



Clean Air Network's submission to the Panel of Environmental Affairs about the review of the Environmental Impact Assessment Ordinance

We strongly urge the government to amend the Environmental Impact Assessment Ordinance ("EIAO") to enshrine the principle that public health is a main consideration when assessing a new infrastructure project.

In the meantime, we exhort the Secretary of Environment to explicitly and directly incorporate the consideration of public health into the EIAO's Technical Memorandum ("TM").

Directly related to the EIAO and its capacity to protect the public from air pollution, we point out that the EIAO is only as protective as the Air Quality Objectives ("AQOs") themselves. Considering that conformity with the latter is a prime factor in granting an environmental permit, we hope the government will announce the replacement of the city's very outdated AQOs very soon. Rather than relying on lax, superannuated regulation and seeking to overturn court rulings which protect public health to perpetuate its agenda of economic growth at any cost, the government must now confront the growing demands of an angry public who is no longer willing to sacrifice lives, health or quality of living for uncontrolled development. For a city as affluent, educated and technologically advanced as Hong Kong, responsible growth is the only path forward.

Thus, we recommend that the Secretary amend the Technical Memorandum so that a Project Profile must include the statement of:

Incremental public health impacts resulting from the project, both long- and short-term, in terms comprehensible to the public, i.e., additional deaths, illnesses or doctors visits per year. Such a measurement obviously implies and includes a description and assessment of background pollution prior to the commencement of the project. The obligation to comment on the "description of how the environment and community might be affected" (refer to the bottom of the page) is not sufficiently protective of or illuminating to the public.

Moreover, regarding the section of the TM, Description of Mitigation Measures, the corresponding, incremental public health benefits of mitigation measures should be stated, so that the public can understand how the mitigation measures, proposed in the first instance, reduce deaths, illnesses or doctors visits, vis-a-vis implementing no mitigation measures. The same assessment and information should be given in regard to mitigation measures which may be proposed subsequently, referring to the second paragraph of this section. This assessment should compare the public health benefit ensuing from the adoption of mitigation

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measures additional to those described in the first paragraph of that section.
(refer to the bottom of the page)

Technical Memorandum

Annex 2

ANNEX 2 - PROJECT PROFILE FOR MATERIAL CHANGE TO A DESIGNATED PROJECT

Use of the following checklist for preparing a project profile shall ensure that most of the significant environmental factors of a proposed development are able to be considered by the Director in deciding what matters an EIA study shall address.

2. If the applicant feels that additional or alternative types of information would also be useful, this information shall also be provided in the profile. The information should include all existing and planned pollution sources and sensitive receivers to the best knowledge of the applicant at the time of the submission.

3. Wherever appropriate, the information shall be accompanied by plans, process flowcharts, diagrams, illustrations and other information which may assist in deciding whether an applicant can proceed directly to apply for an environmental permit, or what matters an EIA study shall address and what requirements an EIA study shall meet.

BASIC INFORMATION

Project description

Nature of the project, and the proposed addition, modification or alteration

Name of project proponent

Location of project (include plans)

Name and telephone number of contact person(s)

Proposed addition, modification and alteration

What is the time-table for the addition, modification or alteration (e.g. for appointment of consultants, finalizing of design, commencement of construction, commissioning and operation)

POSSIBLE IMPACT ON THE ENVIRONMENT

Comment on any activities associated with the proposed addition, modification or alteration which may result in environmental impacts, either during the construction or operation (or decommissioning) of the addition, modification or alterations.

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- a. description of the environmental changes arising from the changes, additions or alterations;
- b. description of how the environment and the community might be affected by the above change;
- c. description of the findings or recommendations of any previous EIA report or environmental studies;
- d. description of possible environmental impacts arising from the proposed addition, modification or alteration;
- e. description on how this modification, addition or alteration deviates from or invalidates the previous assumptions in previous EIA reports.

DESCRIPTIONS OF MITIGATION MEASURES

- a. description on how the currently adopted measures address the likely environmental impacts arising from the changes;
- b. description of additional measures proposed to deal with such changes and whether this technical memorandum's requirements can be met.

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