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THE HONG KONG BIRD WATCHING SOCIETY Limited

認可公共性質慈善機構 Approved Charitable Institution of Public Character

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Legislative Council, Panel on Environmental Affairs
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Review of environmental impact assessment mechanism

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The Hong Kong Bird Watching Society (HKBWS) would like to express our appreciation of a discussion on the issue in the Legislative Council.

The HKBWS believes that the current Environmental Impact Assessment Ordinance (EIAO) is a good legislative framework under the current limitations of higher policies. The Long Valley case was a very good example which the EIAO has successfully maintained the balance between development and nature conservation.

However, we are observing that the effectiveness of the ordinance on protecting the Environment has been degrading since the Long Valley case in 2001. We are deeply concerned that the government, under the current trend of infrastructure-driven economics, is trying to downplay the power of the EIAO in order to speed up developments in the expense of the environment.

Therefore, we would like to suggest the following actions in various aspects:

The Statutory Requirements of EIA

1. Current issues on EIA reveal that EIA reports, without real consideration of alternatives, can be endorsed by the Advisory Council on Environment (ACE) and Director of Environmental Protection. This is against the basic principle of EIA which is to avoid impact at first place.
2. The temporal coverage of ecological assessment should be increased to at least one year, to provide comprehensive assessment of ecological baseline. At present, only wet season and dry season survey is required, disregarding the temporal variation of organisms (e.g. migration season of birds).
3. Contrast to air and noise pollution, There is no subjective and quantitative measurements of the “acceptability” of ecological impacts. Thus the ecological

concern has always been neglected or down-played by the Environmental Protection Department and even the ACE.

4. We urge for a more comprehensive requirement on Cumulative impact and strategic impact assessment should be required. In particular, the cumulative ecological impacts should receive more attention. For example, the report needs to account for the cumulative impact of other proposed development on a particular species of conservation concern, rather than accounting for the cumulative environmental impact in a restricted part of Hong Kong.

Independency of consultants and proponents

1. Conflict of interest arises when the Environment Bureau (i.e. Environmental Protection Department) being the proposer of a certain project (e.g. the Integrated Waste Management Facilities) and the authority to issue Environmental Permits.
2. The Consultant for carrying out EIAs is directly employed by proponent which lacks independency.
3. Thus, the HKBWS suggest the government to put incentives for independent assessments.
4. Public knowledge should also be taken into statutory requirements. The Lung Mei case has proven that public knowledge has its own strengths.

The Advisory Council on the Environment (ACE)

1. The current ACE members are appointed by the government which lacks transparency and independency. This strategy should be reviewed to a more transparent and democratic system.
2. There is currently a lack of experts from certain backgrounds, especially Ecology. A review of the selection of ACE is required to ensure that there are adequate expertise in the ACE;
3. Number of members should also be increased to increase the efficiency of ACE in reviewing EIA reports.

Public consultation

1. We believe that stronger public engagement would lead to a stronger public support on projects.
2. We observed that public comments have been making less and less influences on EIA decisions and approval conditions, when recent cases (e.g. Lung Mei Artificial Beach, Sha Lo Tung Project and Integrated Waste Management Facilities) are compared to the Long Valley case in 2001.

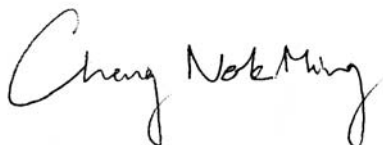
3. A lengthening of the consultation period, together with alternative consultation practices would be beneficial (e.g. workshops and forums in the community), as majority of the public may not have time and knowledge to read EIA reports.
4. Inclusion of public knowledge into statutory requirements would also enhance the support of public on projects and the decisions made by the authority.
5. A “comment on comment” section would encourage further discussions, as well as providing more insights for public, proponent and the government.
6. A hearing section is also suggested so that the proponent or government has the chance to respond to the comments raised by the public. Such strategies have been employed in the Town Planning Process, which has been shown highly feasible and effective.

The Policy

1. The HKBWS thinks the current EIAO, though is a fairly good set of ordinances with appreciable principles, it has little influence on decision making during higher levels.
2. The HKBWS is aware of the fact environmental concerns, or EIA process, have little impact on the infrastructure development in Hong Kong under the current Policy
3. We sincerely hope that the government would increase the importance of environmental impacts during higher policies outside the scope of EIA process.

The HKBWS sincerely hope that the EIAO process would have greater influences and better empowered in order to achieve its primary purpose of environmental protection.

The HKBWS is in favour of a review and a continued further discussion between the Government, Legislative Councils, and stakeholders including the general public.



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