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**(ACE Paper 23/96)**  
**for information**

**Role of the Advisory Council on the Environment (ACE) in the  
Proposed Statutory Environmental Impact Assessment (EIA) Process**

**Purpose**

This paper, submitted at Members' request at the meeting on 29 April 1996, explicates the role of ACE in the statutory EIA process enshrined in the EIA Bill.

**Current Arrangements**

2 Consultation with ACE is a key element of the existing EIA process. Under the current arrangements set out in a Government circular for public projects and an EPD Advice Note on private sector developments, EIA reports on major projects are required to be submitted to ACE for consideration.

3 The EIA Sub-committee was formed under ACE in January 1994 to review EIA reports. To enable the EIA Subcommittee to plan its work, the Environmental Protection Department (EPD) prepares a list of EIA studies with their estimated completion dates, and updates it bi-annually, for the EIA Sub-committee to select reports for detailed consideration, either at Sub-committee meetings or by circulation. After consideration of an EIA report, the Sub-committee makes recommendations on it to the full Council. ACE's advice on the EIA report would be taken into account when making a final decision on the report. From January 1994 to April 1996, a total of 47 EIA reports were considered by ACE.

**Role of ACE in the proposed Statutory EIA Process**

4. The purpose of the EIA Bill is to formalise the existing arrangements on EIA and to make implementation of EIA recommendations enforceable. When ACE was consulted on the proposed EIA legislation in April 1994, Members requested and the Administration confirmed that ACE would, similar to the existing arrangements, play an advisory role in vetting

EIA reports. The EIA Bill was drafted to reflect this agreed intention. At the meetings in November and December 1995, ACE endorsed the EIA Bill and agreed that the advisory role of ACE should be set out in the Bill. Relevant extracts of the minutes are attached.

5 The Bill sets out requirements for early notification to ACE of an EIA study, and for selection of EIA reports for detailed consideration by ACE. The specific roles of ACE in the proposed statutory EIA process are described below:

- (a) ACE will be notified of EIA study briefs issued for development projects;
- (b) ACE (or the EIA Subcommittee) will select EIA reports for detailed consideration; and
- (c) for a selected EIA, the project proponent will be required to submit the EIA report to ACE and present the findings at ACE or EIA Subcommittee meetings. After receiving an EIA report, ACE should complete consideration of it within 60 days. Based on past experience, 60 days should allow sufficient time for ACE to consider an EIA report and to enable it to take into account comments received during the 30-day statutory public inspection period.

6 As in the existing system, ACE will continue to play an advisory role in the proposed statutory EIA process. The legal responsibilities for the issue of environmental permits and setting of permit conditions will rest with the Director of Environmental Protection, who will take into account ACE's advice when deciding on an EIA report and on the issue of environmental permit.

7 As the Bill models on the existing EIA arrangements, we envisage that the workload arising from the proposed statutory system will be more or less the same as the existing situation. The Bill strengthens the existing arrangement by empowering the Director of Environmental Protection to require submission and presentation of selected EIA reports to ACE.

## **Progress of the EIA Bill**

8           The EIA Bill is being considered by LegCo's Bills Committee now. Three meetings have been scheduled in May for the Bills Committee to hear representations from some 18 organisations including environmental groups, professional bodies, consultant firms, and commercial undertakings. We expect that the Bills Committee will start to scrutinise the Bill and its provisions in greater detail in June. We shall keep ACE abreast of progress. The papers issued to LegCo's Bills Committee are enclosed for Members' information.

Planning, Environment and Lands Branch  
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