

立法會

Legislative Council

LC Paper No. CB(1)269/2022
(These minutes have been seen
by the Administration)

Ref : CB1/PL/EA

Panel on Environmental Affairs

**Minutes of meeting by videoconferencing
held on Monday, 28 March 2022, at 2:30 pm**

- Members present** : Hon Elizabeth QUAT, BBS, JP (Chairman)
Hon Kenneth LAU Ip-keung, BBS, MH, JP (Deputy Chairman)
Hon CHAN Hak-kan, SBS, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon KWOK Wai-keung, JP
Ir Dr Hon LO Wai-kwok, GBS, MH, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon CHAN Chun-ying, JP
Hon Vincent CHENG Wing-shun, MH, JP
Hon Tony TSE Wai-chuen, BBS, JP
Hon CHU Kwok-keung
Hon Robert LEE Wai-wang
Hon Dominic LEE Tsz-king
Hon CHAN Yung, BBS, JP
Ir Hon CHAN Siu-hung, JP
Ir Hon Gary ZHANG Xinyu
Dr Hon WONG Yuen-shan
Prof Hon LAU Chi-pang, BBS, JP
Hon Carmen KAN Wai-mun
- Members attending** : Hon Steven HO Chun-yin, BBS, JP
Hon LAU Kwok-fan, MH, JP
Hon Andrew LAM Siu-lo, SBS, JP
Hon CHAN Yuet-ming
Hon Louis LOONG Hon-biu

Member absent : Dr Hon Dennis LAM Shun-chiu, JP

Public Officers attending : **For item IV**

Mr WONG Kam-sing, GBS, JP
Secretary for the Environment

Mr TSE Chin-wan, BBS, JP
Under Secretary for the Environment

Dr Samuel CHUI, JP
Deputy Director of Environmental Protection (1)
Environmental Protection Department

Mr Terence TSANG
Assistant Director (Environmental Assessment)
Environmental Protection Department

For item V

Mr TSE Chin-wan, BBS, JP
Under Secretary for the Environment

Mr Terence TSANG
Assistant Director (Environmental Assessment)
Environmental Protection Department

Mr LEE Chee-kwan
Principal Environmental Protection Officer
(Assessment and Noise)
Environmental Protection Department

Mr Patrick NG
Deputy Project Manager (Major Works) 2
Highways Department

Mr Alex CHAN
Principal Project Coordinator (Environmental
Projects)
Highways Department

Clerk in attendance : Ms Angel SHEK
Chief Council Secretary (1)1

Staff in attendance : Mr Jason KONG
Senior Council Secretary (1)1

Miss Mandy POON
Legislative Assistant (1)1

Ms PANG Yin-shan
Clerical Assistant (1)1

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(Index of proceedings of the meeting is attached at the **Appendix**.)

I. Confirmation of minutes

(LC Paper No. CB(1)90/ — Minutes of the meeting held on
2022 25 January 2022)

The minutes of the meeting held on 25 January 2022 were confirmed.

II. Information papers issued since last meeting

2. Members noted that the following papers had been issued since the last meeting:

(LC Paper No. CB(1)25/ — Letter dated 20 January 2022 from
2022(01) Ir Hon Gary ZHANG Xinyu on the EV-charging at Home Subsidy Scheme (Chinese version only)

LC Paper No. CB(1)31/ — Administration's interim response to the
2022(01) letter from Ir Hon Gary ZHANG Xinyu on the EV-charging at Home Subsidy Scheme (Chinese version only)

LC Paper No. CB(1)37/ — Letter dated 10 February 2022 from
2022(01) Ir Hon Gary ZHANG Xinyu proposing discussion on the EV-charging at Home

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Subsidy Scheme by the Panel on Environmental Affairs (Chinese version only))

III. Items for discussion at the next meeting

(LC Paper No. CB(1)94/ — List of outstanding items for discussion) 2022(01)

3. Members agreed to discuss the following items at the next regular meeting scheduled for Monday, 25 April 2022, at 2:30 pm:

- (a) progress of the implementation of Waste Blueprint for Hong Kong 2035; and
- (b) upgrading of Nim Wan Road (North) and Deep Bay Road.

IV. Review of the Environmental Impact Assessment Ordinance process

(LC Paper No. CB(1)94/ — Administration's paper on "Optimising the Environmental Impact Assessment Ordinance Process" 2022(02)

LC Paper No. CB(1)94/ — Background brief on "Environmental Impact Assessment Ordinance" prepared by the Legislative Council Secretariat) 2022(03)

Briefing by the Administration

4. With the aid of a PowerPoint presentation, the Administration briefed the Panel on the review to be conducted by the Environment Bureau on the environmental impact assessment ("EIA") process stipulated under the Environmental Impact Assessment Ordinance (Cap. 499) ("EIAO").

(Post-meeting note: The PowerPoint presentation materials were circulated to members on 28 March 2022, vide LC Paper No. CB(1)132/2022(01).)

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Discussion

Enhancing the efficiency of the environmental impact assessment process and project implementation

5. Members expressed support for the general direction of the Administration to review the EIA process and enhance the efficiency of the process.

6. Members noted that one of the targets of the review was to shorten the completion time of the EIA process to around 18 months for typical projects and around 24 months for major or complicated projects. With a view to avoiding delays in project delivery (in particular major and strategically important development projects) and rationalizing the use of resources, some Members made the following suggestions:

- (a) the EIA process should be further streamlined so that its completion time could be shortened to 12 months for all projects;
- (b) the Administration should draw reference from the EIA systems of other places (such as the Mainland and Singapore) and consider introducing tiered reporting requirements for the EIA studies for designated projects based on the levels of the projects' potential environmental impact; and
- (c) projects of a very small scale and simple nature should be exempted from the EIA process, and alternative methods should be devised for managing the environmental impacts of these projects.

7. The Administration explained that its target was to enable the completion of the entire EIA process (i.e. from the public consultation on the project profile to the issuing of an Environmental Permit), but not only the EIA study, within 18 to 24 months. The Administration considered this target appropriate because EIA studies were normally conducted in tandem with detailed project designs which might also take over two years to complete for major or complicated projects. Moreover, ecological impact assessment often required ecological baseline surveys covering both the dry and wet seasons as appropriate. Given the need to strike a balance between development and environmental protection, there might be little scope for further shortening the completion time of the EIA process.

8. Members requested the Administration to provide a written response on whether it would consider further streamlining the EIA process and shortening the completion time to 12 months for all projects.

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(*Post-meeting note: The Administration's written response was circulated to members on 20 April 2022, vide LC Paper No. CB(1)210/2022(02).*)

9. Members further asked whether the Administration would pledge to complete the EIA process of each designated project within 24 months. The Administration responded that the duration of the EIA process of a project depended largely on the work progress of the project proponent and its consultant(s). The Administration would endeavour to optimize the EIA process to enable its completion in 18 to 24 months.

10. Members asked whether there were measures for (a) preventing suspension of works in the event that the EIA report of a project was challenged in a judicial review, and/or (b) recovering from delays in the project's implementation after the court ruled in favour of the Administration in the judicial review.

11. The Administration responded that one of the proposed enhancement measures was to standardize the requirements of various aspects of the EIA process. This could enhance clarity and certainty in the EIA process and reduce the risk of legal disputes. The Administration also pointed out that it had won all past judicial review cases relating to the EIA process. During the review of the EIA process, the Administration would draw on the experience gained from such cases and explore other measures for reducing the risk of judicial review. The Administration advised that whether the works of a project were to be suspended due to judicial review would depend on the nature of the project and the judicial review on a case-by-case basis. If the implementation of a project was affected by the judicial review process, the Administration would explore delay recovery measures with the project proponent.

12. The Administration took note of members' suggestion that it should make better use of innovative technologies to enhance the efficiency of the EIA process.

Balance between development and environmental protection

13. Members enquired how the Administration would ensure the achievement of a balance between development and environmental protection after updating the EIA process.

14. The Administration responded that it had all along been endeavouring to strike a balance between development and environmental protection through the EIA process. In the past, some components of EIA studies, such as ecological baseline surveys and air quality modelling, were often time consuming. This had given rise to the public misconception that the EIA process favoured

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environmental protection over development. With reference to the experience gained in past EIA studies, the Administration planned to shorten the time required for conducting various types of assessment through standardizing requirements, assessment approaches, etc. The Administration also planned to introduce big data analysis into the EIA process. It was expected that these changes could facilitate the better use of resources, improve the transparency of EIA-related information and expedite the completion of the EIA process for individual projects, while upholding the principle of maintaining a proper balance between development and environmental protection.

15. Members expressed the view that when conducting EIA for a designated project, the project proponent and the Administration should make their best efforts to identify options that could avoid damaging the natural environment, and only when avoidance options were exhausted should they consider options for minimizing or mitigating the project's environmental impact.

16. The Administration affirmed that project proponents were encouraged to apply the "avoidance-minimization-mitigation" principle of the EIA mechanism throughout project life cycles, and identify options that could avoid environmental problems as the top priority. This principle was manifested in the Technical Memorandum on Environmental Impact Assessment Process ("EIA-TM") and relevant guidelines.

Centralised Environmental Database

17. Members noted that the Administration planned to develop an open Centralised Environmental Database ("CED"), which would encompass all environmental data, including information on ecology and other environmental aspects from EIA studies and the Government. The data could be used by consultants in EIA studies. Members called on the Administration to expedite the development of CED, and asked why the Administration had not developed such a database in the past.

18. The Administration explained that it had been maintaining databases on environmental data, and such data could be provided to consultants on request for their reference in EIA studies. To enhance the efficiency of EIA studies, the Administration's current plan was to develop an open CED to integrate environmental data with geographical information, which would enable quick retrieval of environmental data of specific areas/locations.

19. Members asked about the timetable and resources required for developing CED. They also enquired whether the application of the database could lead to cost reductions for EIA studies.

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20. The Administration responded that it was working diligently on the database's design and consolidation of environmental data. The Administration's plan was to establish the database within 2022 and before it consulted the Panel on the final recommendations of the review of the EIA process, with a view to commencing service of the database in 2023. It was expected that the application of the database would enhance the efficiency of EIA studies and save time, thereby leading to savings in consultants' costs generally.

Assessment of air quality, ecological impact, fisheries impact and carbon emissions

21. Members asked about the reasons for the Environmental Protection Department ("EPD") to carry out territory-wide air quality baseline model runs and publish the results via CED.

22. The Administration explained that at present, air quality modelling runs were conducted by consultants individually. As air quality modelling was a complex scientific task, it often took a rather long time to complete the task for an EIA study even if a supercomputer was used. To tackle this issue, EPD was planning to carry out territory-wide air quality baseline model runs and publish the results via CED on a time series. Consultants might then simply run the localized air pollution dispersion models and overlay onto the model results provided by EPD. This would significantly reduce the time needed for air quality assessment while maintaining accuracy.

23. Members sought elaboration on the proposal of standardizing the requirements of ecological baseline surveys.

24. The Administration explained that it planned to standardize the requirements of ecological baseline surveys, covering the methods, frequencies and durations required for conducting the surveys for different types of ecological systems. This would enable project proponents and their consultants to commence ecological baseline surveys at the early stage of project planning, instead of waiting for the issuance of EIA study briefs by EPD. The time spent on ecological baseline surveys could therefore be largely reduced. In addition, the quality of ecological baseline surveys could be enhanced through standardization of requirements.

25. Members suggested that the process of fisheries impact assessment should be enhanced to better ensure the sustainable development of the fisheries industry, and the Administration should review the levels of compensation offered to persons whose livelihoods were affected by marine works. The Administration was requested to provide a written response to these suggestions.

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(*Post-meeting note:* The Administration's written response was circulated to members on 20 April 2022, vide LC Paper No. CB(1)210/2022(02).)

26. Members asked whether the Administration would consider introducing carbon emission assessment into EIA studies. The Administration responded that it was more desirable to conduct carbon emission assessments independently of the EIAO process for more flexible and effective assessments.

Public participation in the environmental impact assessment process

27. Members asked why the Advisory Council on the Environment was given more time (60 days) to comment on EIA reports compared to the general public (30 days) and whether the Administration would consider extending the period for the public to comment on project profiles and EIA reports of designated projects.

28. The Administration explained that the current duration of consultation had taken into account the need for experts in the Advisory Council on the Environment to examine EIA reports in a more in-depth manner. The Administration's proposal was to maintain the existing durations of public participation in the EIA process while reducing the time needed for completing various other aspects of the process. The Advisory Council on the Environment considered this arrangement acceptable.

29. The Administration took note of members' suggestion that it should explore the feasibility of requiring project proponents to publish key information of EIA reports on a geographical information system to facilitate public scrutiny.

Public confidence in the environmental impact assessment system

30. Members pointed out that the dual role of EPD as the administrator and authority of the EIA process and the proposal of shortening the completion time of the process had given rise to queries about the credibility of the EIA system. They asked how the Administration would instil public confidence in the EIA system.

31. The Administration responded that EPD administered the EIA process impartially and there were sufficient safeguards in the EIA system to ensure its independence. It was expected that public confidence in the EIA system could be further enhanced through standardizing the requirements of various aspects of the EIA process. Moreover, the Administration would consider introducing a requirement that certain parts of the assessments in EIA studies could only be performed by qualified personnel.

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Implementation timetable for proposed measures

32. Members asked about the timetable for completing the review, introducing the relevant legislative amendments, and implementing the proposed enhancement measures. As some of the proposed measures were uncontroversial (such as the development of CED and removing sewage pumping stations from the list of designated projects under EIAO), members suggested that the Administration should implement such measures earlier instead of waiting for the completion of the whole review of the EIA process.

33. The Administration responded that it aimed at completing the review in 2022 and would then consult the Panel as well as the Advisory Council on the Environment on the final recommendations of the review, including the legislative amendments relating to EIA-TM, as early as possible. The legislative proposal would be subject to the negative vetting procedure and was expected to be implemented in 2023. Meanwhile, the Administration would consider early implementation of some of the proposed measures.

34. Members requested the Administration to provide in writing a summary of the proposed enhancement measures that might be implemented earlier and the implementation time frame for such measures.

(Post-meeting note: The Administration's written response was circulated to members on 20 April 2022, vide LC Paper No. CB(1)210/2022(02).)

V. 6871TH – Retrofitting of noise barriers on Po Lam Road North (near King Ming Court)

(LC Paper No. CB(1)94/ — Administration's paper on "871TH –
2022(04) Retrofitting of Noise Barriers on Po
Lam Road North (near King Ming
Court)")

Briefing by the Administration

35. The Chairman reminded members of the requirements under Rule 83A and Rule 84 of the Rules of Procedure.

36. With the aid of a PowerPoint presentation, the Administration gave a summary on measures for tackling road traffic noise problems in Hong Kong, and briefed the Panel on the proposal of upgrading 871TH – Retrofitting of noise

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barriers on Po Lam Road North (near King Ming Court) to Category A at an estimated cost of \$180.1 million in money-of-the-day prices.

(Post-meeting note: The PowerPoint presentation materials were circulated to members on 28 March 2022, vide LC Paper No. CB(1)132/2022(02).)

Declaration of interest

37. Ir CHAN Siu-hung declared that he was employed by a power company.

Discussion

38. Members expressed in-principle support for the proposed project.

39. Members asked whether the Administration had explored the application of alternative noise mitigation measures that might be more cost effective or environmentally friendly, such as planting of trees.

40. The Administration explained that for new roads and new residential developments, traffic noise impact had already been taken into account during the planning stage to ensure compliance with the relevant planning requirements and noise standard. As for existing roads that generated traffic noise at neighbouring residents at levels exceeding the standard, the Administration would consider the implementation of suitable noise mitigation measures such as retrofitting of noise barriers and resurfacing roads with low-noise materials. Resurfacing roads with low-noise materials was more economical, but conventional low-noise materials were not durable on low-speed urban roads with frequent vehicle acceleration and braking. In recent years, the Administration had been conducting trial applications of various types of alternative low-noise materials on some roads. For road sections with more serious traffic noise problems, such as the section of Po Lam Road North covered by the proposed project, it was more practicable to construct noise barriers or enclosures, which had a better noise reduction performance. Trees had limited effect in reducing traffic noise. According to the experiences of some other places, a 10-m wide woodland could only reduce traffic noise level by about 1 to 2 dB(A).

41. Members noted from Annex 3 to the Administration's paper (LC Paper No. CB(1)94/2022(04)) that after the construction of the proposed noise semi-enclosures, the traffic noise levels at 29 affected dwellings would be at 71 to 72 dB(A), which was slightly above the noise standard of 70 dB(A). They asked whether the Administration would implement other measures for further reducing the traffic noise impact on these dwellings.

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42. The Administration advised that if the abovementioned trial applications of low-noise surfacing materials were successful, it would resurface more road sections with such materials, including the road section covered by the proposed project. This would further reduce the traffic noise at the affected dwellings. In addition, the gradual replacement of conventional vehicles by electric vehicles, which were usually quieter, would bring about a general reduction in road traffic noise. It was therefore expected that the traffic noise levels at the 29 dwellings concerned would be able to meet 70dB(A) in the long run.

43. In view of the growing popularity of electric vehicles, members asked whether the Administration had updated / would update the relevant parameters in traffic noise assessment.

44. The Administration explained that electric vehicles still represented a relatively small proportion of all vehicles in Hong Kong, and hence the effect of the use of electric vehicles had not been taken into account in the traffic noise modelling for the proposed project. Generally speaking, noise reduction brought by the switch from conventional vehicles to electric vehicles was more significant at vehicle speed below 30 km/h. The benefit was relatively insignificant at higher speed where the major source of traffic noise was the interaction between tyres and road surfaces. The Administration would keep in view the local adoption of electric vehicles and consider updating the relevant parameters in traffic noise modelling in future.

45. Members suggested using low-carbon materials for the construction of noise barriers and enclosures to enhance their environmental performance. The Administration advised that the Highways Department had considered energy efficiency and carbon emissions during project planning. The Administration also planned to install solar panels on the proposed noise semi-enclosures in future, and was discussing the details with the power company. It was hoped that the associated expenditure could be absorbed by this proposed project. Members emphasized the need to prevent nuisance to nearby residents caused by reflection of glare from solar panels. The Administration assured members that it would assess the landscape and visual impact of solar panels and consult stakeholders, including the district council concerned, on relevant proposals.

46. Members asked how the Administration would ensure proper handling and disposal of construction waste generated from the proposed project. The Administration explained that the contractor for the project would be required to submit a waste management plan to the Administration for approval. During the implementation of the project, the contractor would be required to separate the inert portion from non-inert construction waste on site for reuse or disposal at appropriate facilities. The implementation of the waste management plan by the contractor would be monitored by consultants and resident site staff.

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47. Members requested the Administration to provide supplementary information on the actual performance of the management of construction waste that was generated from the 19 completed projects on retrofitting noise barriers (especially the disposal of non-inert construction waste at landfills), compared to the relevant waste management plans submitted by the contractors and approved by the authorities.

(Post-meeting note: The Administration's written response was circulated to members on 20 April 2022, vide LC Paper No. CB(1)210/2022(04).)

48. Members enquired about the total number of planned projects on retrofitting noise barriers, and whether the projects' implementation would be affected by any austerity programme of the Government.

49. The Administration responded that four projects on retrofitting noise barriers were under construction while 17 projects were still at planning stage. The Administration adopted a competitive bidding mechanism for resource allocation. Generally speaking, projects with greater urgency were given priority in the resource allocation exercise.

Conclusion

50. The Chairman concluded that members did not object to the Administration's submission of the proposal to the Public Works Subcommittee.

VI. Any other business

51. There being no other business, the meeting ended at 4:26 pm.

Council Business Division 1 and Public Complaints Office
Legislative Council Secretariat
17 May 2022

**Proceedings of the meeting by videoconferencing of the Panel on Environmental Affairs
on Monday, 28 March 2022, at 2:30 pm**

Time Marker	Speaker	Subject	Action Required
<i>Agenda Item I – Confirmation of minutes</i>			
000024 – 000128	Chairman	Confirmation of the minutes of the meeting held on 25 January 2022	
<i>Agenda Item II – Information papers issued since last meeting</i>			
000129 – 000148	Chairman	Members did not raise any question or view	
<i>Agenda Item III – Items for discussion at the next meeting</i>			
000149 – 000242	Chairman	Members agreed to the proposed items for discussion	
<i>Agenda Item IV – Review of the Environmental Impact Assessment Ordinance process</i>			
000243 – 001813	Chairman Administration	Briefing by the Administration	
001814 – 002252	Chairman Mr CHAN Hak-kan Administration	Balance between development and environmental protection	
002253 – 002710	Chairman Ir CHAN Siu-hung Administration	Development of a Centralised Environmental Database (“CED”) Timetable for implementing measures for enhancing the environmental impact assessment (“EIA”) process	
002711 – 003133	Chairman Ms CHAN Yuet-ming Administration	Enhancing the efficiency of the EIA process	Admin (paragraph 8 of the minutes refers)
003134 – 003538	Chairman Mr CHAN Chun-ying Administration	Development of CED Air quality assessment in EIA studies Carbon emission assessment	
003539 – 004024	Chairman Mr Tony TSE Administration	Public participation in the EIA process Public confidence in the EIA system	

Time Marker	Speaker	Subject	Action Required
004025 – 004259	Chairman Mr Frankie YICK Administration	Development of CED	
004300 – 004717	Chairman Mr CHU Kwok- keung Administration	The “avoidance-minimization-mitigation” principle of the EIA mechanism	
004718 – 004955	Chairman Mr Kenneth LAU Administration	Measures for recovering from delays in project implementation due to judicial review	
004956 – 005310	Chairman Mr Vincent CHENG Administration	Balance between development and environmental protection	
005311 – 005730	Chairman Mr KWOK Wai- keung Administration	Public confidence in the EIA system Development of CED Standardizing the requirements of ecological baseline surveys	
005731 – 010147	Chairman Mr Steven HO Administration	Enhancing the efficiency of the EIA process Fisheries impact assessment and compensations offered to persons whose livelihoods were affected by marine works	Admin (paragraph 25 of the minutes refers)
010148 – 010523	Chairman Dr WONG Yuen- shan Administration	Enhancing the efficiency of the EIA process	
010524 – 010941	Chairman Ir Dr LO Wai-kwok Administration	Development of CED	
010942 – 011344	Chairman Mr LAU Kwok-fan Administration	Implementation timetable for proposed measures	Admin (paragraph 34 of the minutes refers)
011345 – 011809	Chairman Ms Carmen KAN Administration	Preventing delays in project implementation due to judicial review	

Time Marker	Speaker	Subject	Action Required
011810 – 012225	Chairman Administration	Enhancing the efficiency of the EIA process Public participation in the EIA process	
<i>Agenda Item V – 6871TH – Retrofitting of noise barriers on Po Lam Road North (near King Ming Court)</i>			
012226 – 013150	Chairman Administration	Briefing by the Administration	
013151 – 013657	Chairman Ir CHAN Siu-hung Administration	Alternative noise mitigation measures Environmental performance of the proposed noise semi-enclosures	
013658 – 014924	Chairman Mr Tony TSE Administration	Further reducing traffic noise at affected dwellings Effect of the use of electric vehicles on traffic noise reduction Disposal of construction waste generated from noise barrier retrofitting projects Number of planned projects for retrofitting noise barriers	Admin (paragraph 47 of the minutes refers)
014925 – 015611	Chairman Administration	Environmental performance of the proposed noise semi-enclosures	
015515 – 015612	Chairman Ir CHAN Siu-hung	Declaration of interest	
<i>Agenda Item VI – Any other business</i>			
015613 – 015626	Chairman	Closing remarks	