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**Environment, Transport and Works Bureau**  
**Technical Circular (Works) No. 13/2003**

**Guidelines and Procedures for Environmental Impact Assessment**  
**of Government Projects and Proposals**

**Scope**

This Circular sets out the guidelines and procedures for environmental impact assessments (EIA) of Government projects and proposals, including those not covered by the Environmental Impact Assessment Ordinance (EIAO). The guidelines and procedures also cover the submission of environmental appraisals of projects or proposals to the Executive Council where appropriate.

**Effective Date**

2. This Circular takes immediate effect.

**Effect on Existing Circulars**

3. This Circular supersedes the following circulars:-

- (a) Works Bureau Technical Circular (WBTC) No. 18/98 (Planning, Environment and Lands Bureau (PELB) Technical Circular No. 10/98) and its subsequent amendment by WBTC No. 18/98A entitled “Procedures for Environmental Impact Assessment of Development Projects and Proposals”;
- (b) WBTC No. 33/2001 entitled “Statutory Gazetting of Public Works Projects in parallel with the Environmental Impact Assessment Process”.

4. This Circular shall be read in conjunction with WBTC No. 17/98 entitled “Environmental Impact Assessment Ordinance, Guidance on the Preparation of Briefs for Architectural/Engineering and Associated Consultancy Agreements”.

5. The following WBTCs remain valid, which promulgate amendments arising from WBTC No. 33/2001.

- (a) WBTC No. 13/97A entitled “Revised Administrative Arrangements for Reclamation Works”; and
- (b) WBTC No. 9/2001A entitled “Procedures for Gazetting under the Foreshore and Sea-bed (Reclamations Ordinance (Chapter 127))”.

## **Introduction**

6. WBTC No. 18/98 set out the procedures for EIA of development projects and proposals after the coming into operation of EIAO on 1 April 1998, which also binds the Government. To expedite the project progress, WBTC No. 33/2001 permitted the project proponent of a “designated project” under EIAO an option to commence the statutory gazetting of the project in parallel with the EIA process as long as there are sufficient EIA findings to enable the project layout to be sufficiently determined for the purpose of gazetting before the full completion of the EIA process.

7. This Circular reviews and updates the guidelines and procedures for EIA of Government projects and proposals to incorporate the options set out in WBTC No. 33/2001 and to establish an early warning system and conflict resolution mechanism for management of EIA process in each works department.

8. The updated guidelines and procedures is set out in Appendix A which covers the following aspects:

- a) EIAO;
- b) programming consideration for public works programme under EIAO;
- c) management of EIA process in public works programme for designated project;
- d) procedures for dealing with environmental implications of government projects or proposals not covered by EIAO;
- e) procedures for dealing with environmental appraisal of government projects or proposals submitted to the Public Works Subcommittee of Legislative Council or the Executive Council.

9. The handling of changes to planned land use along new roads that have undergone the EIA process entitled “Mitigation of Residual Traffic Noise Impacts from New Roads on Planned Uses” is attached at Appendix B of this Circular. .

### **Policy**

10. Works departments shall observe the guidelines and procedures set out in the Appendices of this Circular in considering environmental impacts for Government projects and proposals. Environmental Protection Department shall render all necessary assistance to works departments in EIA process provided that its statutory powers and duties under EIAO are not compromised.

**( W S Chan )**  
**Deputy Secretary for the Environment,**  
**Transport and Works (Works) 2**

**GUIDELINES AND PROCEDURES FOR  
ENVIRONMENTAL IMPACT ASSESSMENT OF  
GOVERNMENT PROJECTS AND PROPOSALS**

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## **1. THE ENVIRONMENTAL IMPACT ASSESSMENT ORDINANCE**

### **1.1 Commencement of the Ordinance**

1.1.1 The Environmental Impact Assessment Ordinance (Cap. 499) (EIAO) was enacted on 4 February 1997. The Technical Memorandum on Environmental Impact Assessment (EIA) Process (the Technical Memorandum) passed the negative vetting of Legislative Council (LegCo) in June 1997. The EIA (Fees) Regulation and the EIA (Appeal Board) Regulation were also endorsed by the Provisional Legislative Council in November 1997.

1.1.2 EIAO came into operation on 1 April 1998.

### **1.2 Application of the Ordinance**

1.2.1 The purpose of EIAO is to avoid, minimize and control the adverse impact on the environment arising from projects classified as "designated projects" under the Ordinance, which are listed in Schedules 2 and 3 of the Ordinance, through the application of EIA process and environmental permit (EP) system.

1.2.2 Designated projects in Schedules 2 and 3 have to go through EIA process, but only those listed in Schedule 2 require EP. The general guidance to EIAO is provided in the booklet "A Guide to the EIAO" published by Environmental Protection Department (EPD), which can be viewed in EPD's web-site: <http://www.epd.gov.hk/eia>.

1.2.3 EIAO binds the Government. All government projects or proposals that fall within the description under Schedule 2 or 3 of EIAO shall follow the procedure laid down in the Ordinance when seeking approval of EIA report and/or issue of EP from EPD. No designated project listed in Schedule 2 shall be constructed, operated or decommissioned without a valid EP under EIAO or contrary to the conditions given in the EP unless the designated project has been approved or authorized under those Ordinances and Regulations listed in sections 9(2) and 9(3) of EIAO or has commenced construction or been in operation before 1 April 1998. Notwithstanding,

the proponent<sup>1</sup> would still have to comply with the environmental mitigation measures or requirements recommended in earlier studies of the project, and this Circular if appropriate.

1.2.4 The provisions on offences under sections 26 and 27 of EIAO do not apply to government officers. If any government officer acts in contravention of the Ordinance and such action is not terminated immediately to the satisfaction of the Director of Environmental Protection (DEP), DEP shall report such case to the Chief Secretary for Administration. If any person not being a government officer, such as a consultant or an agency, handles the EIA process and/or its implementation for a government project, then he will be liable to the proceedings taken against him for any offence under sections 26 and 27 of EIAO.

### **1.3 An Overview of the Statutory Requirements**

1.3.1 EIAO provides the framework for assessing environmental impacts of a designated project defined under the Ordinance and for making implementation of prevention and mitigation measures enforceable through the EP system. DEP, in consultation with other relevant authorities, is responsible for regulating and enforcing the EIA process under EIAO.

1.3.2 For a designated project under Schedule 2 of EIAO where EP is required before the construction, operation or decommissioning of the project can commence, the proponent is required (pursuant to section 5(2) of EIAO) to submit a project profile either to:

- (a) apply for EIA study brief for conducting EIA studies and seek approval of the EIA report from DEP under EIAO; or
- (b) seek permission to apply directly for EP according to the provisions laid down in sections 5(9) to 5(11) of EIAO.

1.3.3 Unless DEP permits the proponent to apply directly for EP for case (b) of paragraph 1.3.2 above, the proponent shall follow the procedure for case (a) above

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<sup>1</sup> For the purpose of this Appendix, “proponent” means government department or its consultant, or may be an outside agency who is responsible for the implementation of a particular stage of a project. Proponent can vary at different stages of a project in question.



pursuant to section 5(7) of EIAO to apply for a study brief for conducting the EIA study and preparing the EIA report for DEP's approval. If the EIA report is approved by DEP after the public consultation as explained below, it will be placed in the register pursuant to section 8(5) of EIAO and the proponent can apply for EP under section 10(1) of EIAO.

1.3.4 EIAO also requires proponents of engineering feasibility studies of major development that falls within the description set out in Schedule 3 of EIAO to conduct EIA study and submit EIA report for approval by DEP. Proponents have the option of carrying out detailed assessments on individual projects listed under Schedule 2 within the study area to a level sufficient for the issuing of an EP thus obviating the need for carrying out further individual EIAs at a later stage. In that case once the Schedule 3 EIA is approved and placed on the Register, the proponents of the individual projects can apply under section 5(9) of EIAO for permission to apply directly for EP.

1.3.5 The Advisory Council on the Environment (ACE) and the public will be consulted in EIA process. There is an opportunity for ACE and the public to comment on the project profile submitted by a proponent before the EIA study brief is issued by DEP, or before permission is given to the proponent to apply directly for EP. ACE and the public will also have an opportunity to comment on the EIA report before decision is made by DEP on whether the report should be approved or not. The arrangement for these two opportunities is given below:

(a) Project Profile

On the day following the submission of the project profile to DEP, the proponent is required under EIAO to advertise in two generally circulated newspapers (one in Chinese and the other in English) the availability of the project profile. ACE and the public may comment on the project profile on the environmental issues covered by the Technical Memorandum within 14 days.

(b) EIA Report

When DEP considers that the EIA report meets the requirements of the EIA study brief and the Technical Memorandum, the proponent is required to advertise the availability of the EIA report (with the Executive Summary in

English and Chinese as stated in Annex 11 of the Technical Memorandum) once every 10 days during the 30-day public inspection period and make it available at specified locations for the public to comment during this period. At the same time, the proponent will be advised whether a submission to ACE is required. ACE may give its comments on the EIA report to DEP within a period of 60 days in parallel to the 30-day public inspection period.

1.3.6 Comments from ACE and the public will be taken into account by DEP before issuing the EIA study brief, approving the EIA report or permitting the proponent to apply directly for EP. All decisions taken by DEP will be placed on a Register set up under EIAO. The Register is open to the public for inspection during normal office hours and on EPD's web site. As part of the Register, DEP maintains a list of EIA reports approved before EIAO came into operation.

#### **1.4 Material Changes to Exempted Designated Project**

1.4.1 Under section 9(4) of EIAO, a material change to an exempted project<sup>2</sup> requires an EP under the Ordinance unless it is subsequently exempted. The application for exemption shall follow the statutory procedures and requirements under EIAO. "Material change" as defined in Schedule 1 of EIAO means a physical addition or alteration to a designated project, which results in an adverse environmental impact as defined in section 6.1 of the Technical Memorandum.

1.4.2 For a material change to an exempted project, the proponent can apply under section 5(10) of EIAO for permission to apply directly for EP if the impact of the material change and the mitigation measures described in the project profile meet the requirements of the Technical Memorandum.

#### **1.5 Seeking Confirmation on Contiguous Government Projects**

1.5.1 An application can be made under section 4(5) of EIAO to seek confirmation from DEP whether certain contiguous government projects are to be treated as a designated project. DEP shall reply within 14 days upon receipt of the application with a copy to SETW. If agreed, a written specification for such contiguous projects

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<sup>2</sup> Material change to a designated project or to an environmental impact is further elaborated in section 6 of the Technical Memorandum.

for being treated as a designated project will be passed to the relevant proponent in DEP's reply.

## **1.6 Arrangement for Incorporation of Environmental Permit into Contract**

1.6.1 Depending on the nature of the project and the recommendations in the EIA report, proponent may choose to apply for a single EP for a project or separate EPs for various stages of a project, such as construction, operation and decommissioning.

1.6.2 For a complicated project to be implemented in different phases, such as new town development or major trunk road system, it is advisable to have separate EPs for different phases of the project development in order to maintain flexibility. Furthermore, proponent may choose to have separate EPs for different works contracts even under the same phase of the project development.

1.6.3 To maintain overall programme control and continuity, it is recommended that proponent shall apply for the necessary EP(s) before the commencement of project construction and hold the EP(s) throughout the construction period. Such arrangement will ensure the EP is in place immediately after the award of the contract and hence the contractor can rely on the EP issued to the proponent to commence works on the site without the need to apply for a further EP under section 12 of EIAO. The arrangement will also enable the proponent to have direct control of the application for variation of EP conditions when it is necessary to do so. Even though the permit holder is the proponent and not the contractor, the contractor shall remain fully liable under EIAO for compliance with the conditions of the EP provided that the contractor has been notified about the permit conditions.

1.6.4 To ensure that the contractor has the full knowledge of the conditions of the EP, a copy of the EP issued to the proponent shall be included in the Particular Specification to form part of the tender document and hence the contract. As part of the standard conditions of the EP, the contractor shall display the EP at the site throughout the construction period. The proponent shall notify the contractor any subsequent change or variation to the conditions of EP.

1.6.5 To safeguard against any unnecessary claims for extension of time and additional costs from the contractor due to application for a further EP or any subsequent variation to the conditions of EP, the following standard clauses shall be included in the Particular Specification for works contracts where EP has been

obtained by the proponent for the works.

*"The Contractor shall observe and abide by the conditions set out in the environmental permit attached at Annex xx [to be inserted by the Architect/Engineer] when carrying out the Works [or Section yy of the Works where appropriate]. The Contractor shall display the environmental permit (or any revision thereto as may be provided to him by the Employer) at the Site throughout the construction period. The Contractor needs not apply for a further environmental permit for the Works. The Architect/Engineer will coordinate any application for variation of the EP conditions where it is necessary and shall notify the contractor upon any change or variation approved by DEP. If the Contractor chooses to apply for and hold a further environmental permit for the Works for any reasons, he can do so but will be at his own risks and he will not be entitled to an extension of time or to any compensation or cost."*

1.6.6 In the event that the contractor applies for a further or a variation to an EP, DEP will notify the holder of the said EP upon receipt of such application.

## **1.7 Variation of Environmental Permit Conditions**

1.7.1 Environmental monitoring and audit programme, if required, will help to identify the need for variation of EP conditions during project implementation, and where necessary consultation can be made with DEP during the environmental monitoring and auditing of the project.

1.7.2 Where there is a need for the variation of EP conditions, the proponent shall apply for such variation of the EP under section 13 of EIAO. For those variations where the environmental performance requirements set out in the EIA report of the project may be exceeded or violated even though the mitigation measures have been in place, DEP may require the proponent to submit an EIA report for the variations sought. In such cases, the proponent shall follow the statutory procedures to apply for a study brief and to prepare the EIA report as set out in sections 5 to 8 of EIAO. For cases where EIA report is not required, DEP will issue an amended EP within 30 days. The proponent shall give a copy of the amended EP to the contractor for compliance and display at the site.

## **2. PROGRAMMING CONSIDERATION FOR PUBLIC WORKS PROGRAMME UNDER EIAO**

### **2.1 General**

2.1.1 Notwithstanding the document exchange procedures set out herein for the fulfillment of EIA process, proponent must appreciate the importance of making use of every opportunity for early consultation (formally or informally) with EPD, ACE, District Councils (DC), green groups and all interested parties, including those whose livelihoods might be affected by the project (Continuous Public Involvement (CPI) as promoted by DEP). The consultation can start long before the checking on whether the project is a designated project or in the project profile preparation stage etc.. Early consultation is particularly important for large-scale projects where matters such as alignment, choice of site or orientation may be significant in terms of environmental impact. Proponent should treat EIA process as part of the design process for ensuring that a project does not adversely affect the environment, rather than some extra procedures that must be followed. Proponent should provide adequate support to EIA process to avoid, minimize and control the adverse impact on the environment due to the project works. A spirit of concern for the environment on the part of the proponent is essential to the smooth passage through EIA process.

2.1.2 Annex A to this Appendix (for simplicity, "annex" hereinafter referred to in this Appendix means the annex to this Appendix) shows how the Public Works Programme (PWP) procedures can dovetail with the requirements of EIAO for a project which is a designated project under the Ordinance and is not exempted from it. It reflects the procedures for submitting a project profile during the Technical Feasibility Statement (TFS) stage or after its completion.

2.1.3 When preparing TFS for a project, proponent shall, in consultation with DEP, state whether the project is a designated project. If the project is a designated project, the proponent shall submit a project profile to DEP who shall, in accordance with the procedures under EIAO, either issue an EIA study brief for the project or grant the permission to apply directly for EP whichever is appropriate. Alternatively, the proponent may submit the project profile to DEP after completion of TFS, which shall contain a statement that the procedures and requirements under EIAO shall be followed.

2.1.4 EIA study for a designated project, if required, shall be carried out and approved before the construction of a project is upgraded to Category A. For a Category D project which is also a designated project under EIAO, EIA study should be carried out and approved before the project is included in Category D. The key conclusions of the approved EIA report or the conditions attached to the permission to apply directly for EP shall be stated in the Environmental Implications (EI) paragraph of the PWSC paper when the project is upgraded to Category A or included in Category D where appropriate. For design and build or build-operate-transfer projects, the outline procedures are laid down in Annex B.

2.1.5 Examples of paragraphs with typical environmental implications that may be incorporated in TFS or PWSC paper for designated projects of government are given in section 5 of this Appendix.

## **2.2 Parallel Actions on Gazetting and EIA Process**

2.2.1 To streamline the public works procedures and bring forward the delivery of public works, it was decided that with effect from 20 December 2001, the statutory gazetting of a project under the relevant Ordinances, i.e. the Foreshore and Seabed (Reclamation) Ordinance, Roads (Works, Use and Compensation) Ordinance, Railways Ordinance and Town Planning Ordinance, can be done in parallel with EIA process. A bar chart demonstrating this concept with a sample project is shown at Annex C.

2.2.2 Works director for a designated project under EIAO should consider positively the option of gazetting the project before the full completion of EIA process, as soon as there are adequate EIA findings to enable the project layout to be sufficiently determined for the purpose of gazetting.

2.2.3 The option of parallel gazetting should not however undermine the need to ensure that the finally adopted project scheme is in full compliance with EIAO. The EIA report will continue to be subjected to inspection and consultation with ACE and the public under EIAO. All comments received will be taken into account by DEP in deciding whether the EIA report is to be approved. Where a project is gazetted but subsequent changes are found necessary as a result of EIA process, such changes should be made even if it might necessitate re-gazetting of the project. Hence, in deciding whether or not to gazette a proposed project in parallel with EIA process,

works director should exercise his judgment on the benefits of time saving against the risk of having to make subsequent alterations and re-gazette the project should a change be necessary upon the completion of EIA process. It should be handled with great caution if it is envisaged that any environmental issues of the project would arouse public concern.

2.2.4 Despite the availability of the option of parallel gazetting, works director for a designated project should not seek authorization of the proposed project under the respective Ordinances before the EIA report is approved by DEP or permission has been obtained from DEP to apply directly for EP. Proponent should note the stipulated time frame required within which the authorization of the Executive Council (ExCo) should be obtained after gazetting and ensure that the EIA report is approved or permission to obtain from DEP to apply directly for EP is granted within this time frame.

### **2.3 Consultation with ACE before Completion of EIA Process**

2.3.1 For major project or project involving complex or controversial environmental issues, proponent is encouraged to arrange briefings with ACE or its EIA Subcommittee on the initial findings of EIA studies before the full completion of EIA process, whether or not parallel gazetting as mentioned in paragraph 2.2 above is intended. ACE in general welcomes early dialogue with proponent on project involving major or controversial environmental issues. Its EIA Subcommittee is also prepared to have informal dialogues with proponent upon request on a non-committal basis.

### **2.4 Application for Environmental Permit**

2.4.1 Upon approval of EIA report, proponent may at any time apply to DEP for EP, which in any case should be obtained prior to the commencement of the construction. The arrangement for incorporation of EP into a contract is given in section 1.6 above. The EP Conditions should be included in the contract documents and/or consultancy briefs if appropriate.

## **2.5 Consultation with DC and ACE after completion of EIA Report**

2.5.1 Under section 7 of EIAO, there are requirements for EIA report to be exhibited to the public for inspection and, if required, submitted to ACE for comments. Proponent will be notified on the need to submit EIA report to ACE at the time when it is advised by DEP that the EIA report is suitable for exhibition to the public for inspection under EIAO.

2.5.2 Although there are no legal requirements under EIAO to consult bodies other than ACE, proponent is advised to liaise with relevant District Officers for arranging consultation with relevant DC and other affected sectors on the findings of EIA study, in parallel with the inspection of EIA report. Where necessary, proponent should also liaise with other relevant advisory bodies on the findings of EIA study during the same period. Proponent should also send copies (of suitable media) of the approved EIA report to the reference libraries of the Hong Kong Public Libraries, the Public Enquiry Service Centre of relevant District Office(s) and the library of the LegCo Secretariat.

## **2.6 Consent from SETW for Matters under EIAO**

2.6.1 Proponent under section 5(11) of EIAO to seek approval for applying directly for EP requires the consent of SETW before DEP can give the permission. If DEP is satisfied that the environmental impact of the designated project is unlikely to be adverse and the mitigation measures meet the requirements of the Technical Memorandum, DEP will submit his recommendation together with the proponent's submissions to the Principal Assistant Secretary of ETWB (Environment and Transport) responsible for EIA issues to seek the consent of SETW at least 15 days before the expiry of the 45 day period under section 5(7) of EIAO. DEP will keep the proponent informed of the progress.

2.6.2 In addition, the consent of SETW is required for cancellation or variation of an EP and cessation order under sections 14(1) and 24 of EIAO respectively. DEP will notify the proponent and other departments involved in these actions.



### **3. MANAGEMENT OF EIA PROCESS IN PUBLIC WORKS PROGRAMME FOR DESIGNATED PROJECT**

#### **3.1 General**

3.1.1 In order to identify potential environmental problems, to work out effective measures to avoid or address the problems at an early stage of a project and to ensure greater efficiency and certainty in project delivery, communication among all parties concerned throughout the EIA process is essential. Any problems that cannot be resolved at the working level should be escalated to the appropriately senior level for resolution in a timely fashion.

#### **3.2 Role of EPD**

3.2.1 To facilitate the EIA process of government projects, EPD should, without compromising its statutory functions under EIAO, enhance its advisory role and provide, in a proactive manner, advice to proponents on the procedures and requirements under EIAO, the related Technical Memorandum and any other environmental issues arising from EIA process. This will help identify potential environmental problems and work out effective measures to smooth out EIA process. Currently EPD has set up an EIA Helpdesk direct hotline 2802 3111 for enquiries over EIAO procedures and other general matters including training programmes.

3.2.2 EPD should be as specific as possible in drafting EIA study brief, in giving advice and in requesting further information from proponent so as to enable proponent to have better and clearer picture on how to comply with EIA requirements.

#### **3.3 Role of Proponent**

3.3.1 The responsibility for ensuring an efficient and effective EIA process lies not only with EPD but also with proponent. It is therefore essential that the EIA studies should not be on the critical path of the project programme. Apart from integrating environmental concern in project planning and implementation, proponent should take a proactive role and start an early dialogue with EPD, ACE and other relevant authorities under EIAO to identify potential environmental problems and work out effective measures to avoid or minimize environmental impacts at an early stage.

Proponent should assume the full ownership of his project throughout the EIA process.

### **3.4 Environmental Study Management Group**

3.4.1 EPD has formed Environmental Study Management Groups (ESMG) and will convene meetings upon request of proponent. Such meeting provides an effective forum for examining environmental problems, drawing up proposed mitigation measures and discussing and resolving, where possible, differences between EPD and proponent.

3.4.2 To make use of the system, consideration should be given to form such ESGM on the initiative of either EPD or proponent at the early stage of a project even before the formal EIA process begins. ESGM should comprise EPD's officers and the proponent at an appropriately senior level if the project is strategically important and time-critical. DEP would be the convenor of ESGM meeting and where necessary, representatives from other relevant authorities will also be invited to attend the meeting.

3.4.3 ESGM meetings, if convened before the proponent's formal submission under EIAO, are conducted on administrative and advisory basis to help proponent to comply with the requirements under EIAO. Except for those matters that require specific written approval as set out in the EIA study brief, no detail written responses, except for the meeting notes, shall be produced by relevant authorities to any informal submission from the proponent. The discussion before the formal submission shall not absolve the proponent from his responsibilities under EIAO.

3.4.4 Under section 9.1 of the Technical Memorandum, DEP shall take advice from other relevant authorities on matters prescribed in the Technical Memorandum. Therefore, it will be necessary for DEP and other relevant authorities to give priority to application or report submitted by proponent under EIAO to speed up the EIA process. Except for straightforward cases, DEP would normally convene ESGM meeting among the relevant parties concerned to discuss the EIA report submitted by the proponent.

### **3.5 Establishment of Early Warning System and Conflict Resolution Mechanism**

3.5.1 According to past experience, most conflicts arising from EIA process could be satisfactorily resolved if they are brought to the attention of senior management of EPD and proponent at the earliest possible stage. To avoid deadlocks at working level, DEP and the senior management of proponent at a level of D2 or above must be made aware of these conflicts so that they could come in timely to try to resolve them. In this connection, EPD, proponent and other relevant authorities involved under EIAO should set up an early warning system and the corresponding communication mechanism for the senior management to discuss all contentious EIA-related issues related to the project. In addition, a conflict resolution mechanism should be established so as to resolve contentious issues as early as possible.

3.5.2 Close monitoring and early warning system for proponent and the corresponding conflict resolution mechanism as mentioned in paragraph 3.5.1 above should include the following arrangements:

- (a) Project staff at working level should establish a constant channel of communication with EPD staff at an early stage of a project, which can be as early as before the preparation of TFS, and should maintain the dialogue for the subsequent stage of EIA process. Consideration should be given to make use of ESMG meeting to establish such communication channel with EPD where appropriate.
- (b) Regular meetings (say, monthly) should be held amongst project officers and the directorate officer about project implementation and identification of the likely problems that will be encountered in EIA process. Should the problem be serious, the directorate officer should liaise or organise a meeting at a suitable level with EPD to solve the problem at an early stage.
- (c) There should also be regular meetings between proponent and EPD at Deputy Director level to discuss problems on EIA studies of projects. Unresolved issues should be referred to DEP and heads of the works department/agency concerned.

- (d) Notwithstanding the regular meetings and communication channels mentioned above, any urgent cases on EIA related issues should be resolved at all appropriate levels on ad-hoc basis.
- (e) The progress on EIA process of individual projects should be reflected in the Public Works Management System (PWMS) for monitoring and control of works programmes. Works Departments shall ensure to update the information in PWMS sufficiently, frequently and regularly.
- (f) There are other regular forums such as EIAO User Liaison Groups to discuss and communicate on EIA issues. Proponent should make use of these forums to communicate and resolve general EIA issues with EPD.

3.5.3 Some issues may involve conflicting policy considerations such that the differences or conflicts may not be able to resolve at departmental level. When such situation arises, any unresolved conflict would be referred to the corresponding Permanent Secretary(ies) in ETWB to seek ways for a resolution.

### **3.6 Attending Meeting of ACE**

3.6.1 Proponent may be invited to attend meeting and make presentation to ACE or its EIA Subcommittee for discussion of his EIA report during the consultation process. Before attending the meeting, proponent should make sure that his representatives (including those of consultants and works departments) are well prepared and fully understand all the environmental issues involved and the solutions identified. They should be fully conversant with the content of the EIA report submitted, and be able to respond to the concerns/queries raised at the meetings. For project with controversial issues, proponent should organize a pre-meeting amongst the representatives before attending the meeting of ACE or its EIA Subcommittee where appropriate.

## **4. PROCEDURES FOR DEALING WITH ENVIRONMENTAL IMPLICATIONS OF GOVERNMENT PROJECTS OR PROPOSALS NOT COVERED BY EIAO**

### **4.1 Non-designated Projects**

4.1.1 Projects that do not fall within the requirements of EIAO are classified as non-designated projects, which however may also have a potential to cause adverse impacts to the environment. The community has a high expectation to proponents to be environmentally conscious and responsible for the design, construction and operation of a project, irrespective of whether it is a designated or non-designated project under EIAO. Therefore, proponents, including their consultants and contractors, should give sufficient regards to protecting the environment during design, construction and operation particularly for activities with possible impacts on sensitive areas of the environment. The relevant guidelines issued by EPD should be observed so that all necessary precautionary measures could be made to avoid potential environmental damage and, if avoidance is not practicable, to minimize adverse environmental effects.

4.1.2 Subject to the advice of DEP, site investigation work which is for the purpose of detailed design and is not considered as the first phase of a designated project can be classified as a non-designated project. The streamlined procedures set out in para. 4.2 below for non-designated projects are therefore applicable for site investigation works. Special attention should be given to checking against whether the proposed site investigation work is within the sensitive areas listed in section Q of Schedule 2 of EIAO. If the proposed site investigation work falls within the environmentally sensitive areas, such work may become a designated project and the proponent should follow the statutory procedure to obtain permission for direct application for EP under section 5(1)(b) of EIAO.

### **4.2 Streamlined Procedures for Non-designated Projects**

4.2.1 The streamlined procedures set out below aim to simplify the handling of environmental implications for non-designated projects under PWP, while at the same time meet the environmental requirements laid down by the Finance Committee and the Executive Council.

4.2.2 A summary of the streamlined procedures for non-designated projects is given in the flowchart at **Annex D**. Proponent may adopt one of the following approaches to meet the environmental requirements for a project:

- (a) to adopt the standard pollution control measures for projects with limited potential for environmental impacts;
- (b) to adopt the class assessment approach based on streamlined procedures to deal with the Preliminary Environmental Review (PER) for a certain class of projects; or
- (c) to conduct PER for individual non-designated project for vetting and agreement by DEP.

4.2.3 Annex E lists out the examples of non-designated projects that would generally have limited potential of giving rise to adverse environmental impacts if the proponent implements the standard pollution control measures promulgated by DEP during construction. Proponent needs not prepare PER for projects listed in Annex E but has to identify carefully the environmental impacts associated with the project particularly for works carried out in environmentally sensitive areas, and to confirm environmental acceptability if the standard pollution control measures are adopted for the work.

4.2.4 Proponent should refer to the latest version or substitute of the following guidelines in establishing pollution control measures for non-designated projects:

- (a) “Environmental Guidance Note for Rural Planning and Improvement Strategy (RPIS) – Minor Projects” which was designed to guide project proponents to avoid and minimize environmental impacts arising from RPIS projects;
- (b) “Recommended Pollution Control Clauses for Construction Contracts”;
- (c) Chapter 9 of the “Hong Kong Planning Standard and Guidelines”;
- (d) “Examples of Environmentally Friendly Drainage Channel Design Arising from Environmental Impact Assessments”;

- (e) “Environmental Guidance Note for Sewage Pumping Station which is not a Designated Project”;
- (f) Professional Persons Environmental Consultative Committee Practice Notes (ProPECC) PN No. 1/94, Construction Site Drainage

4.2.5 A class assessment approach can be applied to a class of projects that will give rise to or be subject to similar environmental impacts. This approach would enable proponent to work out standard and generic measures for similar projects, without duplicating the effort for the need to go through the same procedure for each and every project. This would save the time and effort on the part of proponent and ensure greater consistency in the application of mitigation measures.

4.2.6 Annex F lists out the examples of non-designated projects that can be subject to the class assessment approach. Proponent can standardize and define the mitigation measures for these projects for agreement by DEP. It is considered that the environmental impacts associated with such projects are likely to be mitigated to meet the established criteria if proper mitigation measures are taken during design, construction and operation stages.

4.2.7 Proponent is encouraged to adopt the class assessment approach and submit a class assessment document by providing the required information set out in Annex G for agreement by DEP. The class assessment document can cover many projects of different categories or at different locations provided that they are of a similar class. Once the class assessment document is agreed, proponent can refer to it in preparing TFS. PER for projects that have been covered by the agreed class assessment document is deemed to be agreed by DEP. There is no need to submit the PER for vetting by DEP and the proponent will be responsible for implementing the agreed mitigation measures.

4.2.8 For non-designated projects not covered by Annex E or class assessment documents that have been agreed by DEP, they would be subject to the requirement of PER as set out in Financial Circular No. 11/2001 – Requirement for Project Definition Statement and Technical Feasibility Statement for Capital Works Projects. The required PER should be sent to DEP for vetting at the design stage.

4.2.9 The findings of PER, if required, would be used to identify environmental impacts associated with a non-designated project, to confirm environmental

acceptability, to determine the necessary mitigation measures for relatively simple cases, and to ascertain the need for whether additional environmental studies are required for complex cases.

4.2.10 For most non-designated projects, proponent is expected to identify the environmental impacts associated with the project and to adopt the necessary mitigation measures during the preparation of PER without the need for additional environmental studies.

4.2.11 Under exceptional cases, DEP may require proponent to carry out additional environmental studies, which may include investigation and calculation, to confirm environmental acceptability and to determine the appropriate mitigation measures. The scope of additional environmental studies would be stated in the comments on the PER given by DEP. The primary aim of the additional environmental studies, if required, is to work out the suitable mitigation measures for addressing the complex environmental impacts listed in the PER, and the findings after the study shall be submitted to DEP for agreement.

4.2.12 Proponent is responsible for the full implementation of the mitigation measures identified in PER or other environmental studies, as well as taking remedial measures against any unacceptable environmental impacts during construction and operation of a project.

### **4.3 Resolution of Disagreement**

4.3.1 The model of early warning and conflict resolution mechanism mentioned in Section 3.5 is also applicable to non-designated projects.



## **5. PROCEDURES FOR ENVIRONMENTAL APPRAISAL OF GOVERNMENT PROJECTS OR PROPOSALS SUBMITTED TO THE PUBLIC WORKS SUBCOMMITTEE OF LEGISLATIVE COUNCIL OR THE EXECUTIVE COUNCIL**

### **5.1 General**

5.1.1 Article 119 of the Basic Law states that “The Government of the Hong Kong Special Administrative Region shall formulate appropriate policies to promote and co-ordinate the development of various trades, such as manufacturing, commerce, tourism, real estate, transport, public utilities..., and pay regard to the protection of the environment.”

### **5.2 Consideration of Environmental Implications in Project Management for PWSC Submission**

5.2.1 Financial Circular No. 9/2000 requires government departments to provide an "Environmental Implications" (EI) section in their submission to the Public Works Subcommittee (PWSC). The Users' Guide to the PWSC provides that:

*“ ... [EI] section should set out in concise fashion whether or not the proposal has environmental implications and if so, what the proposed mitigation measures are. It should cover whether and when the Environmental Protection Department or others had carried out either an environmental review or an environmental impact assessment and what the findings or recommendations were ... ”*

SETW has delegated the authority to DEP to clear the issue for the contents of EI section of PWSC papers.

5.2.2 Under the current PWP procedures, a project entering into Category C of PWP requires proponent to complete TFS in which the “Environmental Considerations” section should be prepared in consultation with EPD. In the event that the project is entrusted to private developer, proponent shall be responsible for ensuring that all the environmental considerations associated with the project are fully addressed.

5.2.3 Examples of paragraphs with typical environmental implications that may be incorporated into TFS or PWSC paper for designated projects of government are given in Annex H. That for TFS is reproduced from FC 11/2001.

5.2.4 When submission is made to PWSC for upgrading a project to Category A or to other major decision making bodies, proponent shall make reference to the environmental implications of a project and the agreed mitigation measures according to the environmental information generated under this Appendix, state the funding arrangement for the mitigation measures, and include a commitment to implement those measures. The Financial Circular on clearance of "Environmental Implications" section of PWSC papers shall apply.

### **5.3 Procedures for Environmental Appraisal of Proposal Submitted to the Executive Council**

5.3.1 The Executive Council (ExCo) Procedures Manual requires the incorporation of "EI" section in all ExCo memoranda where there are likely to be environmental issues or impacts, including benefits, involved. The procedures set out below aim to assist policy bureaux in identifying environmental impacts and paying regard to the protection of the environment when formulating policies, so that requirements in the Basic Law and ExCo Procedures Manual can be met.

5.3.2 Annex L of ExCo Procedures Manual specifies that a section on environmental implications is required in all memoranda concerning:

- (a) proposal for new policy or strategy, or amendment to existing policy or strategy;
- (b) specific matters involving environmental issues;
- (c) proposals or projects for which EIA has been carried out; and
- (d) environmental policies, strategies or proposals.

5.3.3 For proposal that is likely to cause environmental impacts, EI section should include the following information:

- (a) the likely impact of the proposal on the environment;
- (b) major elements of surrounding environment which may have impact on the proposal;
- (c) elements of surrounding environment which may be affected; and
- (d) environmental protection measures incorporated in the proposal.

5.3.4 Where EIA has been carried out because the proposal involved is a designated project under EIAO, the EI section should describe briefly the main issues and findings, and indicate whether the final report has been presented to ACE and endorsed by DEP and, whether the recommended measures for protecting the environment will be implemented, and whether funds are available. If the proposal mainly deals with environmental issues and environmental implications have been fully addressed in the main text of the submission, then the EI section would only require a short statement saying that environmental implications have been reported in the main text. For proposal that is unlikely to contain any significant environmental implications, this must be stated clearly.

## **5.4 Applying Environmental Checklist when preparing EI Section**

5.4.1 An environmental checklist is given in Annex I to help those drafting ExCo memoranda to identify environmental concerns in a structured and systematic manner. Going through the environmental checklist as well as paying due regard to the associated environmental concerns will aid Bureaux and departments to identify the need for early consultation with EPD and expedite the subsequent drafting and clearance of EI sections in ExCo Memoranda.

5.4.2 The environmental checklist is intended to assist policy bureau in establishing the connection between policy or strategy proposal and environmental implications. For proposal on new policy or strategy, or amendment to existing policy or strategy, the policy bureau concerned should complete a list of questions and/or checklist, if applicable, at the earliest possible stage of policy or strategy formulation. Policy bureau or department concerned is strongly encouraged to consult DEP on issues or concerns arising from the environmental checklist.

## 5.5 Coverage of EI Section

5.5.1 The first draft of EI section should be prepared by the responsible policy bureau or department. EI section should report the findings of the environmental appraisal set out in the environmental checklist as well as EPD's advice.

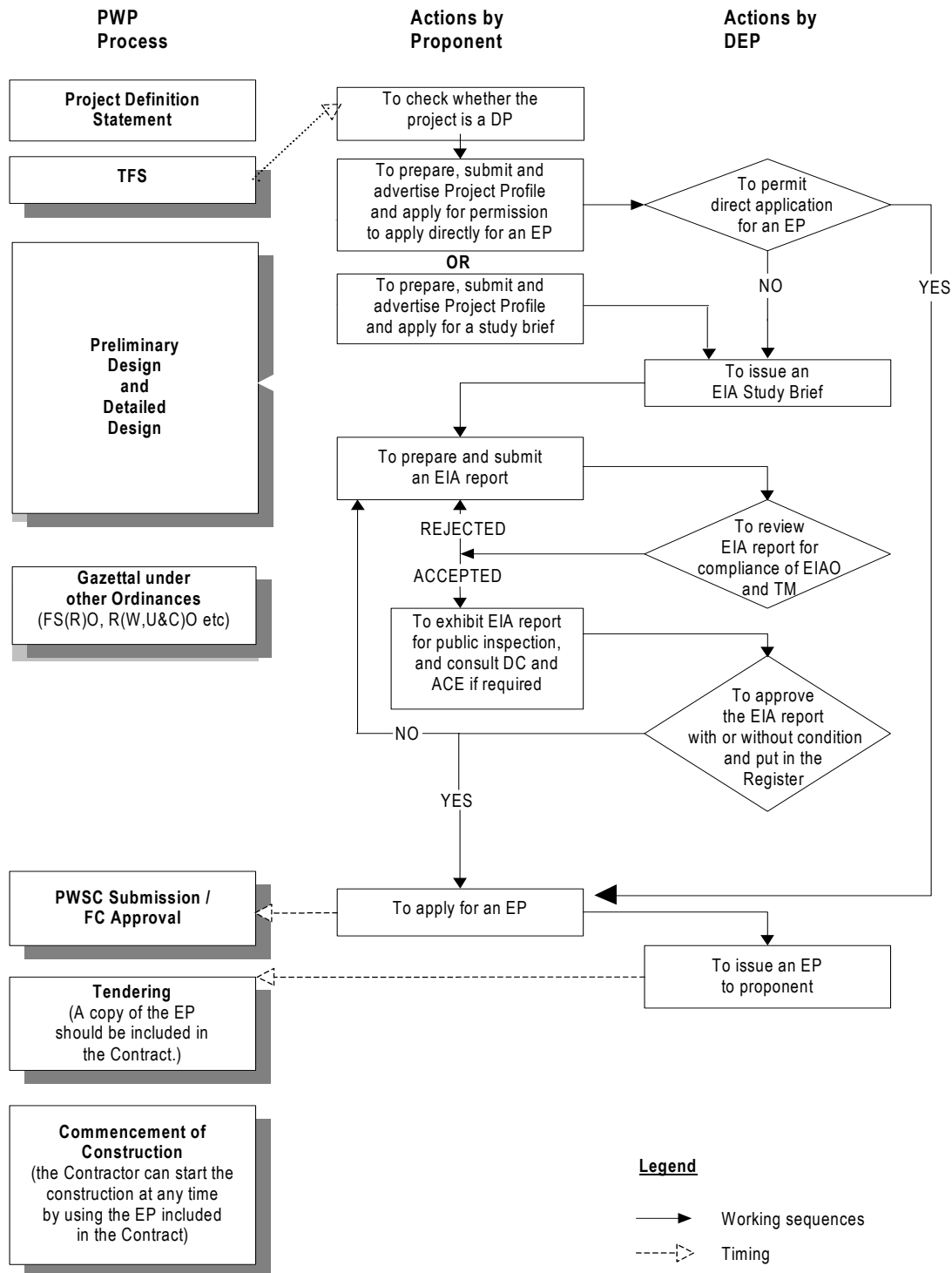
5.5.2 For project related matters and environmental policies, EI section should specify the outcome of the consultation with ACE, if applicable.

## 5.6 Clearance of EI Section

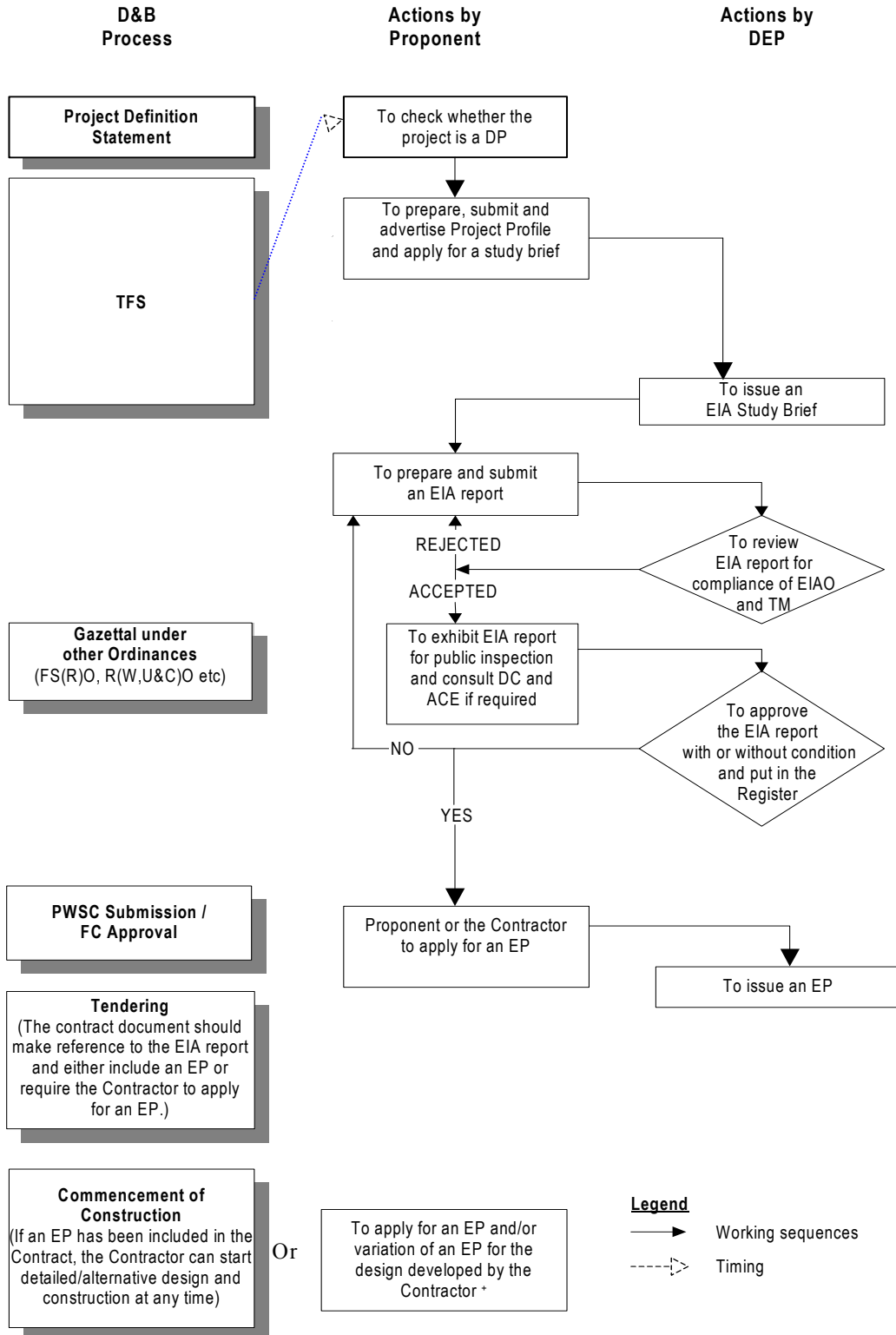
5.6.1 According to the ExCo Procedures Manual, EI section of the draft final submission to ExCo has to be cleared by SETW. The draft ExCo Memorandum should be addressed to the Principal Assistant Secretary of ETWB (Environment and Transport) responsible for EIA issues. Under normal circumstances, the proponents should allow a minimum of *eight working days* for the clearance of EI section as the Bureau will normally wish to consult DEP before giving advice.

5.6.2 All draft ExCo Memoranda with EI sections for clearance by SETW should be copied to DEP, marked for the attention of the Assistant Director (Environmental Assessment and Noise). At the same time, policy bureau or department concerned is recommended to forward to SETW and copy to DEP the completed checklist mentioned in paragraph 5.4.1 above to facilitate early clearance of the ExCo Memorandum.

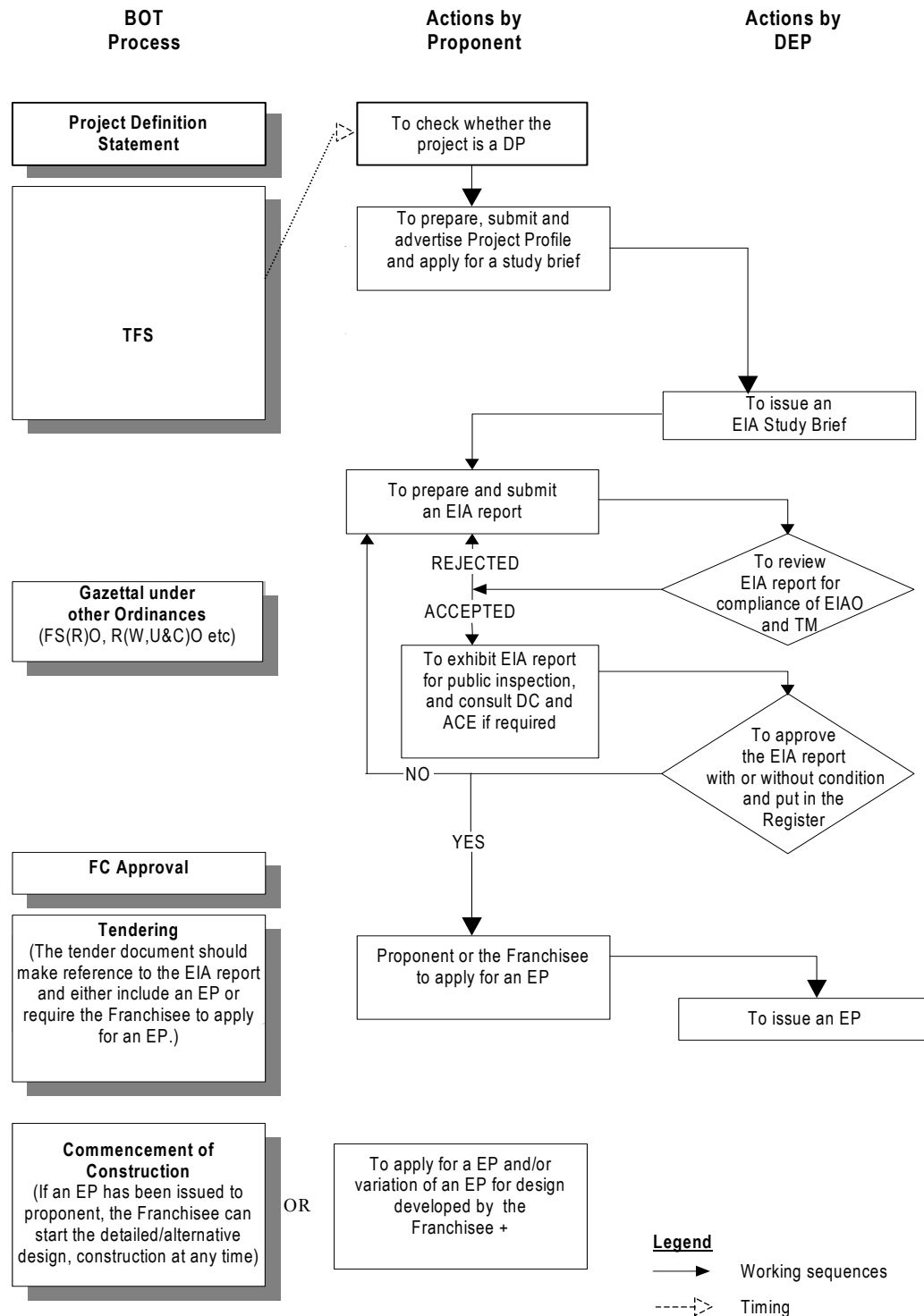
**Relationships between EIAO and PWP Procedure**



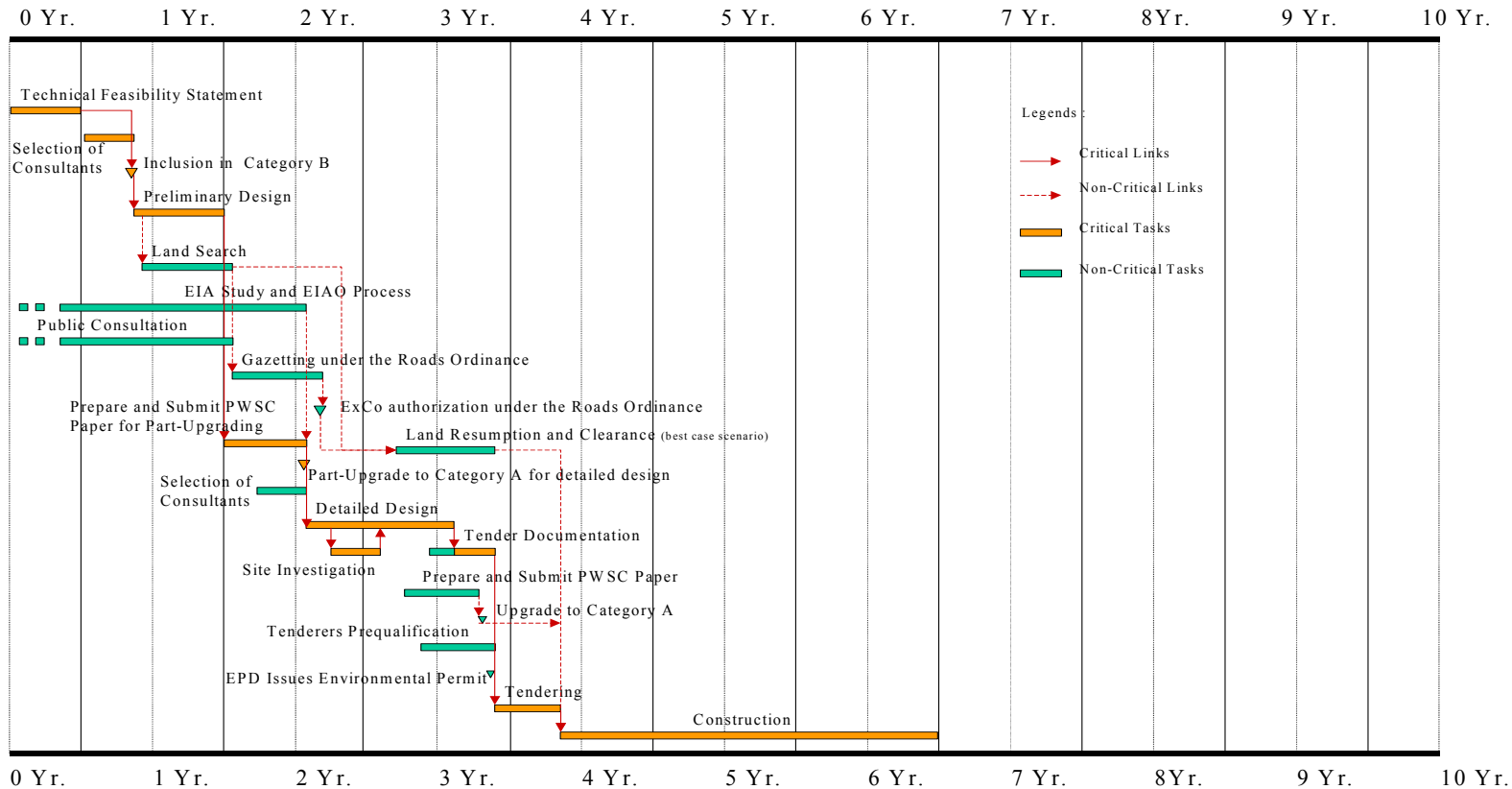
**Relationship between EIAO and Design & Build (D&B) Procedure**



**Relationship between EIAO and**  
**Build-Operate-Transfer (BOT) Procedure**



<sup>+</sup> In the event that the design developed by the proponent changes, the proponent should instruct the contractor/franchisee by way of appropriate contractual arrangement, such as supplemental agreement, to incorporate such design change into the design developed by the contractor/franchisee and to initiate necessary action as required under EIAO for obtaining approval of related variation to the environmental permit in force.

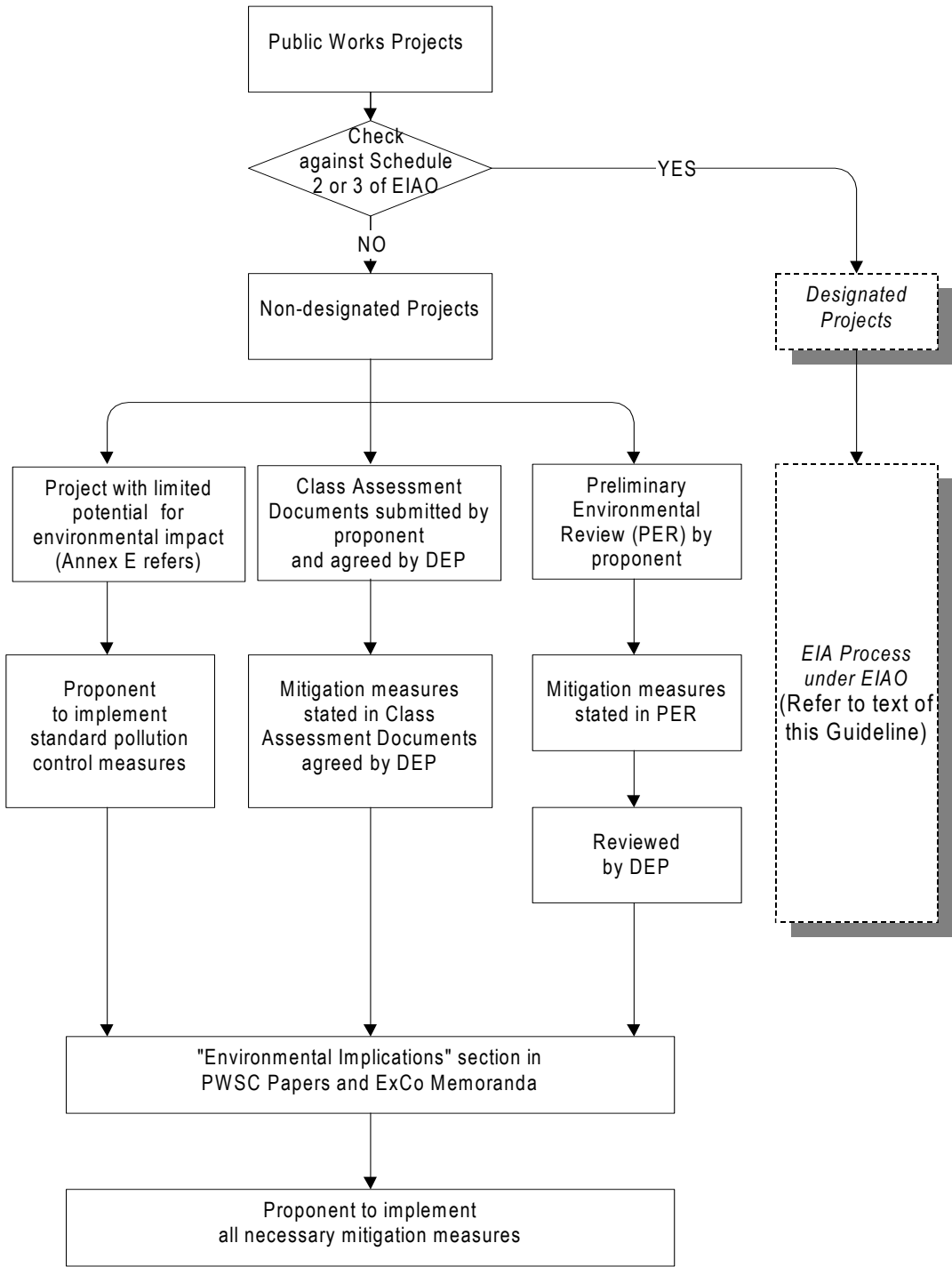


**Expedited Programme for a Typical Medium Size Project**

EIAO activities should not be on the critical path. To expedite the process, consult DEP early.



**Flow Chart for Streamlined Procedures for Non-designated Projects**



**List of Non-designated Projects where  
Standard Pollution Control Measures would suffice**

The following non-designated projects would generally have limited potential for environmental impacts provided that proponent implements the standard pollution control measures during work:

- i. libraries, government offices, tertiary teaching institutes;
- ii game halls and community halls;
- iii. museums, theatres and courts of law;
- iv slope maintenance works;
- v. major renovation of buildings, repairing works and installation of building utilities;
- vi. footbridges, footpaths and amenities;
- vii. water pipes, sewers and stormwater pipes under 1200mm in diameter and outside environmentally sensitive areas;
- viii. major traffic signs and surveillance equipment;
- ix. at-grade local roads not involving turning cul-de-sac into a link road; or
- x. open space projects.

The above list is not exhaustive. Proponents are encouraged to agree with DEP over additional items.

**Typical “Environmental Implications” Paragraph in PWSC Paper:**

*"The project will not cause long term environmental impact. We have included in the project estimates the cost to implement suitable mitigation measures to control short term environmental impacts."*

**List of Non-designated Projects that might be amenable  
to Class Assessment Approval**

Proponent can consider submitting a class assessment document for agreement by DEP regarding a class of similar non-designated projects for which mitigation measures can be standardized or readily defined:

The type of non-designated projects might include, but is not limited to:

- i. maintenance depots, fire and ambulance stations;
- ii. clinics and medical centres;
- iii. small sewage pumping stations;
- iv. primary and secondary schools (subject to rail and road traffic noise);

The above list is not exhaustive. Proponent is encouraged to consult DEP regarding the types of projects that might be amenable to class assessment approach.

**Typical “Environmental Implications” Paragraphs in PWSC Papers:**

*“The xxxx Department (or the consultants employed by xxxx Department) has completed and the Environmental Protection Department has agreed to a class assessment document which sets out the mitigation measures necessary for this class of projects. With such mitigation measures in place, the project would not have long term environmental impacts. We have included in the project estimates the cost to implement all necessary measures to mitigate the environmental impacts.”*

**Outline of Information in Class Assessment Document  
for Non-designated Projects**

For similar non-designated projects that have limited potential to give rise to unacceptable environmental impacts, a proponent can consider submitting a class assessment document for the agreement of DEP for a class of projects. A class assessment document should include at least the following information:

**Type and Nature of the Class of Projects:**

- (a) the identity of project proponents;
- (b) the type, scope and category of non-designated projects covered by the class assessment document. The possible variations among different categories of projects within the same class;
- (c) the typical planning, construction and operational procedures for the class of projects covered by the document;

**Likely Environmental Issues and Proposed Mitigation Measures:**

- (d) different categories of environmental issues for the class of projects;
- (e) descriptions of environmental impacts associated with the class of projects;
- (f) the environmental criteria to be complied with;
- (g) the type of mitigation measures to be provided including:
  - generic measures to be adopted;
  - mitigation measures for different categories of projects or activities;
  - mitigation measures to deal with special circumstances;

**Justification of the Adequacy of Proposed Mitigation Measures:**

- (h) previous agreements or justifications of the adequacy of the proposed mitigation measures to meet relevant criteria, with calculations or substantiation by way of examples wherever necessary, or by reference to any relevant studies conducted previously;

**Implementation of Mitigation Measures:**

- (i) the commitment from a proponent to implement those mitigation measures in the class assessment document; and
- (j) the arrangement for the implementation of the proposed mitigation measures.

**Examples of “Environmental Implications” or  
“Environmental Considerations” Paragraphs for TFS and PWSC Paper**

**Typical “Environmental Considerations” Paragraphs for Submission of TFS:**

*[In consultation with DEP, the proponent should categorize the project along one of the following lines –*

*\*This is a designated project under the Environmental Impact Assessment (EIA) Ordinance (Cap. 499). We undertake to prepare an EIA report to meet the requirements under EIAO.*

*\*This is not a designated project under the Environmental Impact Assessment (EIA) Ordinance (Cap. 499) and is covered by a Class Assessment Document approved by the Director of Environmental Protection. We undertake to provide the mitigation measures set out in the Class Assessment Document as part of the project.*

*\*This is not a designated project under the Environmental Impact Assessment (EIA) Ordinance (Cap. 499). It belongs to one of the categories listed in ETWB TCW No. 13/2003 that have very little potential for giving rise to adverse environmental impacts. We undertake to implement the standard pollution control measures during construction, as promulgated by the Director of Environmental Protection.*

*\*This is not a designated project under the Environmental Impact Assessment (EIA) Ordinance (Cap. 499). We undertake to carry out a Preliminary Environmental Review for the project at the design stage and agree the findings with the Director of Environmental Protection.]*

**Typical “Environmental Implications” Paragraphs in Public Works Subcommittee (PWSC) Paper for Designated Projects:**

Proponent may wish to submit PWSC paper before or after applying for the environmental permit. A typical “Environmental Implications” paragraph may be as follows:

- (a) For case that requires environmental permit, except for applications under section 5(1)(b) of EIAO:

*The project is a designated project under Schedule 2 of the Environmental Impact Assessment (EIA) Ordinance (Cap. 499) and an environmental permit is required for the construction and operation (or decommissioning) of the project. In xx 20xx, the EIA report for the project was approved (or approved with conditions) under EIAO. The EIA report concluded that the environmental impact of the project can be controlled to within the criteria under EIAO and the Technical Memorandum on EIA Process. We shall implement the measures recommended in the approved EIA report. The key measures include..... We estimate the cost of implementing the environmental mitigation measures to be \$xx million. We have included this cost in the overall project estimate.*

- (b) For case that requires environmental permit, but meets the requirements under sections 5(1)(b) and 5(9) of EIAO:

*The project is a designated project under Schedule 2 of the Environmental Impact Assessment (EIA) Ordinance (Cap.499) and an environmental permit is required for the construction and operation (or decommissioning) of the project. The environmental impact of the project has been adequately assessed in an approved EIA report in the Register established under EIAO, and the findings are relevant. We shall implement the measures recommended for the project in the approved EIA report. We estimate the cost of implementing the environmental mitigation measures to be \$xx million. We have included this cost in the overall project estimate.*

- (c) For case that requires environmental permit, but meets the requirements under sections 5(1)(b) and 5(10) of EIAO:

*The project requires an environmental permit under the Environmental Impact Assessment (EIA) Ordinance (Cap. 499) for the construction and operation (or decommissioning) of the project. Having regard to the project profile, the Director of Environmental Protection is satisfied that the impact of the project and the mitigation measures meet the requirements of the Technical Memorandum on EIA Process. The permission to apply directly for an environmental permit was granted in xx 20xx with (or without) conditions. We shall implement the mitigation measures set out in the project profile and as required by the Director of Environmental Protection. We estimate the cost of implementing the environmental mitigation measures to be \$xx million. We have included this cost in the overall project estimate.*

- (d) For case that requires environmental permit, but meets the requirements under sections 5(1)(b), 5(9) and 5(11) of EIAO:

*The project is a designated project under Schedule 2 of the Environmental Impact Assessment (EIA) Ordinance (Cap. 499). Having regard to the project profile, the Director of Environmental Protection is satisfied that the environmental impact of the project can meet the requirements of the Technical Memorandum on EIA Process. With the consent of the SETW, the permission to apply directly for an environmental permit was granted in xx 20xx. We shall implement the mitigation measures set out in the project profile and as required by the Director of Environmental Protection. We estimate the cost of implementing the environmental mitigation measures to be \$xx million. We have included this cost in the overall project estimate.*

Reference should also be made to other information to be included in the “Environmental Implications” Paragraph in PWSC Paper such as that required in WBTC No. 25/99, 25/99A and 25/99C about management of construction and demolition materials.

**Checklist for Environmental Appraisal of Policy or Strategy submitted to the Executive Council**

Policy Bureau:			Policy Title:			
Scope of Policy or Strategy:						
Screening of Policy Scope	Previous Environmental Issues Raised by the Public, LegCo or ACE	Linkage with Environmental Initiative in CE's Address and Environmental White Paper and the HKSAR's International Environmental Commitments	Previous Environmental Studies or Consultation	Changes associated with the Policy	Interaction with the Environment	Environmental Management
<p>1. Is the policy or strategy</p> <input type="checkbox"/> a new one?	<p>4. Has there been any complaints from the public or the Ombudsman on the environmental issues associated with the policy or strategy?</p> <input type="checkbox"/> yes <input type="checkbox"/> no	<p>7. Does the subject matter of the policy or strategy relate to any environmental goals set out in the Chief Executive's Policy Address?</p> <input type="checkbox"/> yes <input type="checkbox"/> no	<p>10. Has the subject matter been the subject of any previous studies?</p> <input type="checkbox"/> yes <input type="checkbox"/> no	<p>14. The Policy may lead to changes in:</p> <input type="checkbox"/> land uses/housing supply/ redevelopment	<p>15. Changes initiated from the policy may result in:</p> <input type="checkbox"/> incompatible land uses (housing estates/schools next to polluting uses, such as factories & highways) resulting from land use changes	<p>16. The Policy has included or will include:</p> <input type="checkbox"/> strategic environmental assessment or EIA or other environment study nature & likely timing of the study
<p>2. Will the policy eventually involve physical infrastructure development?</p> <input type="checkbox"/> no <input type="checkbox"/> yes						
<p>3. Is it possible that the policy or strategy may lead to changes in environmental policies or initiatives ?</p> <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> not sure at the stage	<p>5. Has the policy matter been the subject of discussion in the Environmental Affairs Panel of the Legislative Council or ACE?</p> <input type="checkbox"/> yes <input type="checkbox"/> no	<p>8. Does the subject matter of the policy or strategy relate to any environmental initiative or actions set out in the White Paper on pollution and its subsequent review?</p> <input type="checkbox"/> yes <input type="checkbox"/> no	<p>11. Has the policy or strategy been the subject of consultation with ACE?</p> <input type="checkbox"/> yes <input type="checkbox"/> no	<p><input type="checkbox"/> the loss of or impairment to ecologically sensitive areas or fishery resources</p> <p><input type="checkbox"/> sewage collection, treatment and disposal facilities</p> <p><input type="checkbox"/> wastes &amp; refuse collected (e.g. domestic, chemical, livestock, construction, clinical and radioactive wastes)</p>	<p><input type="checkbox"/> change in the quality of marine waters, inland and potable waters resulting from discharge or reclamation</p> <p><input type="checkbox"/> change in the population exposed to *traffic / railway / aircraft noise from transport routes</p>	<p><input type="checkbox"/> provision of environmental infrastructure</p> <p><input type="checkbox"/> provision of measures to mitigate adverse environmental impacts during the detailed planning and design</p>
	<p>6. Has the policy matter or the strategy been the subject of the discussion at the District Councils in respect of the previous matter cases?</p> <input type="checkbox"/> yes <input type="checkbox"/> no	<p>9. Would the policy or strategy relate to any environmental commitments made by HKSAR under the Hong Kong Guangdong Environmental Protection Liaison Group, APEC and other international agreements?</p> <input type="checkbox"/> yes <input type="checkbox"/> no	<p>12. Have any other studies covered the environmental aspects of the policy or strategy in question?</p> <input type="checkbox"/> yes <input type="checkbox"/> no	<p><input type="checkbox"/> waste collection &amp; disposal facilities (e.g. landfills, marine dumping &amp; incineration)</p> <p><input type="checkbox"/> *production / import / export of chemical &amp; refuse or other wastes</p> <p><input type="checkbox"/> power supply and fuel options (e.g. gas Vs coal fired)</p>	<p><input type="checkbox"/> change in the population exposed to aerial emissions from vehicles and other industrial sources</p> <p><input type="checkbox"/> change in the waste disposal facilities such as landfills, public dumps and incinerators</p> <p><input type="checkbox"/> disturbance of ecologically sensitive areas or causing a loss of flora and fauna, wildlife, aquatic &amp; marine environment</p>	<p><input type="checkbox"/> monitoring and audit programme</p> <p><input type="checkbox"/> corporate environmental management programme</p> <p><input type="checkbox"/> funding for environmental studies or measures</p> <p><input type="checkbox"/> matters regulated by EIAO</p> <p><input type="checkbox"/> none of the above</p> <p><input type="checkbox"/> not applicable</p>
	<p>If yes, what are the environmental concerns?</p> <p>_____</p> <p>_____</p>	<p>If yes, what are they?</p> <p>_____</p> <p>_____</p>	<p>If yes, please state the environmental conclusions or findings.</p> <p>_____</p> <p>_____</p>	<p><input type="checkbox"/> energy consumption or demand side management</p> <p><input type="checkbox"/> potentially hazardous installations</p> <p><input type="checkbox"/> none of the above, please describe :</p> <p>_____</p> <p>_____</p>	<p><input type="checkbox"/> degradation / improvement in energy efficiency</p> <p><input type="checkbox"/> global climate &amp; atmospheric changes due to emissions of greenhouse gases such as carbon dioxide</p> <p><input type="checkbox"/> environmental impacts outside of Hong Kong or in a regional context</p> <p><input type="checkbox"/> none of the above, please describe :</p> <p>_____</p> <p>_____</p>	<p>17. Checklist completed by</p> <p>Name : _____</p> <p>Post : _____</p> <p>Tel. No. : _____</p> <p>Fax No. : _____</p>
	<p>If yes, what are the environmental concerns?</p> <p>_____</p> <p>_____</p>	<p>If yes, what are they?</p> <p>_____</p> <p>_____</p>	<p>13. Has ExCo previously stipulated any environmental issues that need to be studied or any environmental conditions for the policy or strategy?</p> <input type="checkbox"/> yes <input type="checkbox"/> no	<p><input type="checkbox"/> production / import / export of chemical &amp; refuse or other wastes</p> <p><input type="checkbox"/> power supply and fuel options (e.g. gas Vs coal fired)</p> <p><input type="checkbox"/> energy consumption or demand side management</p> <p><input type="checkbox"/> potentially hazardous installations</p> <p><input type="checkbox"/> none of the above, please describe :</p> <p>_____</p> <p>_____</p>	<p><input type="checkbox"/> change in the waste disposal facilities such as landfills, public dumps and incinerators</p> <p><input type="checkbox"/> disturbance of ecologically sensitive areas or causing a loss of flora and fauna, wildlife, aquatic &amp; marine environment</p> <p><input type="checkbox"/> degradation / improvement in energy efficiency</p> <p><input type="checkbox"/> global climate &amp; atmospheric changes due to emissions of greenhouse gases such as carbon dioxide</p> <p><input type="checkbox"/> environmental impacts outside of Hong Kong or in a regional context</p> <p><input type="checkbox"/> none of the above, please describe :</p> <p>_____</p> <p>_____</p>	<p>17. Checklist completed by</p> <p>Name : _____</p> <p>Post : _____</p> <p>Tel. No. : _____</p> <p>Fax No. : _____</p>
	<p>If yes, what are the environmental concerns?</p> <p>_____</p> <p>_____</p>	<p>If yes, what are they?</p> <p>_____</p> <p>_____</p>	<p>If yes, what are they?</p> <p>_____</p> <p>_____</p>	<p><input type="checkbox"/> production / import / export of chemical &amp; refuse or other wastes</p> <p><input type="checkbox"/> power supply and fuel options (e.g. gas Vs coal fired)</p> <p><input type="checkbox"/> energy consumption or demand side management</p> <p><input type="checkbox"/> potentially hazardous installations</p> <p><input type="checkbox"/> none of the above, please describe :</p> <p>_____</p> <p>_____</p>	<p><input type="checkbox"/> change in the waste disposal facilities such as landfills, public dumps and incinerators</p> <p><input type="checkbox"/> disturbance of ecologically sensitive areas or causing a loss of flora and fauna, wildlife, aquatic &amp; marine environment</p> <p><input type="checkbox"/> degradation / improvement in energy efficiency</p> <p><input type="checkbox"/> global climate &amp; atmospheric changes due to emissions of greenhouse gases such as carbon dioxide</p> <p><input type="checkbox"/> environmental impacts outside of Hong Kong or in a regional context</p> <p><input type="checkbox"/> none of the above, please describe :</p> <p>_____</p> <p>_____</p>	<p>17. Checklist completed by</p> <p>Name : _____</p> <p>Post : _____</p> <p>Tel. No. : _____</p> <p>Fax No. : _____</p>





**MITIGATION OF RESIDUAL TRAFFIC NOISE IMPACTS  
FROM NEW ROADS ON PLANNED USES**

This section sets out the requirements for relevant departments to incorporate the off-site mitigation measures agreed during the EIA process into the land use plan and/or the land sale mechanisms to address the residual traffic noise impact of a new road, after the road proponents implement all practicable traffic noise mitigation measures on roads as identified in an EIA study.

2. Proponents of road projects are required to assess, among other things, noise impacts on both the existing and planned noise sensitive uses, identify suitable alignments, consider options to prevent and mitigate traffic noise impacts, and propose the best practicable package of noise mitigation measures to protect both existing and planned sensitive uses.

3. As a general principle, equitable redress in the form of direct mitigation measures will be provided wherever practicable to protect existing and planned sensitive uses which would otherwise be exposed to traffic noise exceeding the planning guidelines. Indirect mitigation measures such as acoustic insulation and air conditioning will be provided to existing sensitive receivers to protect them from residual noise impacts after adoption of direct mitigation measures on the roads and subject to ExCo's approval on the merits of the case. If additional measures include setback and/or building disposition, even after the adoption of all practicable mitigation measures at source, the EIA process would evaluate and confirm their practicality. The agreed environmental requirements on future adjacent sensitive uses and any development constraints identified during the EIA process should be taken into account when assessing the development potential of the sensitive uses and be made known to potential developers.

4. The following step-by-step procedures shall apply:

- (a) the proponent of a new road is required to implement all practicable direct mitigation measures at source to abate the traffic noise impacts;
- (b) if, after the implementation of all practicable measures at source, the residual noise impacts are envisaged to exceed the established criteria, the proponent of the new road should define the environmental constraints and the mitigation measures at planned sensitive receivers, and assess the practicality and feasibility for implementation by developers;
- (c) as future developers have to implement mitigation measures at receivers, the Planning Department and Lands Department will agree with the road proponents, during the EIA process, to the site constraints and/or the findings about the feasibility and the practicability for developers to implement the

measures at planned sensitive uses. This agreement, which will be recorded during the EIA process, is particularly important when the layout designs might affect development parameters of the affected sites. During the EIA study, the road proponents should ensure, to their best endeavour, that the development potential of a site would not be affected;

- (d) once agreed, Planning Department will incorporate the constraints into the land uses plans and, where applicable, submit the necessary amendment plan to the Town Planning Board for approval. Lands Department will also incorporate the constraints and mitigation measures agreed during the EIA process into the realistic calculation of the development potential;
- (e) Lands Department shall make known of the agreed constraints and measures to the developers before the sale or grant of lands. Lands Department should incorporate appropriate clauses in the lease or grant conditions such that the agreed measures will be implemented by the developers.

5. If there is a conflict about the measures at planned sensitive uses that cannot be resolved, the conflict shall be referred by DEP to SETW for him to resolve the matter with other Policy Secretaries.

*[NB. The procedures mentioned above are subject to review at the time promulgation of this Circular to consider wider options in designs of noise mitigation measures for new roads apart from tackling at source. This Appendix will be subject to revision if there is any change to the procedure after the review.]*