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Role of the Advisory Council on the Environment in the Environmental Impact Assessment (EIA) Process

EIA report on Liquefied Natural Gas Terminal and Associated Facilities

The Advisory Council on the Environment (ACE) is a non-statutory advisory body on matters relating to environmental protection and nature conservation. The ACE comprises academics, businessmen, professionals and members of green groups.

Under the Environmental Impact Assessment (EIA) Ordinance (Cap. 499), the Director of Environmental Protection (DEP) is required to take into account comments of ACE, if any, made on EIA reports during the statutory public inspection period. It should be noted that the ACE is one of the statutory consultees in the EIA process. Under the EIA Ordinance, any member of the public may submit written comments to the DEP on the EIA report before the period of the public inspection expires. The DEP shall take into account the comments from the public and those from the ACE in making a decision on the EIA report.

The EIA Subcommittee of the ACE examined the EIA report on Liquefied Natural Gas (LNG) Terminal and Associated Facilities in great detail at its meeting on 19 January 2007. Members agreed that the ACE's role was to consider the report within the framework of the EIA Ordinance. The project had to be considered from different policy perspectives, including environment conservation, energy policy, economic considerations, land use and town planning. Whilst noting that the EIA report was the first step of the whole process in this case, Members were aware of high expectations in the community that all these issues should be properly addressed. In considering the EIA report, the EIA Subcommittee or the ACE should comment on the environmental acceptability of the project. Members also agreed that precedent cases were important as reference by the Subcommittee.

A wide range of environmental and related issues were properly looked into by Members of the Subcommittee, including the background of

the project, site selection, risk assessment (in particular the marine transit of the Black Point option), ecological impacts (including impacts on Chinese White Dolphins and Finless Porpoises, functions of the potential marine park, disturbance to the marine environment and cumulative impacts), water quality impacts, landscape and visual impacts, waste management, construction and operational impacts, archeological and cultural heritage, environmental monitoring and environmental enhancement plan. The Subcommittee recommended to the full Council that some outstanding issues and concerns (with further information to be provided by the project proponent on some of them) be discussed.

The full Council considered the report of the EIA Subcommittee and the EIA report in great detail, with additional information provided by the project proponent, on 12 February 2007. The Council agreed that the Council's role was to consider whether the EIA report was environmentally acceptable within the framework of the EIA Ordinance. Issues falling outside the remit of the EIA Ordinance, including the need and justifications for the project, alternative sources of supply outside Hong Kong and land use interface, had to be dealt with by relevant policy bureaux and boards. The Council had made further considerations on a number of issues, including landscape and visual impacts, land use compatibility, noise impacts on marine mammals, impacts of the cooling water system on marine life, heavy metals in water, hazard to life and environmental enhancement plan.

The Council endorsed the EIA report insofar as the environmental impact of the project was concerned, subject to a number of conditions. It was only after very careful consideration and lengthy discussion of the relevant environmental issues that the Council made the decision.