

**Environmental Impact Assessment Ordinance, Cap.499
Guidance Note**

Basic Principles of the Environmental Impact Assessment Process

(This guidance note supersedes EIAO Guidance Note No. 1/2002 with immediate effect)

Important Note :

The guidance note is intended for general reference only. You are advised to refer to and follow the requirements in the Environmental Impact Assessment Ordinance (Cap 499) and the Technical Memorandum on the Environmental Impact Assessment (EIA) Process. Each case has to be considered on individual merits. This guidance note serves to provide some good practices on EIA and was developed in consultation with the EIA Ordinance Users Liaison Groups and the Advisory Council on the Environment. This guidance note may be subject to revision without prior notice. You are advised to make reference to the guidance note current to the date. Any enquiry on this guidance note should be directed to the EIA Ordinance Register Office of EPD on 27th Floor, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong. (Telephone: 2835-1835, Faxline: 2147-0894), or through the EIA Ordinance web site (www.epd.gov.hk/eia)

Purpose

This guidance note sets out some common basic principles of the Environmental Impact Assessment (EIA) process. The purpose of the EIA process is to protect the environment through proactive early considerations of environmentally friendly designs, options and alternatives; avoidance and prevention of adverse environmental consequence in order to influence key decision makings throughout the entire life cycle of the designated project.⁽¹⁾

Basic Principles

Principle One: Proactive Planning and Decision Tool- the EIA process is a proactive planning tool to avoid and pre-empt adverse environmental impacts that might be caused or experienced by the proposed development. An EIA should be linked to the decision making process.

Principle Two: Avoidance, Pre-emption and Prevention of Adverse Environmental Consequences- the aim of the EIA process is to avoid and prevent adverse environmental consequences of the proposed project; if adverse environmental impacts cannot be fully avoided, measures should be considered to reduce and control the possible adverse environmental impacts to within established limits or criteria.

Principle Three: Making Positive Influence on Decision Making at the Earliest Possible Opportunity and Thinking Proactively about Options and Alternatives- it is important to facilitate any effort to enhance the environmental performance of the proposed development at the beginning of the project planning stage rather than at the later stage of the project development. It is often better to pre-empt adverse impacts at the early stage of the project implementation. Options and alternatives should be considered when adverse environmental impacts are expected, and in considering alternatives, the primary consideration is whether applying the precautionary principle, the project is shown to be environmentally acceptable.

(1) Sustainable development concept has been considered in drawing up this guidance.

Principle Four: Living Process Throughout the Project Cycle- the EIA process should involve a course of dynamic actions throughout the project cycle to identify and predict the possible adverse environmental impacts from the proposed development, to develop measures to avoid, pre-empt, prevent and reduce environmental problems, and to manage and control environmental impacts to within established limits or criteria.

Principle Five: Making EIA Recommendations Enforceable - the EIA recommendations should be sensible, practical and effective, with information about the 5 Ws (ie. what mitigation measures would be implemented, by whom, when, where and to what requirements) and with clear definition of the responsibility for implementing the recommended mitigation measures. The recommended measures should be easy to enforce and can prevent environmental problems from occurring, rather than relying on remedial measures after problems occur.

Principle Six: Flexibility Amidst Robustness and Transparency, with Public Participation and with the Ability to Adapt to Changes- the EIA process should be transparent and take into account public participation, but should be flexible to adapt to changing circumstances without compromising the environmental requirements.

Principle Seven: Seeking Practical Environmental Outcomes for the Environment and Community- one of the objectives of the EIA process is to deliver and communicate practical environmental outcomes for the environment and the community.

Principle Eight: Avoidance of any Late Focus- early focus on major adverse environmental consequences could save a large amount of efforts or costs that may otherwise arise from expensive or time-consuming remedial works at a later stage.

Principle Nine: Efficiency Amidst Effectiveness- an effective and efficient approach in carrying out EIA studies step by step would enhance the productivity of the EIA process.

Principle Ten: Transparent Agreement among Relevant Parties, Clear Expectations of what need to be done and what the Performance will be, and Explicit Resolution of any Conflicts- agreements, expectations, performance requirements and any conflict resolutions etc. should be fully communicated among relevant parties in an open and frank manner to avoid misunderstanding and to enhance better management of EIA follow up works.

Environmental Protection Department

Date of Issue : December 2010