

**Confirmed Minutes of the 252nd Meeting
of the Advisory Council on the Environment (ACE)
on 7 March 2022 at 2:30 p.m.**

Present:

Mr Stanley WONG, SBS, JP (Chairman)

Prof Nora TAM, BBS, JP (Deputy Chairman)

Ms Carmen CHAN, BBS, JP

Ms Sylvia CHAN, MH

Ms Ada FUNG, BBS

Ir Samantha KONG

Ms LAM Chung-yan

Prof LAU Chi-pang, BBS, JP

Prof Alexis LAU, JP

Ms Julia LAU

Dr Winnie LAW

Prof Kenneth LEUNG, JP

Dr MA Kwan-ki

Dr Jeanne NG

Dr SUNG Yik-hei

Ms Christina TANG

Mr Simon WONG, BBS, JP

Dr WONG Kwok-yan, MH

Prof WONG Sze-chun, BBS, JP

Dr Raymond YAU

Mr Owin FUNG, JP (Secretary)

Absent with Apologies:

Mr Andrew LEE

In Attendance:

Miss Janice TSE, JP

Permanent Secretary for the Environment / Director of Environmental Protection

Mr Simon CHAN

Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)

Ms Maggie CHIN

Assistant Director of Planning / Technical Services, Planning Department

Miss Mavis HUI

Chief Information Officer, Environmental Protection Department (EPD)

Ms Karen CHEK
Miss Sally SHEK
Miss Ingrid SUEN

Chief Executive Officer (CBD), EPD
Executive Officer (CBD) 1, EPD
Executive Officer (CBD) 2, EPD

In Attendance for Item 2:

Mr TSE Chin-wan, BBS, JP
Dr Samuel CHUI, JP
Mr Terence TSANG
Dr Sunny CHEUNG

Under Secretary for the Environment
Deputy Director of Environmental Protection (1), EPD
Assistant Director (Environmental Assessment), EPD
Principal Environmental Protection Officer (Metro Assessment), EPD

Action

The Chairman welcomed Miss Janice Tse, the new Permanent Secretary for the Environment / Director of Environmental Protection (DEP) and Members to the meeting by Zoom. He informed Members that apologies of absence had been received from Mr Andrew Lee.

Item 1 : Matters arising (Closed-door session)

2. The Chairman remarked that the minutes of the 251st meeting held on 6 December 2021 were confirmed by circulation without amendments. There were no matters arising from the minutes of the last meeting.

Item 2 : Optimising the Environmental Impact Assessment Ordinance Process (ACE Paper 2/2022)

3. The Chairman referred Members to *ACE Paper 2/2022* which briefed Members on the work plan for the review on the environmental impact assessment (EIA) process stipulated under the Environmental Impact Assessment Ordinance (EIAO). The Chairman informed the meeting that a letter from Save Lantau Alliance expressing its views on the afore-mentioned review was received and had been circulated to Members for information before the meeting.

4. There was no declaration of interest by Members.

(The presentation team joined the meeting at this juncture.)

Presentation cum Question-and-Answer Session (Open session)

5. Mr Terence Tsang briefed Members on the background and initial proposals for the EIAO process review with the aid of a PowerPoint presentation. The Chairman noted that the proposals were preliminary and this meeting was to collect Members' views and suggestions to facilitate the review. He emphasised that the review was meant to enhance the existing process as a whole by standardising the

EIA requirements, utilising the information collected in different EIA studies, sharing statistics for baseline surveys, etc. A reduction in the time involved would be a result of the improved efficiency, but the quality of the EIA process should not be compromised.

Objectives and Outcomes of the Review

6. Five Members expressed support for the review on the EIA process. The Chairman and a Member remarked that it was of paramount importance to enhance both the operational efficiency and effectiveness of the EIA process as well as the quality of the EIA work. While agreeing in general with the proposed enhancements, another Member was concerned about the proposed measures focusing mainly on the enhancement of operational efficiency. He pointed out that more efforts should be devoted to enhance the effectiveness of the EIA process and improve the quality of the EIA work as a whole.

7. To illustrate the review outcome, a Member suggested that EPD should compare and evaluate the improvement in operational efficiency as well as quality of the EIA work after the implementation of the refined EIAO mechanism. In addition to the current review exercise in 2022, a Member further suggested with the support of another Member that a comprehensive plan should be devised to facilitate the continuous optimisation of the EIAO mechanism in the long run.

8. To address a Member's enquiry on the overlapping of the EIAO with other ordinances, Dr Samuel Chui gave an example on the Noise Control Ordinance where there was a requirement of a construction noise permit for construction works at night. Dr Chui said that it was an opportune time to review the EIAO and avoid similar overlapping in the statutory control measures.

9. With the experience and knowledge gained in the past some two decades, Mr Tse Chin-wan remarked that the routine procedures in the EIA process could be streamlined through the standardisation of requirements and mitigation measures as well as the development of a smart GIS platform for data sharing. Such improvements would give room for the EIA process to better focus on the environmental outcome of the proposed measures.

Timeframe of the Review

10. In response to a Member's enquiry about the timeframe for the implementation of the refined EIA mechanism, Mr Terence Tsang replied that some proposals, such as the amendment of the Technical Memorandum (TM) and the list of designated projects (DPs) would be implemented upon the completion of the relevant statutory process. Dr Samuel Chui shared that some preparation work for the development of a Centralised Environmental Database (CED) and the modelling for different environmental parameters was underway. While EPD had devoted much manpower resources in the anti-epidemic work, Mr Tse Chin-wan said that the

review was aimed for completion in 2022 and EPD would consult the ACE again on the final recommendations of the review.

11. A Member followed to ask whether the proposed amendments to the list of DPs and the TM would be considered as an amendment to the EIAO. Mr Terence Tsang replied that changes to the list of DPs and the TM would need to be published in the Gazette and tabled at the Legislative Council. Mr Tse Chin-wan supplemented that while amendment of the TM would require negative vetting by the Legislative Council, amendment of the EIAO was not required.

Centralised Environmental Database

12. Five Members expressed support for the development of the CED to allow different users to obtain useful references in one platform conveniently. A Member agreed that the proposed CED could help enhance the transparency, capacity and quality of the EIA work. He further suggested that academics and relevant experts should be engaged in the development of the CED and the information contained in the CED should be allowed for deployment for teaching purposes.

13. A Member suggested that the CED be launched by phases to facilitate its early usage and EPD should proactively invite different parties, such as the Antiquities and Monuments Office, to contribute useful data to the CED. Another Member reminded that discrepancies in the data provided by different data sources should be addressed bearing in mind that project proponents, environmental groups and the Government might provide very different data sets based on the past experience.

14. Three Members suggested that the outcomes and effectiveness of various environmental modelling, mitigation measures and environmental monitoring and audits (EM&A) carried out by project proponents under the approved Environmental Permits (EPs) should be reviewed and incorporated in the CED to provide useful references for understanding their effectiveness. Mr Tse Chin-wan said that the initial concept of the CED was to let the project proponents input their findings of ecological baseline surveys and EM&A reports to avoid duplicated efforts in data input. The information in the CED would facilitate future analysis and evaluation of the effectiveness of the mitigation measures.

15. Given that consultants might adopt the data of the CED, two Members highlighted the importance to ensure data accuracy by timely updating and vetting by the relevant authorities. Apart from data accuracy, a Member added that it was equally important that a standardised method would be adopted for the interpretation and application of the data in the EIA process. Another Member suggested and Mr Terence Tsang concurred that the format of data to be incorporated into the CED should be standardised to ensure compatibility and smooth operation of the system. Mr Tse Chin-wan informed Members that it had been included in the initial plan a vetting mechanism to check and confirm the accuracy and quality of data input by

project proponents before publishing.

16. Pointing out that the ecological data in the CED might not be up-to-date or applicable for all projects, four Members remarked that the data available in the CED should not obviate the need for the project proponents to carry out separate on-site ecological baseline surveys, if considered necessary by the authorities. Dr Samuel Chui assured Members that the CED was meant to provide reference data for project proponents and consultants, and it would not replace the standard procedures, such as conducting ecological baseline surveys or vetting as required by EPD and AFCD.

17. To protect the endangered species, a Member suggested with the support of another Member that there should be restricted access to some sensitive data in the CED, such as the locations of the endangered species. While details of the CED were still to be confirmed, Mr Terence Tsang agreed that there should be different levels of access right for users according to the sensitivity and nature of the data involved.

Ecological Impact Assessment

18. Three Members were supportive of the proposed standardisation of requirements and assessment for air quality, water quality and noise impact, which would help achieve better utilisation of resources.

19. As mentioned in previous ACE and EIA Subcommittee (EIASC) meetings, to enhance the quality of EIA work, three Members suggested that the TM should be reviewed and updated to incorporate new assessment parameters, more specific standards and clear guidelines on the assessment approach for different ecological surveys with a view to avoiding the need to carry out additional or supplementary surveys. Dr Samuel Chui confirmed that the TM would be reviewed and updated with a view to providing clearer guidelines for project proponents and consultants in the current exercise. A Member further suggested that ACE should be invited to give views on the manual or guidelines for the standardisation of assessment approaches for ecological surveys.

20. In addition to the standardised mitigation measures, a Member remarked that project proponents should be allowed to propose other new mitigation measures if there were better alternatives. Dr Samuel Chui confirmed that the standardised mitigation measures were to serve as references and the consultants would have the flexibility to propose better measures to mitigate adverse environmental impacts.

21. As project proponents might begin to carry out ecological baseline surveys before the issuance of the EIA study brief under the proposed arrangement, a Member stressed that project proponents should be required to comply with any changes or additional requirement on ecological baseline surveys as set out in the EIA study briefs subsequently issued.

22. A Member was delighted to see that the relevant environmental assessments would be prepared and signed by qualified persons, which could motivate the relevant experts to enhance the quality of their work. Pointing out that the quality of ecological surveys largely depended on the professionalism of the ecological personnel, another Member suggested and two Members concurred that professional qualifications or a registry of the qualified ecological experts should be established to enhance the efficiency in the preparation and the quality of the relevant studies.

23. In view of the pressing need for housing in Hong Kong, a Member said that exemptions or simplified assessment mechanism might be considered for projects concerning the construction of essential public utilities or infrastructure to facilitate the development needs.

Incorporating New Environmental Requirements

24. The Chairman and seven Members suggested the incorporation of new environmental parameters, such as impact assessments on climate change, carbon emissions and greenhouse gases, as part of the mandatory requirements under the EIAO. Apart from the long-term impact on environment and ecology, a Member further suggested including requirements on public health improvement, such as increasing ventilation in buildings, in the EIA process.

25. Two Members suggested that EPD should draw references from other economies which had already incorporated climate impact assessments in their EIA process. Sharing that some international conventions on climate change might require participating economies to achieve environmental targets, another Member suggested that EPD should consider taking such opportunities to incorporate climate change impact in the EIAO.

26. Mr Tse Chin-wan explained that if new environmental parameters, like climate change and carbon emission, was to be added in the EIAO, relevant criteria was needed to be established for objective assessments. Mr Tse shared that in most economies, vetting and compliance of the EIA requirement was not imposed as a statutory requirement and climate change impact compliance might not be mandatory in such cases. However, in Hong Kong, EPD was obligated under the EIAO to provide an objective impact assessment with well-established standards to ensure that EPs would only be issued for projects which could comply with such standards.

27. Mr Tse Chin-wan further highlighted that the Government had set out the overall strategies, plans, targets and actions for Hong Kong to achieve carbon neutrality before 2050 under the Hong Kong's Climate Action Plan 2050. He assured that project proponents would be required to implement measures to minimise carbon emissions in large-scale development projects and in the new development areas though such requirements might not be under the EIA framework.

Variation of Environmental Permits

28. As the construction works of some projects might be put on hold for years after the issuance of EPs, a Member suggested with the support of another Member that a validity period should be specified for each EP issued to ensure that the conditions set out in the EP would remain relevant to the environment and the project concerned.

29. Members expressed that under the current EIAO mechanism, DEP could approve applications for variation of EPs (VEPs) without the involvement of the ACE and the public if there was no material change to the environmental impact of the projects. With reference to the procedure for approving EIA reports, three Members opined that ACE and the public should be consulted in the process of the VEP applications as well. To increase transparency, another Member further suggested that a summary setting out the key variations to the EPs and the justifications for DEP to approve the VEPs should be published online for public scrutiny.

30. Dr Samuel Chui advised Members that any amendment on the process of VEP as well as the role of the ACE and the public would require an amendment to the EIAO, which would be a lengthy process. However, the current initial proposals, including the development of a CED, standardisation of requirements and mitigation measures as well as updating of the TM, list of DPs and relevant guidelines would bring about great improvement to the existing mechanism within a shorter timeframe.

Stakeholder and Public Engagement

31. Three Members suggested that the participation of stakeholders and the public throughout the EIA process should be enhanced, in particular at the early stage. Two Members further suggested that clear guidelines on public engagement plans for controversial or mega projects should be devised at the early stage as well. A Member added that public support should be solicited on the EIA work through improved transparency and assessment outcome. In response to two Members' comments on the possible doubt of the public concerning their extent of participation, Mr Tse Chin-wan stressed that the existing timeframe of public inspection during the application of study brief and approval of EIA report would not be shortened due to the review.

32. To facilitate easy understanding of the public and encourage public participation, Mr Terence Tsang shared that there was an initial plan to publish some environmental data in three-dimensional models in the CED. Mr Tse Chin-wan opined that with the development of the CED which served as an open platform, public participation in the EIA process would be enhanced.

33. In response to a Member and the Chairman's question regarding public participation in the current review, Mr Tse Chin-wan confirmed that in addition to stakeholder engagement, there would be public engagement activities including public flora to collect views from the public regarding this review exercise.

Conclusion

34. Dr Samuel Chui pointed out that the refined EIAO mechanism would not only streamline the process through the standardisation of requirements and mitigation measures, but also enhance the quality of work by putting more focus on environmental outcomes. Mr Tse Chin-wan thanked Members for their support and valuable comments which would be taken into consideration during the review.

35. The Chairman thanked the presentation team for their presentation and detailed explanations, and concluded that Members were in general supportive of the review on EIA process. He remarked that sufficient time should be provided for the stakeholders and members of the public to give their comments on the recommendations of the review. He welcomed EPD to consult ACE again upon the completion of the review exercise.

(Mr Tse Chin-wan, Miss Janice Tse, Dr Samuel Chui and Ir Samantha Kong left the meeting at this juncture.)

Internal Discussion Session (Closed-door session)

36. To support the proposed inclusion of climate assessments in the EIA process, a Member shared examples of Spain, the United Kingdom and the European Union which had issued detailed guidelines on climate impact assessments. As subjective judgment was also involved in the assessment of ecological impact under the current EIAO mechanism, he opined that similar standards or guidelines could also be devised for climate impact assessments. He suggested that EPD should devise a long-term plan for incorporating climate impact assessment in the EIAO mechanism. Given that a number of ACE Members had expressed support for the inclusion of climate impact assessment under the EIAO in this meeting, the Chairman suggested that EPD should critically examine the feasibility of Members' suggestion. Mr Terence Tsang said that EPD would take note of Members' views and examine the feasibility of incorporating new requirements in the EIAO in a holistic manner.

37. A Member suggested that EPD should proactively invite more parties to contribute data to the CED with a view to enriching the database. The Chairman shared that it might be challenging for the relevant authorities in maintaining control for the accuracy and quality of the database should there be too much data from various data providers.

38. A Member suggested that EPD should gauge the views of ACE when devising a decision tree or a manual for the selection of appropriate assessment

methodologies for ecological baseline surveys or mitigation measures. Another Member expressed concern for giving AFCD the discretion to decide the period and methodologies of ecological baseline surveys. Instead, she suggested that EPD should devise objective guidelines to standardise the methodologies for different scenarios to ensure fairness.

39. To support smart city development, a Member suggested that EPD should draw reference from the urban intervention simulation hub of the Massachusetts Institute of Technology and strengthen the development of innovative technology to visualise the environmental impact of EIA projects.

40. A Member was concerned that some Members would retire from the ACE at the end of this year and hoped that the final recommendations would be submitted to the ACE by the end of the current term. Another Member suggested that EPD should provide an interim update to the ACE before submitting the final recommendations. The Chairperson and a Member were concerned that it might not be feasible for EPD to submit substantial recommendations in a few months' time. Taking into account the stakeholder activities to be carried out and the prevailing pandemic situation, Mr Terence Tsang responded that it might be difficult for EPD to submit the interim recommendations to the ACE under the tight timeframe. Nonetheless, Members were welcome to submit further suggestions on the review to EPD anytime.

Conclusion

41. The Chairman concluded the discussion and invited the presentation team to take on board the views and suggestions made by Members during the discussion.

(Mr Terence Tsang and Dr Sunny Cheung left the meeting at this juncture.)

Item 3 : Report on the 151st Environmental Impact Assessment Subcommittee Meeting held on 14 February 2022 (Closed-door session)

(ACE Paper 3/2022)

42. At the invitation of the Chairman, the Chairperson of the EIASC, reported that *ACE Paper 3/2022* had summarised the discussion and recommendation of the EIASC meeting held on 14 February 2022 in respect of the EIA report on “Re-provision of Open Cycle Gas Turbines at Lamma Power Station”.

43. Having regard to the findings of the EIA report and the information provided by the project proponent at the meeting, the EIASC recommended the full Council to endorse the EIA report on “Re-provision of Open Cycle Gas Turbines at Lamma Power Station” with one recommendation. With no further comments from Members, the Chairman concluded that the meeting agreed to recommend the DEP to endorse the EIA report with the recommendation as set out in paragraph 8 of the *ACE Paper 3/2022*.

Item 4 : Any other business (Closed-door session)

44. There was no other business for discussion at the meeting.

Item 5 : Date of next meeting (Closed-door session)

45. The next ACE meeting was scheduled for 4 April 2022 (Monday). Members would be advised on the agenda in due course.

(Post-meeting notes: As there was no proposed item for discussion at the ACE meeting, the meeting scheduled for April had been cancelled. The next ACE meeting was scheduled for 16 May 2022.)

**ACE Secretariat
May 2022**