

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

The Role of Independent Environmental Checker

(This guidance note supersedes EIAO Guidance Note No. 4/2002 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 basic requirements and duties of an Independent Environmental Checker (IEC) being responsible for the verification and validation of the environmental performance of a designated project as set out in relevant conditions of an environmental permit for the project.

Background

2. Depending on the nature and complexity of a designed project, the Director of Environmental Protection may, under the Environmental Impact Assessment (EIA) Ordinance, impose conditions in an environmental permit for a project. In particular, under Item 17 of Schedule 4 of the EIA Ordinance, conditions may relate to the requirements of the implementation and completion of mitigation measures to be checked and certified by qualified personnel, and for the submission of certified reports on the status of the implementation of mitigation measures.

Employment

3. Subject to relevant conditions in an environmental permit, a permit holder shall employ an IEC who should be a person with at least seven years of experience in environmental monitoring and auditing (EM&A). An IEC should not be working in the same organization carrying out EM&A works or consultancy for the same project in order to minimize conflict of interests. But, he/she should be given access to relevant project related documentation to enable him/her to execute the duties required.

4. An IEC is responsible to check, review, verify and validate the overall environmental performance of a project, including the implementation of environmental protection and mitigation measures, submissions relating to EM&A, and any other submissions required under the Environmental Permit for a project.

Duties and Responsibilities

5. An IEC is to provide independent, objective and professional advice on the environmental performance of a project. He or she is expected to audit the environmental performance in an independent, objective and professional manner during construction, operation (and/or decommissioning) of a project.

6. Duties of an IEC include the following :

- (a) review and audit in an independent, objective and professional manner over an EM&A programme;
- (b) validate and confirm the accuracy of monitoring results, monitoring equipment, monitoring locations, monitoring procedures and locations of sensitive receivers;
- (c) carry out random sample checks and audit on monitoring data and sampling procedures, etc;
- (d) conduct random site inspections;
- (e) audit EIA recommendations and requirements against the status of implementation of environmental protection measures on site;
- (f) review effectiveness of environmental mitigation measures and project environmental performances;
- (g) on a need basis, verify and certify the environmental acceptability of a permit holder's construction methodology (both temporary and permanent works), relevant design plans and submissions under an environmental permit. Where necessary, an IEC shall seek the least impact alternative in consultation with Environmental Team (ET) leader and a permit holder;
- (h) verify investigation results of complaint cases and effectiveness of corrective measures;
- (i) verify an EM&A report that has been certified by an ET leader;
- (j) feedback audit results to ET/Permit Holder according to Event/Action Plan in an EM&A manual.

Environmental Protection Department

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