

**Report on the 86th
Environmental Impact Assessment Subcommittee Meeting**

Introduction

At its meeting held on 21 June 2004, the Environmental Impact Assessment (EIA) Subcommittee considered the following three sets of guidance notes on the EIA process which are drawn up to facilitate the work of project proponents and stakeholders –

- (a) GN No. 9/2004 - Preparation of Construction Noise Impact Assessment under the EIA Ordinance;
- (b) GN No. 10/2004 - Methodologies for Terrestrial and Freshwater Ecological Baseline Surveys; and
- (c) GN No. 11/2004 - Methodologies for Marine Ecological Baseline Surveys.

Advice Sought

- 2. Members are requested to note the views of the Subcommittee Members on the draft guidance notes.

Views of the EIA Subcommittee

GN No 9/2004 - Preparation of Construction Noise Impact Assessment under the EIA Ordinance

- 3. Members' views focused mainly on whether advice on the identification of noise sensitive receivers could be included in the guidance note so as to facilitate the work of project proponents; whether the compilation of a comprehensive guidance note covering all the relevant subjects would be more useful than the production of different sets of guidance note on a piecemeal basis; the issue of noise impact assessment during restricted and non-restricted hours; the secondary impacts of noise barriers; and whether there was a procedure for notifying the noise sensitive receivers in case of

delay in the completion of the project.

Identification of noise sensitive receivers

4. On the identification of noise sensitive receivers, the EPD subject officer explained that for the sake of efficiency and cost effectiveness, project proponents would identify representative noise sensitive receivers instead of all noise sensitive receivers to assess the noise impact of the project. The Technical Memorandum on the EIA process set out the criteria and the guidelines for evaluating noise impact. EPD would consider Members' suggestion.

Production of a comprehensive guidance note

5. On the issue of producing a comprehensive guidance note, the EPD subject officer explained that the objective of the guidance notes was to supplement the Technical Memorandum using the experience sharing approach. It would be most ideal if a comprehensive guidance note covering all aspects of the EIA process could be drawn up but due to resource and time implications, EPD and AFCD had to compile the notes on a step-by-step approach. In fact, each guidance note was discussed at the relevant user groups and where appropriate, the profession concerned would be consulted. The consultation process had served to enhance two-way communication and sharing of good practice/experience with relevant user groups. Hence, it would be impracticable to produce a comprehensive guidance note at one go. The guidance notes would not be incorporated into the Technical Memorandum in view of their difference in nature. The Technical Memorandum set out the statutory requirements of the EIA Ordinance while the guidance notes were for general reference purpose.

Noise impact assessment during restricted and non-restricted hours

6. The EPD subject officer confirmed that noise that occurred during restricted hours would be subject to control under the Noise Control Ordinance rather than the EIA Ordinance. As regards the consideration of the existing background noise levels of a project, the EPD subject officer clarified that in general the Director of Environmental Protection would follow the Technical Memorandum as appropriate, taking into account the circumstances of the case. The same would apply to noise impact assessment.

The secondary impact of noise barriers

7. Members expressed concerns about the negative impacts of certain noise barriers, for example the visual impact of the noise barriers erected in Tolo Highway and the inconvenience caused to shop operators in Mody Road. The EPD subject officer agreed that the secondary impacts of noise barriers should not be ignored, and there was a provision in the Technical Memorandum on that aspect. In addition, paragraph 4.5 of the guidance note highlighted the space and safety requirements for erecting temporary noise barriers. However, he agreed to include a point in the guidance note to draw the attention of project proponents to the side effects of noise barriers.

Notice to noise sensitive receivers

8. On the issue of notifying noise sensitive receivers of the delay of a project, the EPD subject officer pointed out that although there was no such requirement in the EIA Ordinance, there were a number of ways whereby the sensitive receivers would be informed of the progress or the delay of a project either directly or indirectly. If the project was delayed and works had to be conducted in restricted hours, notice to the noise sensitive receivers would be required as a condition of the noise permit issued under the Noise Control Ordinance. However, such permits were seldom issued unless there were special reasons. As regards the extension of the daytime work period, the contractors might liaise with local residents or sensitive receivers and keep them informed. The change in work programme might also be relayed to the public through relevant groups concerned or District Council. The most common practice was the posting of notice on the work site. As regards major projects, websites would normally be set up and the public could gain access to the progress of the projects through the websites.

GN No. 10/2004 - Methodologies for Terrestrial and Freshwater Ecological Baseline Surveys and GN No. 11/2004 - Methodologies for Marine Ecological Baseline Surveys

9. Members' views focused mainly on whether it was possible to specify project proponents' samplings requirements during ecological baseline surveys; that although some bird survey methods mentioned in the guidance note would rarely be used, it might still be necessary to apply them in cases where there were strong justifications, and direct bird observation was impractical; and whether there was standardization of survey methodologies. As a separate subject, a Member asked whether it would be possible to issue a guidance note on the presentation of EIA reports since well-presented EIA reports would facilitate understanding by the readers.

Sampling requirements during ecological baseline surveys

10. To ensure that project proponents would make sufficient efforts during ecological baseline surveys, the AFCD subject officer indicated that the sampling requirements would be specified in the Study Brief to define, for example, the length of the survey period, the specific species groups (e.g. bird and fish species) to be covered, the depth of the survey, etc. In all cases, the professional judgement of the ecological surveyors would be required to ensure that the information gathered was accurate and representative.

Mist netting and radio tracking

11. On the use of mist netting and radio tracking methods in bird survey, the AFCD subject officer pointed out that the techniques of the two methods were potentially intrusive to the target species. They should only be applied under very special circumstances where there was a justified need, and direct observation was impractical. Furthermore, the methods could only be practised by qualified persons. According to experience, the point count and transect count methods were reliable and commonly applied methods for bird surveys, and generally there was no need to apply mist netting and radio tracking in EIA studies conducted in Hong Kong. The two methods were included in the note for the sake of completeness, and their limitations were highlighted.

Standardisation of survey methodologies

12. On the issue of standardisation of survey methodologies, the AFCD subject officer pointed out that no one survey method could meet the requirements of all habitats or species. It was necessary to review the special requirements of the habitats and species in question and apply the relevant survey method in each EIA study. In all cases, the details of the survey methods adopted should be clearly stated in the EIA reports for reference. Indeed, the methods mentioned in the guidance note were standardized methods accepted by ecologists and specialists.

The presentation of EIA reports

13. The EPD subject officer pointed out that some tips on the presentation of EIA reports were available in the Cyber Help Bench For EIA on EPD's website. Guidance was also available in Annex 20 of the Technical Memorandum.

Conclusion

14. Members endorsed the three sets of guidance notes and hoped that EPD would continue to produce useful notes for the reference of project proponents and stakeholders.

EIA Subcommittee Secretariat

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