

The Path to
Environmental Impact Assessment
in Hong Kong

History and Development of Environmental Impact Assessment in Hong Kong

The effort to formulate a set of administrative EIA procedures for public and private sector projects, with regard to developmental pressures and social characteristics started in 1979. The application of the EIA process by pioneers in the then Environmental Protection Agency resulted in the integration of environmental considerations into the site selection, design, construction and operation of major development projects such as a new coal-fired 1,700MW power station, the development of Tin Shui Wai new town and Chek Lap Kok airport. During this period, a limited number (23 in total) of EIAs were completed.

In 1985, the emphasis on the integration of environmental factors into the land use planning process led to the formation of a set of environmental standards and guidelines incorporated into the Hong Kong Planning and Standards Guidelines.

Shortly afterwards, the EIA process in Hong Kong developed from an ad hoc requirement imposed on a small number of government and private infrastructure projects, to a set of systematic administrative procedures to be followed by proponents of all major or environmentally significant development projects (private and public) in Hong Kong. The Hong Kong Government issued in 1986 an internal directive entitled 'Environmental Review of Major Development Projects', which set out the screening process and EIA requirements for public works. The administrative EIA procedures were subsequently laid down in two other documents. During this period, a total of about 80 EIA's were completed, covering a wide range of projects such as roads, sewage treatment works, major residential developments and waste disposal facilities.

During the 1990s, the number of EIA's continued to increase significantly. From 1992 to 1994, a total of 239 EIA's were completed or ongoing, compared to only 80 EIAs during the previous six-year period. A strong demand was voiced from the public, district boards, the Legislative Council and other government advisory bodies for a more thorough consideration of environmental impacts of development projects before the commencement of construction. The EIA process underwent three major developments during this period. First, the process was formally stated as a planning tool for decision-makers included a conflict resolution mechanism to resolve disagreements. Second, a new requirement was added to make EIA reports available to the public for open inspection. Third, a formal system of environmental monitoring and auditing was introduced to track the actual performance of projects.

Since the 1990s, the Environmental Protection Department has contributed to a number of strategic planning studies, including the Territorial Development Strategy Review. In his policy address in October 1992, the Governor of Hong Kong introduced a new requirement for EIAs to be included in study papers submitted to the Executive Council. Because of this initiative, policy submissions to the Executive Council must now include environmental implications sections to assist in better decision-making. Likewise, environmental implications sections have become a prerequisite for all requests by public sector projects for funding approval considered by the Public Works Sub-Committee of the Legislative Council's Finance Committee. 'Environmental Implication' statements have since been included in study papers seeking funding and policy approval.

The Environmental Impact Assessment Bill was introduced for its first reading in the Legislative Council on 31 January 1996 and was debated.

The EIA Ordinance was subsequently enacted on 4 February 1997 and its two subsidiary regulations on the appeal board and application fees were approved by the Provisional Legislative Council in June and November 1997 respectively. The Ordinance came into operation on 1 April 1998. For the first time in Hong Kong, environmental impact assessments became mandatory for designated projects. It is now an offense to construct, operate or decommission a designated project listed in Schedule II of the EIA Ordinance without an environmental permit or contrary to the conditions, if any, set out in the permit.

Timeline

The following timeline illustrates the progression of developments that led to the passing of the Environmental Impact Assessment Ordinance in 1997:

1977 The Environmental Protection Unit (EPU) is established within the Environmental Branch to develop policy and formulate legislation on environmental protection.

The creation of an Environmental Impact Statement Ordinance is recommended by a Hong Kong Government commissioned study. The Ordinance would require that certain categories of development projects be subject to environmental impact statements.

1981 Separation of the Environmental Policy Unit from the Government Secretariat to form the Environmental Protection Agency.

1985 A chapter on the environment is added to the Hong Kong Planning Standards and Guidelines (HKPSG). It sets out guidance for the incorporation of environmental consideration into the planning and execution of major development activities in Hong Kong.

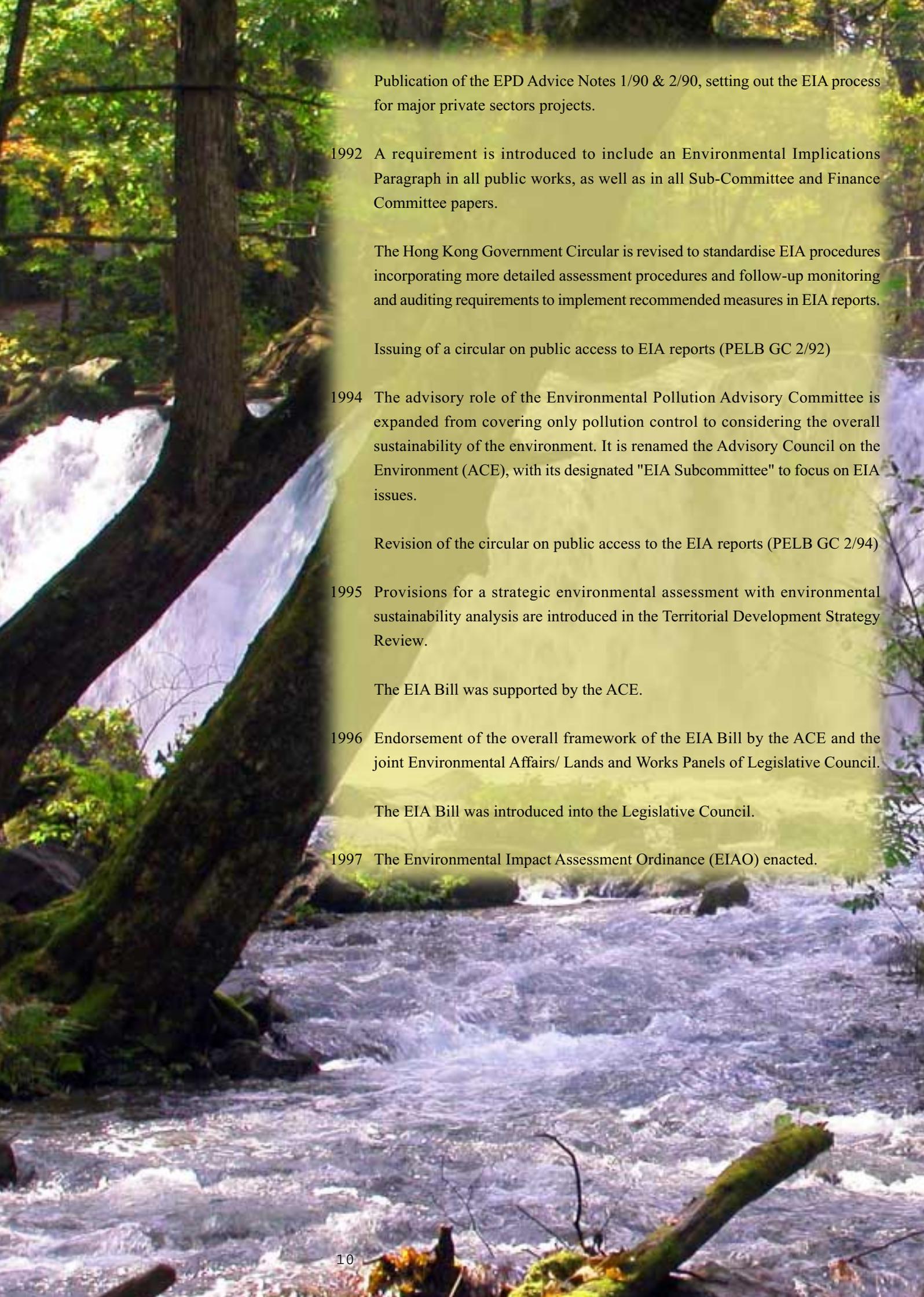
1986 A Hong Kong Government circular is issued on the Environmental Review of major public sector development projects - an early form of Environmental Impact Assessment.

1988 The Hong Kong Government circular on Environmental Review is revised to establish a link between the public works programme and the Environmental Impact Assessment process.

Introduction of requirements in land title documents for submission of environmental studies to EPD.

1989 Publication of policy objectives for environmental planning and assessment in the white paper on "Pollution in Hong Kong - A Time to Act".

1990 An administrative arrangement is reached with the Hong Kong Industrial Estate Association to establish EIA applications for the first time for its development within Hong Kong Industrial Estate.



Publication of the EPD Advice Notes 1/90 & 2/90, setting out the EIA process for major private sectors projects.

1992 A requirement is introduced to include an Environmental Implications Paragraph in all public works, as well as in all Sub-Committee and Finance Committee papers.

The Hong Kong Government Circular is revised to standardise EIA procedures incorporating more detailed assessment procedures and follow-up monitoring and auditing requirements to implement recommended measures in EIA reports.

Issuing of a circular on public access to EIA reports (PELB GC 2/92)

1994 The advisory role of the Environmental Pollution Advisory Committee is expanded from covering only pollution control to considering the overall sustainability of the environment. It is renamed the Advisory Council on the Environment (ACE), with its designated "EIA Subcommittee" to focus on EIA issues.

Revision of the circular on public access to the EIA reports (PELB GC 2/94)

1995 Provisions for a strategic environmental assessment with environmental sustainability analysis are introduced in the Territorial Development Strategy Review.

The EIA Bill was supported by the ACE.

1996 Endorsement of the overall framework of the EIA Bill by the ACE and the joint Environmental Affairs/ Lands and Works Panels of Legislative Council.

The EIA Bill was introduced into the Legislative Council.

1997 The Environmental Impact Assessment Ordinance (EIAO) enacted.



1998 The EIA Ordinance goes into effect on 1st April.

"A Guide to the Environmental Impact Assessment Ordinance" is published and distributed freely to the public.

A designated EIA Ordinance website is commissioned to release EIA information.

An EIA Ordinance Register Office is opened for the public to inspect EIA Ordinance information and applications.

Issuing of a circular on procedure of EIA of development and proposed projects (PELB TC 10/98)

1999 A review on the operation of the EIA Ordinance is conducted and a continuous improvement strategy is adopted to enhance the process.

Presentations on the EIA Ordinance to 18 District Boards and/or their environmental committees to encourage an open and transparent EIA process.

Enactment of EIAO (amendment of Schedule 2) Order 1999 for inclusion of theme parks or amusement parks with a site area of more than 20 ha as size as designated projects.

2000 Bilingual project profiles is required for all new applications to enhance accessibility for the Chinese community.

Setting up of various EIA Ordinance Liaison Group for government, private/public corporate users and consultants.

2001 Require the most recent environmental monitoring and audit data of major projects to be accessible in the EIA Ordinance Homepage.

Accepting public comments via E-mail through EIA Ordinance Homepage.