

## **Comments on Hong Kong's EIA Mechanism**

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I am an ornithologist with a strong interest in Hong Kong conservation, and have lived here 24 years. I have worked on a handful of EIA projects in Hong Kong; as well as projects in China for the World Bank and the Asian Development Bank.

Only very recently learned of public views being sought on Hong Kong's EIA mechanism. Too late for submitting public views officially, but I send these notes in case of some value.

Broadly: *the EIA mechanism is well-intentioned, worthwhile, but hardly perfect, and can be abused – even by the government.*

### **Who Pays the Piper Calls the Tune**

A major flaw is that *environmental consultants conducting EIAs are paid by project proponents*. This of course means there is less tendency for EIAs to be truly objective; indeed, a biologist I know has scornfully referred to some environmental consultants as “biostitutes” – willing to sell their expertise, and arrive at conclusions that please their paymasters.

Proponents of conservation tend, by contrast, to be under-funded, often pressed for time. Wildlife itself has no voice of course; so Hong Kong is reliant on a scattered grouping of green groups and other organisations, and interested individuals, to put arguments favouring wildlife and the environment over development.

Government departments such as AFCD should have strong roles to play here, yet perhaps not as proactive as they might be. Sometimes, individuals in high positions may be more bureaucratically than scientifically focused.

This situation is far from ideal; yet it seems hard to find a solution to the funding issue.

### **Advisory Council on the Environment: Government Appointees**

The ACE's role seems to be akin to a panel of judges, or a jury, supposedly making learned decisions regarding EIAs. Yet this is a government appointed panel; perhaps not everyone is indeed expert in or committed to environmental issues.

### **Curious Case of Government as Proponent, Judge and Jury**

The situation regarding the planned artificial island with waste incinerator to be built beside Shek Kwu Chau shows the EIA mechanism at its most absurd.

In this case, the government is the project proponent, and has hired the EIA consultant. The EIA was in turn assessed by the government appointed ACE.

I watched the public session of one assessment meeting, and was struck by the poor standard of criticisms raised and questions asked, answers given: there was not one expert on incineration present in the meeting; nor had more than one or two individuals on ACE made any effort to become familiar with the issues.

Unsurprisingly, the EIA for the Shek Kwu Chau incinerator was passed. Yet soon afterwards, the EIA was withdrawn – after the result of the judicial review over the HKMZ Bridge. Just as the judicial review showed the HKZMB EIA was of poor quality, the withdrawal of the Shek Kwu Chau EIA showed the government had misgivings regarding its quality.

### **Resubmissions and Abuse**

Some projects that are rejected through the EIA process later resurface, with only minor changes.

On the surface, this seems fair; yet it can also become an abuse of the system – as projects may not really be improved, and well-funded proponents may be hoping that scheme opponents may simply become too tired, or run out of resources.

### **Way Ahead?**

To me, it is very hard to envisage how to improve the EIA mechanism.

Importantly, the mechanism, and ACE, should not be regarded as ideal.

Public scrutiny is important; yet more easily said than done – few people have the time, energy and expertise to really contribute on an ongoing basis.