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For information

**ENVIRONMENTAL PROTECTION SCRUTINY OF
GOVERNMENT POLICIES**

Introduction

This paper informs members of the enhanced procedures and mechanisms for environmental protection scrutiny of policy proposals.

Background

2. In paragraph 59 of the 2005-06 Policy Address, the Chief Executive stated that “in future all new major government policies will be subject to environmental protection scrutiny”. This underlines the Government’s commitment to environmental protection.

3. At the Advisory Council on the Environment meeting on 13 March 2006, members sought elaboration on the proposed implementation approach of the environmental protection scrutiny of government policies.

4. At present, an assessment of the environmental implications is required for all proposals where there are likely to be environmental issues or impact, including benefits, involved. The implications should then be set out in the relevant discussion papers. They will also be included in the briefs for the Legislative Council when such briefs are issued. Policy bureaux or departments are responsible for drafting the implications section for clearance by the Director of Environmental Protection. Bureaux and departments should contact the Environmental Protection Department (EPD) at an early stage of

policy formulation to examine the environmental implications and clarify what follow-up action may be required.

5. The enhanced procedures and mechanisms set out in this information paper are aimed to elaborate on and enhance the existing procedures and mechanisms in order to deliver the policy commitment in paragraph 59 of the Chief Executive's 2005-06 Policy Address. The enhanced procedures and mechanisms were promulgated through a government circular to all bureaux and departments in May 2006.

The Enhanced Procedures and Mechanisms

Purpose

6. The purpose of the enhanced procedures and mechanisms is to ensure that environmental protection considerations will be properly taken into account at an early stage of policy formulation before major decisions are made, with a view to avoiding or minimizing any insurmountable environmental impacts and maximizing the environmental benefits of government policies.

During Policy Formulation

7. Policy bureaux or departments drafting policy proposals should complete an environmental checklist (copy at the **Appendix**) at the conceptual stage of policy formulation if their policy proposals may have environmental implications. Completed checklists should be forwarded to EPD for review and advice well before the policy proposals are further deliberated within the Administration. The environmental checklist serves as a tool to assist bureaux and departments in highlighting environmental issues that will need to be addressed.

8. Based on the environmental checklist submitted by a policy bureau or department, EPD will provide the following advice to the policy bureau or department:

- a) whether there is a need for the policy proponent to conduct any environmental study during policy formulation and, if affirmative, the scope of the study;

- b) the environmental protection considerations which should be incorporated into the policy; and
- c) the follow-up studies and actions which might be required for ensuring proper implementation of the environmental considerations.

9. Policy bureaux or departments should take into account EPD's advice, conduct necessary studies, consider alternative policy options and incorporate relevant environmental considerations into the policy proposals. Policy bureaux or departments should allow sufficient time to complete these procedures and contact EPD at an early stage of policy formulation.

10. The environmental protection scrutiny of policy proposals will be complementary to the current sustainability assessment process, as both processes are necessary for thorough assessment of policies from different perspectives. Information can be shared for use in both processes, hence no duplication of effort.

Conclusion

11. The implementation of the enhanced procedures would have environmental benefits as it helps to ensure that environmental factors will be properly considered at an early stage of policy formulation.

Environmental Protection Department
July 2006

**CHECKLIST FOR ENVIRONMENTAL SCREENING
OF A POLICY PROPOSAL**

A. PREAMBLE: A DESCRIPTION OF THE POLICY PROPOSAL

A1. Please describe the policy proposal, including its scope, objectives, expected results and policy options.

- | | YES | NO |
|---|--------------------------|--------------------------|
| A2. Does it involve a Designated Project under EIA Ordinance? | <input type="checkbox"/> | <input type="checkbox"/> |
| A3. Does the policy directly or indirectly affect the environment in the following aspects | <input type="checkbox"/> | <input type="checkbox"/> |
| - Increase air pollutant emission | <input type="checkbox"/> | <input type="checkbox"/> |
| - Increase water pollution due to its effluent | <input type="checkbox"/> | <input type="checkbox"/> |
| - Cause massive waste generation (>_____tonnes) | <input type="checkbox"/> | <input type="checkbox"/> |
| - Destroy land/water bodies of ecological value | <input type="checkbox"/> | <input type="checkbox"/> |
| - Cause trees (>10) to be felled | <input type="checkbox"/> | <input type="checkbox"/> |
| A4. The policy/project causes more energy consumption: | | |
| - Energy saving/efficiency measures considered/to be adopted | <input type="checkbox"/> | <input type="checkbox"/> |
| - Use of renewable energy considered | <input type="checkbox"/> | <input type="checkbox"/> |
| A5. Would you need to have EPD's early engagement for advising on environmental issues at the development stage? | <input type="checkbox"/> | <input type="checkbox"/> |
| A6. Will the proposal contribute to any environmental goals, initiatives, or actions in the recent Chief Executive's Policy Address and Policy Agenda? If yes, please describe. | | |

B. PREVIOUS ENVIRONMENTAL CONCERNS OR STUDIES

B1. Have there been any previous environmental concerns relating to the policy proposal raised by the Legislative Council, Advisory Council on the Environment or District Councils? If yes, please describe.

- B2. Have there been any environmental issues associated with the policy proposal identified in previous studies? If yes, please describe.

C. ENVIRONMENTAL ISSUES ASSOCIATED WITH THE POLICY OPTIONS

- C1. In what ways would the policy proposal contribute to environmental protection?
- C2. What are the other environmental issues associated with the policy options?
- C3. What are the key environmental constraints that might be related to the policy options?

D. ACTIONS OR MEASURES TO ADDRESS THE ENVIRONMENTAL PROTECTION CONSIDERATIONS

- D1. Please describe what alternative options have been considered to avoid or minimize irreversible or insurmountable impacts on the environment.
- D2. Please describe what follow up actions or measures will be adopted to avoid or minimize the potential adverse environmental effects associated with the proposal.