

Bills Committee on Air Pollution Control (Amendment) Bill 2013

Follow-up actions by the Administration

2. In response to members' concern that there may be cases where an applicant for the Environmental Impact Assessment ("EIA") would rush and file their assessment report to avoid the relevant projects to be subjected to the new AQOs, to provide information on –

(a) An illustration on the sequence of stages of EIA under the EIA Ordinance (Cap. 499) and an explanation of the transitional arrangement for ongoing infrastructure projects with reference to those stages.

(b) The number and a list of designated projects of those stages before the new AQOs come into operation.

(a) The process under the EIA Ordinance (Cap. 499) can be divided into four stages. Stage 1 is the application for an EIA study brief; stage 2 the conduct of the study; stage 3 the application for approval of an EIA report and an environmental permit (EP); and stage 4 the project implementation in accordance with the EP.

Stage 1 – application for an EIA study brief (statutory time requirement 45 days)

A project proponent who is planning a designated project (DP) listed in the EIA Ordinance shall apply to the Director of Environmental Protection (DEP) for an EIA study brief to proceed with an EIA study for the project. Basically, the EIA study brief sets out the scope of environmental issues which shall be addressed and the methodologies or approaches that the EIA study needs to follow, amongst other matters. Upon receipt of the application, EPD shall issue the EIA study brief within 45 days.

Stage 2 – EIA study period (no statutory time requirement)

There is no statutory time requirement for a project proponent to conduct the EIA study for the project after the study brief is issued. The project proponent can take the necessary time to carry out the EIA study in accordance with the study brief and the Technical Memorandum under Cap. 499. Generally speaking, the time required for completing the EIA study will depend largely on the scale of the project and the complexity of the environmental issues involved. Based on record of EPD, on average, an EIA study will take more than 2 years to complete after issue of the study brief.

Stage 3 – application for approval of an EIA report and an environmental permit (EP)

After completion of the EIA study, the project proponent will submit the EIA report to EPD for approval and apply for the EP under the EIA Ordinance. Within 60 days of receipt of the EIA report, if EPD satisfies that the report meets the requirements of the EIA study brief and Technical Memorandum on the EIA Process in consultation with the relevant authorities, EPD shall advise the project proponent to proceed to exhibit the EIA report for public comments and shall consult the Advisory Council on the Environment (ACE). The statutory periods to exhibit the EIA report to consult the public and ACE are 30 days and 60 days respectively. Within 30 days of the expiry of the public inspection period or the receipt of comments from the ACE, whichever is later, EPD shall approve, approve with conditions or reject the EIA report. If EPD approves or approves the EIA report with conditions, EPD may also issue the EP at the same time. Counting the statutory time limits for these steps, the processing time for approving an EIA report and EP issuance will take up to 180 days from the submission of EIA report to EPD in normal circumstances. Where additional information from the project proponent is considered necessary, more time will be required.

Stage 4 – project implementation in accordance with the EP

After the project proponent has obtained the EP, he or she may commence construction or operation of the project which shall be implemented in accordance with the conditions set out in the EP. During construction or operation of the project, the EP holder may apply for a variation of the condition(s) of the EP (VEP) if there is the need to cater for any changes in the construction method or design adopted in the approved EIA report to suit actual site conditions or operational requirements. EPD shall issue the VEP within 30 days upon receipt of the application if relevant provisions under the EIA Ordinance are satisfied.

As at mid May 2013, the numbers of DPs currently at the above four stages are tabulated below.

	Stage 1	Stage 2	Stage 3	Stage 4
	(EIA study brief being applied for)	(EIA studies on going)	(EIA reports already submitted & being considered for approval)	(Environmental permits issued & remain valid)
No. of designated projects	0	63 (listed in Appendix A)	8 (listed in Appendix B)	147 (listed in Appendix C)

Transitional arrangement for DPs at the above 4 stages:

The proposed 36-month transitional arrangement under the Air Pollution Control (Amendment) Bill will apply to DPs at stage 4 which already have their EPs granted based on the current AQOs and before the new AQOs come into effect. There are currently 147 valid EPs falling into this category. The same may apply to those DPs at Stage 3 if the reports are approved and EPs granted before end of this year. As at mid-May 2013, there are 8 EIA reports of the DPs being processed at Stage 3.

Within 36 months from the date when the new AQOs come into effect, an application for VEP will be considered based on the current AQOs. After the expiry of the transitional period, in case it is necessary for a project to apply for VEP, the permit holder will be required to demonstrate that the application will meet all requirements of the EIA Ordinance by taking into account the proposed new AQOs. Failing that, the VEP application will not be approved and the concerned DP has to be implemented in accordance with the conditions of the original EP.

The following table shows the yearly breakdown of the numbers of DPs that were issued with an EP:

	Before 2010	2010	2011	2012	2013 (as at mid- May)	Total
No. of DPs issued with EPs	125	10	5	6	1	147

It can be seen from the above breakdown that 125 EPs, or 85%, were issued over three years ago. Our experience is that most of the VEPs have been applied for during the construction periods, especially within the first 3 years, to cater for changes in construction methods or to overcome site constraints, the need for any variations to the original conditions for these 125 EPs should be smaller than those issued with an EP more recently.

There are currently 63 DPs (listed in Appendix A) which have been issued with the SBs but the EIA reports have not yet been submitted to EPD for approval. Given the need for vetting and public inspections under the EIA Ordinance, EIA reports submitted after June 2013 will unlikely be approved within 2013. So far we do not observe any trend that project proponents rush their EIA reports to avoid their reports being subjected to the new proposed AQOs..

(b) The numbers and lists of designated projects are given in Appendices A to C.

Environmental Protection Department

May 2013

**Designated projects with Study Briefs issued but EIA reports not yet submitted under EIA Ordinance
(as at mid May 2013)**

No.	Project Title
1	Improvement of Yuen Long Town Nullah (Town Centre Section)
2	Pyrolysis Plant at EcoPark
3	Port Shelter Sewerage, Stage 3 – Sewerage Works at Po Toi O
4	Site Formation and Associated Infrastructural Works for Development of Columbarium, Crematorium and Related Facilities at Sandy Ridge Cemetery
5	New Wang Tong River Bridge
6	Planning and Engineering Study For Tuen Mun Areas 40 and 46 and the Adjoining Areas
7	Proposed Alternative Comprehensive Development near Lin Barn Tsuen, Yuen Long, N. T. (
8	Expansion of Sha Tau Kok Sewage Treatment Works
9	Alternative Ground Decontamination Works at the Proposed Kennedy Town Comprehensive Development Area Site
10	Tung Chung New Town Development Extension
11	Expansion of Hong Kong International Airport into a Three-Runway System
12	Planning and Engineering Study for Tuen Mun Areas 40 and 46
13	Development of Anderson Road Quarry
14	Housing Sites in Yuen Long South
15	Reprovisioning of FEHD Sai Yee Street Vehicle Depot at Yen Ming Road, West Kowloon Reclamation Area
16	Proposed Comprehensive Development with Wetland Enhancement (CDWE) at Nam Sang Wai and Lut Chau
17	Decommissioning of West Portion of the Middle Ash Lagoon at Tsang Tsui, Tuen Mun
18	Flyover from Kwai Tsing Interchange Upramp to Kwai Chung Road
19	Effluent Polishing Scheme at Yuen Long Sewage Treatment Works
20	Proposed Comprehensive Development At Wing Kei Tsuen, Yuen Long, N.T.
21	Proposed Comprehensive Development At Lin Barn Tsuen, Yuen Long, N.T.
22	West Kowloon Cultural District
23	Proposed Road Improvement Works in West Kowloon Reclamation Development Phase 1
24	Modernisation of East Wing of Tsuen Wan Water Treatment Works

25	Planning and Engineering Study on Future Land Use at Ex-Lamma Quarry Area at Sok Kwu Wan, Lamma Island – Feasibility Study
26	Proposed Residential Development East of Ping Kong, Sheung Shui, N. T.
27	The Baroque on Lamma
28	Slip Roads from Tsing Tsuen Road to Tsuen Wan Road, and from Ma Tau Pa Road/Wing Shun Street to Tsuen Wan Bypass
29	Development of Organic Waste Treatment Facilities, Phase 2
30	Harvest Fatty Acid Methyl Ester and Edible Oil Plant Development at Yuen Long Industrial Estate
31	Cycle Track between Tsuen Wan and Tuen Mun – Stage 1 (Section from Tsuen Wan West to Ting Kau)
32	Yung Shue Wan Development, Engineering Works, Phase 2
33	Hung Shui Kiu New Development Area
34	In-situ Re-provisioning of Sha Tin Water Treatment Works – South Works – Design and Construction
35	Tuen Mun Western Bypass
36	Modification of Hing Wah Street between Lai Chi Kok Road and Cheung Sha Wan Road for Two-Way Traffic
37	Harvest Biodiesel Plant Development
38	Drainage Improvement in Northern New Territories – Package C (Remaining Works)
39	Decommissioning, Re-provisioning, Construction and Operation of Affected Oil Depots at Southwest Tsing Yi
40	Outlying Islands Sewerage Stage 2 – Upgrading of Cheung Chau and Tai O Sewage Collection, Treatment and Disposal Facilities (Upgrading of Cheung Chau Sewage Collection, Treatment and Disposal Facilities)
41	Outlying Islands Sewerage Stage 2 – Upgrading of Cheung Chau and Tai O Sewage Collection, Treatment and Disposal Facilities (Upgrading of Tai O Sewage Collection, Treatment and Disposal Facilities)
42	Proposed Low-rise and Low-density Residential Development at Various Lots and their Adjoining Government Land in D.D. 104, East of Kam Pok Road, Mai Po, Yuen Long, New Territories
43	Outlying Islands Sewerage Stage 2 – South Lantau Sewerage Works
44	Proposed Residential Development within “Recreation” (“REC”) Zone at Various Lots in DD 104, Yuen Long, N.T.
45	Proposed Residential Development within “Residential (Group D)” Zone at Various Lots in DD 104, Yuen Long, N.T.
46	Container Terminal 10 Development at Southwest Tsing Yi

47	Sediment Removal at Sha Tau Kok Fish Culture Zone, Boat Shelter and Approach Channel
48	Comprehensive Development and Wetland Protection near Yau Mei San Tsuen
49	Construction of Cycle Track and the associated Supporting Facilities from Nai Chung to Sai Kung Town
50	Flyover at Junction of Che Kung Miu Road and Hung Mui Kuk Road
51	Pyrolysis Plant at Yuen Long Industrial Estate
52	Widening of Gascoigne Road Flyover
53	Proposed Development Phase IV at CRC Oil Terminal, Tsing Yi – Refrigerated Storage Tanks for Liquefied Gas
54	Lantau Logistics Park Development
55	San Tin Western Main Drainage Channel
56	Western Harbour Submarine Gas Pipeline and Associated Stations
57	Sai Kung Sewage Treatment Works, Phase II Upgrading
58	Reclamation of Sai Wan Typhoon Shelter and Associated Engineering Works at Cheung Chau
59	Hong Kong Space Islands
60	Tonggu Channel of Shenzhen Port
61	Agreement No. 31/98 Lantau North-South Road Link between Tai Ho Wan and Mui Wo
62	Yau Tong Bay Development – Engineering Feasibility Study for the Comprehensive Development at Yau Tong Bay
63	Yau Tong Bay Development – Reclamation of Yau Tong Bay

Designated projects with EIA reports already submitted and being considered by EPD for approval under the EIA Ordinance (as at mid May 2013)

No.	Project Title
1	Pilot Project for Public – Private Partnership Conservation Scheme, Sha Lo Tung Valley, Tai Po
2	Construction of Cycle Tracks and the Associated Supporting Facilities at Nam Sang Wai, Yuen Long
3	Central Kowloon Route
4	Cross Bay Link, Tseung Kwan O
5	Tseung Kwan O – Lam Tin Tunnel and Associated Works
6	Development of Lok Ma Chau Loop
7	North East New Territories New Development Areas
8	Trunk Road T2

**Designated projects with approved EIA reports and valid environmental permits under EIA Ordinance
(as at mid May 2013)**

No.	Project Title
1	Pak Shek Kok Development
2	Kai Tak Airport North Apron Decommissioning
3	Yuen Long Bypass Floodway
4	Planning and Engineering Feasibility Study for Development at Anderson Road
5	Dredging an Area of Kellett Bank for Re-provisioning of Six Government Mooring Buoys
6	Footbridge & Improvement to AP Lei Chau Bridge Road and Ap Lei Chau Drive
7	1,800MW Gas-fired Power Station at Lamma Extension
8	Infrastructural Works for Housing Development at Telegraph Bay
9	Main Drainage Channels and Poldered Village Protection Scheme for San Tin, NWNT
10	Planning & Development Study of Potential Housing Site in Area 54 Tuen Mun N.T.
11	Salisbury Road Underpass and Associated Improvement Works including Middle Road Circulation System
12	Essential Public Infrastructure Works associated with West Rail Stations in Yuen Long, Tin Shui Wai and Tuen Mun Centre
13	Sai Sha Road Widening between Kam Ying Road and Proposed Road T7 Junction
14	Route 16 Investigation Assignment - Alternative Alignment Study
15	Sha Tin Sewage Treatment Works, Stage 3 Extension
16	Tseung Kwan O - Contract F : Improvement of P2 and interchange T1/P1/P2
17	Route 9 between Tsing Yi and Cheung Sha Wan
18	Essential Public Infrastructure Works associated with West Rail Stations (Eastern Access Road)
19	East Rail Extension - Tai Wai to Ma On Shan
20	Environmental Impact Assessment (EIA) Study for Extension of Hebe Haven Yacht Club Development
21	132kV Overhead Pole Line and Underground Cable from the Existing Po Lam Substation to the Existing Tui Min Hoi - Circuit No. 2
22	Tin Shui Wai Phase 4 Rail Extension
23	Light Rail Transit (LRT) Extension in Tin Shui Wai Reserve Zone and Grade Separation of the LRT with Pui To Road and Tsing Lun Road in Tuen Mun
24	New World First Bus Permanent Depot at Chai Wan
25	East Rail Extension-Hung Hom to Tsim Sha Tsui
26	Tuen Mun Sewerage - Eastern Coastal Sewerage Extension
27	Shenzhen River Regulation Project Stage III
28	Construction of an International Theme Park in Penny's Bay of North Lantau together with its Essential Associated Infrastructures

29	Environmental and Drainage Impact Assessment for Tai O Sheltered Boat Anchorage
30	Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling
31	West Kowloon Reclamation Contract No. WK30 Remaining Roadworks Stage 4 Link Roads G & L
32	Modifications to MTRC Tsim Sha Tsui Station
33	Improvement to Castle Peak Road between Ka Loon Tsuen and Siu Lam
34	Central Reclamation Phase III - Studies, Site Investigation, Design and Construction
35	Central-Wanchai Bypass & Island Eastern Corridor Link
36	Wanchai Reclamation Phase II - Studies, Site Investigation, Design and Construction
37	Proposed Headquarters and Bus Maintenance Depot in Chai Wan
38	Replacement of Cremators at Fu Shan Crematorium, Shatin
39	Demolition of Buildings and Structures in the Proposed Kennedy Town Comprehensive Development Area Site
40	132kV Supply Circuit from Pui O via Chi Ma Wan Peninsula via Sea Crossing towards Cheung Chau
41	The Decommissioning of Underground Fuel Tank at Tsuen Wan No. 1 Pumping Station
42	Widening of Yuen Long Highway between Lam Tei and Shap Pak Heung Interchange
43	Sheung Shui to Lok Ma Chau Spur Line
44	Yuen Long and Kam Tin Sewerage and Sewage Disposal Stage 1 Package 1A-1T and 1B-1T - Kam Tin Trunk Sewerage Phases I and II
45	Improvement to Tung Chung Road between Lung Tseng Tau and Cheung Sha
46	Fill Bank at Tseung Kwan O Area 137
47	Permanent Aviation Fuel Facility for Hong Kong International Airport
48	Deep Bay Link
49	Ngong Ping Sewage Treatment Works and Sewerage
50	Construction of Lung Kwu Chau Jetty
51	Shenzhen Western Corridor
52	Feasibility Study for Housing Development at Whitehead & Lee On in Ma On Shan, Shatin
53	Proposed Joint User Complex and Wholesale Fish Market at Area 44, Tuen Mun
54	Upgrading and Expansion of San Wai Sewage Treatment Works and Expansion of Ha Tsuen Pumping Station
55	Cement Silos Addition Work in Tai Po Cement Depot
56	Lamma Power Station Navigation Channel Improvement
57	The Proposed Submarine Gas Pipelines from Cheng Tou Jiao Liquefied Natural Gas Receiving Terminal, Shenzhen to Tai Po Gas Production Plant
58	Tung Chung Cable Car Project
59	Outlying Islands Sewerage Stage I Phase II Package J - Sok Kwu Wan Sewage Collection, Treatment & Disposal Facilities
60	Reprovisioning of Diamond Hill Crematorium
61	Improvements to San Tin Interchange
62	Peng Chau Sewage Treatment Works Upgrade
63	Tai Po Sewage Treatment Works, Stage V

64	Kowloon Southern Link
65	Renewable Energy by a Wind Turbine System on Lamma Island
66	Siu Ho Wan Water Treatment Works Extension
67	Drainage Improvement in Sai Kung
68	Development of an EcoPark in Tuen Mun Area 38
69	New Contaminated Mud Marine Disposal Facility at Airport East/ East Sha Chau Area
70	Peng Chau Helipad
71	Drainage Improvement in Tsuen Wan and Kwai Chung - Tsuen Wan Drainage Tunnel
72	Road P1 Advance Works at Yam O on Lantau Island
73	Drainage Improvement in Southern Lantau
74	Proposed Extension of Public Golf Course of Kau Sai Chau Island, Sai Kung
75	Expansion of Heliport Facilities at Macau Ferry Terminal
76	Helipad at Yung Shue Wan, Lamma Island
77	Drainage Improvement in Northern Hong Kong Island - Hong Kong West Drainage Tunnel
78	Proposed Karting Track in D.D.134, Lung Kwu Sheung Tan, Tuen Mun
79	Lamma Power Station Units L4 & L5 Flue Gas Desulphurization Plant Retrofit Project
80	Hong Kong Convention and Exhibition Centre, Atrium Link Extension
81	Repositioning and Long Term Operation Plan of Ocean Park
82	Yuen Long, Kam Tin, Ngau Tam Mei and Tin Shui Wai Drainage Improvement Stage 1 , Phase 2B - Kam Tin Secondary Drainage Channel KT13
83	Emissions Control Project at Castle Peak Power Station "B" Units
84	A Commercial Scale Wind Turbine Pilot Demonstration at Hei Ling Chau
85	Liquefied Natural Gas (LNG) Receiving Terminal and Associated Facilities
86	Relocation of Yiu Lian Floating Dock No. 3
87	Environmental Assessment Services for Permanent Aviation Fuel Facility
88	Drainage Improvement in the Northern New Territories - Package C
89	Drainage Improvement in Sha Tin & Tai Po
90	Laying of Western Cross Harbour Main and Associated Land Mains from West Kowloon to Sai Ying Pun
91	Northeast New Territories (NENT) Landfill Extension
92	Harbour Area Treatment Scheme (HATS) – Provision of Disinfection Facilities at Stonecutters Island Sewage Treatment Works
93	Dredging Works for Proposed Cruise Terminal at Kai Tak
94	Development of a Bathing Beach at Lung Mei, Tai Po
95	Wan Chai Development Phase II and Central-Wan Chai Bypass
96	Provision of Additional Interchange Connecting Tuen Mun Road and Castle Peak Road near Sam Shing Estate and Widening of Tuen Mun Road at Tsing Tin Interchange
97	South East New Territories (SENT) Landfill Extension
98	Proposed Comprehensive Development at Wo Shang Wai, Yuen Long
99	Upgrading of Pillar Point Sewage Treatment Works

100	Provision of Cremators at Wo Hop Shek Crematorium
101	Harbour Area Treatment Scheme (HATS) Stage 2A
102	Proposed Development at Fung Lok Wai, Yuen Long at Lot 1457 R.P. in D.D. 123
103	Tuen Mun Area 54 Sewage Pumping Station
104	Tsuen Wan Bypass, Widening of Tsuen Wan Road between Tsuen Tsing Interchange and Kwai Tsing Interchange, and Associated Junction Improvement Works
105	West Island Line
106	Tsim Sha Tsui Station Northern Subway
107	Sludge Treatment Facilities
108	Development of a Biodiesel Plant at Tseung Kwan O Industrial Estate
109	Kai Tak Development
110	Traffic Improvements to Tuen Mun Road Town Centre Section
111	Construction of Cycle Tracks and the associated Supporting Facilities from Sha Po Tsuen to Shek Sheung River
112	Improvement to Pok Oi Interchange
113	Construction of a Secondary Boundary Fence and new sections of Primary Boundary Fence and Boundary Patrol Road
114	Inter-reservoirs Transfer Scheme - Water Tunnel between Kowloon Byewash Reservoir and Lower Shing Mun Reservoir
115	Hang Hau Tsuen Channel at Lau Fau Shan
116	Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road
117	Phased Re provisioning of Cape Collinson Crematorium
118	Decommissioning of the Co-Combustion Pilot Plant at Tap Shek Kok
119	Hong Kong Offshore Wind Farm in Southeastern Waters
120	Hong Kong Section of Guangzhou – Shenzhen – Hong Kong Express Rail Link
121	Provision of a Poultry Slaughtering Centre in Sheung Shui
122	West New Territories (WENT) Landfill Extensions
123	Hong Kong-Zhuhai-Macao Bridge Hong Kong Link Road
124	Hong Kong-Zhuhai-Macao Bridge Hong Kong Boundary Crossing Facilities
125	Tuen Mun - Chek Lap Kok Link
126	Road Works at West Kowloon
127	Organic Waste Treatment Facilities Phase 1 at Siu Ho Wan, North Lantau
128	Development of a 100MW Offshore Wind Farm in Hong Kong
129	Black Point Gas Supply Project
130	Improvement of Fresh Water Supply to Cheung Chau
131	Installation of Submarine Gas Pipelines and Associated Facilities from To Kwa Wan to North Point for Former Kai Tak Airport Development
132	Providing Sufficient Water Depth for Kwai Tsing Container Basin and its Approach Channel
133	Kwun Tong Line Extension
134	South Island Line (East)
135	Integration of Siu Ho Wan and Silver Mine Bay Water Treatment Works

136	Shatin to Central Link Protection Works at Causeway Bay Typhoon Shelter
137	Phase III Redevelopment of The Hong Kong Federation of Youth Groups Jockey Club Sai Kung Outdoor Training Camp
138	Regulation of Shenzhen River Stage IV
139	Liantang/Heung Yuen Wai Boundary Control Point and Associated Works
140	Central Police Station Conservation and Revitalisation Project
141	Shatin to Central Link - Stabling Sidings at Hung Hom Freight Yard
142	Shatin to Central Link - Mong Kok East to Hung Hom Section
143	Shatin to Central Link – Hung Hom to Admiralty Section
144	Shatin to Central Link – Tai Wai to Hung Hom Section
145	Development of the Integrated Waste Management Facilities Phase I
146	EMSD Hong Kong Workshop at Sheung On Street, Chai Wan
147	Kai Tak Development – Road D3A & D4A