will fall into this category] ; or
- (b) that the project is likely to cause significant environmental impacts or be susceptible to adverse impacts, and that these should be addressed in an EIA study.

10. Where planning and development of a project involves several stages leading to detailed design and implementation plans, DEP may determine that an EIA study of appropriate scope and detail is required at each stage.

## Environmental Impact Assessment Study

11. Where an EIA study is required by DEP, he will advise the proponent on the scope, form and content of the study required. This advice will take the form of an EIA study brief, prepared within two months of notification. An EIA study is normally undertaken in two stages:

- (a) an initial assessment to provide sufficient information to identify key environmental issues and problems to be subjected to detailed assessment, and to identify any early implications for project development and design; and
- (b) an evaluation stage to study key issues in greater detail, quantify potential problems, identify necessary mitigation measures, and prepare environmental monitoring and audit requirements for the construction and operational phases of the project. Included in the Study shall be consideration of the environmental and social benefits of the proposed project.

12. DEP shall establish an EIA study management group with appropriate terms of reference to guide the work of the study, to provide comments and advice on its methodology, findings and implications, and to act as a forum for discussion of environmental issues associated with the project. The group shall be convened by DEP and the membership shall include representatives of all Government branches, departments, agencies and consultants with a genuine interest in the environmental implications of the project. DEP shall assess the performance of the work of the study, the accuracy of its findings, the adequacy of its recommendations for protecting the environment, and the acceptability of residual environmental impacts. Where the study management group is constituted under a project steering group convened by the proponent department or the relevant policy branch, DEP's representative shall advise the steering group of his overall assessment of the project and the outcome of the EIA study. DEP's representative shall also bring all significant views of the study management group to the attention of the steering group. SPEL will also be advised if there is any substantive disagreement within the study management group about the findings and recommendations of a study.

13. If DEP believes that the mitigation measures identified in the study will enable an acceptable level of environmental quality to be achieved and maintained in the implementation of the project, and that an adequate environmental monitoring and audit programme has been prepared in the study, he shall endorse the EIA study and accept the study report. Environmental monitoring and audit is a structured approach to (i) monitoring the performance of a project and the effectiveness of mitigation measures during its construction and operation, (ii) verifying the environmental

impacts predicted in the EIA study, (iii) determining project compliance with regulatory requirements and Government policies, and (iv) taking remedial action if unexpected problems or unacceptable impacts arise.

14. Mitigation measures and monitoring and audit requirements will be specified as an output of the EIA study, usually in an environmental schedule. The schedule will explain how it is expected that these requirements will be implemented (e.g. through statutory pollution controls and planning controls, conditions in leases and other agreements, works contract clauses, design documents, construction and operating manuals, etc.). It is essential that project planning should, as far as possible, allow sufficient time for these requirements to be prepared and incorporated into the relevant documentation.

15. Proponents should note that EIA studies often extend beyond the control of pollution and management of wastes to considerations of visual impact, ecology, conservation and enhancement of the natural environment, fung shui, and sites of scientific, cultural and archaeological interest. This is by arrangement with those departments with the relevant administrative responsibilities.

香港特別行政區政府  
The Government of the Hong Kong Special Administrative Region

工務局  
香港花園道美利大廈



規劃環境地政局  
香港花園道美利大廈

WORKS BUREAU  
MURRAY BUILDING, GARDEN ROAD,  
HONG KONG

PLANNING, ENVIRONMENT &  
LANDS BUREAU  
MURRAY BUILDING, GARDEN ROAD,  
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Ref : PELB(E)55/10/13A(98)  
WB(PM)590  
Group : 2, 5, 6

16 October 1998

Works Bureau Technical Circular No. 18/98

Planning, Environment and Lands Bureau Technical Circular No. 10/98

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PROCEDURES FOR  
ENVIRONMENTAL IMPACT ASSESSMENT OF  
DEVELOPMENT PROJECTS AND PROPOSALS

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designated projects cannot be reached between DEP and a proponent department, DEP shall refer the case to SPEL for resolution. DEP will provide full details of the case but the proponent department may present its case to SPEL if it so wishes. SPEL would then seek to resolve the disagreement in consultation with the proponent department, DEP and the relevant Policy Secretaries and other relevant departments.

### **Upgrading of Non-designated Projects to Category A**

56. When a submission of a non-designated project is made to the PWSC for upgrading to Category A or to other major decision making bodies, proponent departments shall make reference to the environmental implications of a project and the agreed mitigation measures according to the environmental information generated under this circular, state the funding arrangement for the mitigation measures, and include a commitment to implement those measures. The Financial Circular on the clearance of "Environmental Implications" sections of the PWSC papers shall apply.

57. Proponent departments are responsible for the full implementation of the mitigation measures identified in the PER or other environmental studies, as well as taking remedial measures against any unacceptable environmental impacts during the construction and operation of a project.

### **MITIGATION OF RESIDUAL TRAFFIC NOISE IMPACTS FROM NEW ROADS ON PLANNED USES**

58. This section sets out the requirements for relevant departments to incorporate the off-site mitigation measures agreed during the EIA process into the land use plan and/or the land sale mechanisms to address the residual traffic noise impact of a new road, after the road proponents implement all practicable traffic noise mitigation measures on roads as identified in an EIA study.

59. Proponents of road projects are required to assess, among other things, noise impacts on both the existing and planned noise sensitive uses, identify suitable alignments, consider options to prevent and mitigate traffic noise impacts, and propose the best practicable package of noise mitigation measures to protect both existing and planned sensitive uses. As a general principle, equitable redress in the

form of direct mitigation measures will be provided wherever practicable to protect existing and planned sensitive uses which would otherwise be exposed to traffic noise exceeding the planning guidelines. Indirect mitigation measures such as acoustic insulation and air conditioning will be provided to existing sensitive receivers to protect them from residual noise impacts after adoption of direct mitigation measures on the roads and subject to ExCo's approval on the merits of the case. If additional measures include setback and/or building disposition, even after the adoption of all practicable mitigation measures at source, the EIA process would evaluate and confirm their practicality. The agreed environmental requirements on future adjacent sensitive uses and any development constraints identified during the EIA process should be taken into account when assessing the development potential of the sensitive uses and be made known to potential developers.

60. The following step-by-step procedures shall apply:

- (a) the proponent of a new road is required to implement all practicable direct mitigation measures at source to abate the traffic noise impacts,
- (b) if, after the implementation of all practicable measures at source, the residual noise impacts are envisaged to exceed the established criteria, the proponent of the new road should define the environmental constraints and the mitigation measures at planned sensitive receivers, and assess the practicality and feasibility for implementation by developers;
- (c) as future developers have to implement mitigation measures at receivers, the Planning Department and Lands Department will agree with the road proponents, during the EIA process, to the site constraints and/or the findings about the feasibility and the practicability for developers to implement the measures at planned sensitive uses. This agreement, which will be recorded during the EIA process, is particularly important when the layout designs might affect development parameters of the affected sites. During the EIA study, the road proponents should ensure, to their best endeavour, that the development potential of a site would not be affected;
- (d) once agreed, Planning Department will incorporate the constraints into the land uses plans and, where applicable, submit the necessary

amendment plan to the Town Planning Board for approval. Lands Department will also incorporate the constraints and mitigation measures agreed during the EIA process into the realistic calculation of the development potential;

- (e) Lands Department shall make known of the agreed constraints and measures to the developers before the sale or grant of lands. Lands Department should incorporate appropriate clauses in the lease or grant conditions such that the agreed measures will be implemented by the developers.

61. If there is a conflict about the measures at planned sensitive uses that cannot be resolved, the conflict shall be referred by DEP to SPEL for him to resolve the matter with other Policy Secretaries.

#### **PROCEDURES FOR ENVIRONMENTAL APPRAISAL OF PROPOSALS SUBMITTED TO THE EXECUTIVE COUNCIL**

62. Article 119 of the Basic Law states that "The Government of the Hong Kong Special Administrative Region shall formulate appropriate policies to promote and co-ordinate the development of various trades, such as manufacturing, commerce, tourism, real estate, transport, public utilities... , and pay regard to the protection of the environment."

63. The Executive Council (ExCo) Procedures Manual (1997 edition) requires the incorporation of an environmental implications section in all ExCo memoranda where there are likely to be environmental issue or impact, including benefits, involved. The procedures set out below aim to assist policy bureaux in identifying the environmental implications and paying regard to the protection of the environment when formulating policies, so that requirements in the Basic Law and ExCo Procedures Manual can be met.