

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

**The Role and Operation  
of Environmental Study Management Group**

(This guidance note supersedes EIAO Guidance Note No. 2/2002 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 27<sup>th</sup> 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](http://www.epd.gov.hk/eia))*

1. Purpose

1.1 This guidance note assists Environmental Impact Assessment (EIA) practitioners to better understand the role and operation of an Environmental Study Management Group (ESMG) as a forum for effective communication among stakeholders of the EIA Ordinance Process.

1.2 A project proponent is encouraged to start early dialogues and to exchange views with key stakeholders during the preparation of an Environmental Impact Assessment (EIA) report for a designated project(s), especially on considerations being given to possible alternatives, major environmental concerns, and the adoption of environmentally friendly designs.

1.3 The setting up of an Environmental Study Management Group (ESMG) is not a statutory requirement. Upon the request of a project proponent, an ESGM meeting may be convened by the Environmental Protection Department (EPD) to provide a forum for liaison to facilitate discussion among a project proponent, environmental consultants and key stakeholders during an EIA study. Relevant authorities within the Government may be invited to attend. The following issues may be discussed in a meeting:

- (a) requirements in an EIA Study Brief (SB)<sup>1</sup>;
- (b) relevant requirements in the Technical Memorandum on the EIA Process (TM)<sup>1</sup>;
- (c) assumptions, methodology, or models to be used;
- (d) findings of an EIA study; or
- (e) other relevant topics being suggested by a Chairperson, a project proponent or relevant authorities under the TM.

1.4 An ESGM meeting also facilitates early identification of potential differences in views among members of the ESGM and provides a forum to resolve issues. Any conflict, still being unresolved at the ESGM level, will be escalated to the senior management or Directors of the relevant departments for consideration and resolution.

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<sup>1</sup> Para. 29 of the Court of Final Appeal Judgment FACV No. 28 of 2005 pointed out that the question of whether or not an EIA report met the requirements of the SB and TM had to be answered objectively.

## **2. Membership of an ESMG**

2.1 An ESMG meeting will normally be chaired by a Directorate Officer from the EPD, with members from a project proponent, environmental consultants (if any), relevant specialist groups in the EPD, and relevant authorities within the Government.

## **3. Arrangement for a Meeting**

3.1 To set up an EMSG meeting, a project proponent and/or environmental consultants should approach the subject officer (normally the Environmental Protection Officer or the Senior Environmental Protection Officer responsible for a designated project) in the Environmental Assessment Division of the EPD to schedule an appropriate time for a meeting. The EPD would endeavour to arrange a meeting within a month subject to the availability of representative ESMG members. At least one week in advance of a meeting, a project proponent should provide the EPD with a list of specific issues, and related paper(s)/report(s), which he/she intends to discuss or seek clarification at a meeting. This should form part of a meeting agenda being prepared by the EPD for distribution to relevant members for their early consideration and preparation.

## **4. Management of an ESMG**

4.1 A relevant directorate officer(s) from the EPD is responsible for chairing the ESMG meetings, overseeing the EIA process and resolving any issues of conflict. In general, the subject officers for a designated project in the Environmental Assessment Division of the EPD are the focal point for liaison with a project proponent and environmental consultants.

4.2 To facilitate the preparation of a meeting, relevant authorities and specialists are responsible for providing the subject officers with updated information and comments on the paper(s)/ report(s) being submitted by a project proponent. To avoid confusion and mis-understanding, no information flow should by-pass the subject officers or the project proponent.

## **5. Initiation of an ESMG**

5.1 The EPD encourages a project proponent to initiate an ESMG meeting as early as possible, even before the commencement of the statutory EIA process so that considerations of possible alternatives, major environmental concerns, and adoptions of environmentally friendly designs can be discussed.

### **ESMG meetings before Submission of EIA Report under EIAO**

5.2 An ESMG meeting, if being convened before the formal submissions of an EIA report under the EIA Ordinance, is to be conducted only on an administrative and advisory basis so as to help a project proponent to understand requirements under the EIA Ordinance. The discussion and liaison at a meeting shall not in any case absolve the responsibilities of a project proponent in the EIA Ordinance. Any formal submissions by a project proponent under the Ordinance shall be handled in accordance with the procedures and requirements in the EIA Ordinance and the TM. The priority of officers in EPD and other relevant authorities would be given to those applications or reports formally submitted under the Ordinance.

## **ESMG meetings after Submission of EIA Report under EIAO**

5.3 Except for a straightforward case, the EPD will convene an ESGM meeting for a project with a project proponent, environmental consultants, and other relevant authorities to discuss an EIA report being submitted under the EIA Ordinance.

5.4 An ESGM meeting being convened after submission of an EIA report under the EIAO is simply a liaison channel for a project proponent and environmental consultants to present their assessment findings and recommendations to the EPD and relevant authorities. The discussion and liaison at a meeting shall not in any case absolve the responsibilities of a project proponent as stipulated in the EIA Ordinance.

Environmental Protection Department

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