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Chairman of Panel on Environmental Affairs, Legislative Council

(c/o Clerk to Panel on Environmental Affairs)

Legislative Council Complex,

1 Legislative Council Road, Central, Hong Kong

23 March 2022

(By post and e-mail)

Dear Hon Elizabeth QUAT, BBS, JP,

**Re: Panel on Environmental Affairs Meeting on 28 March 2022, agenda item
#IV “Review of the Environmental Impact Assessment Ordinance process”**

The panel will discuss an agenda item “Review of the Environmental Impact Assessment Ordinance process” on the 28 March 2022. Infrastructure and development have large and irreversible impacts on biodiversity and must not undermine Hong Kong’s obligations under the Convention on Biological Diversity. This does not mean there can be no development; instead, we believe development and biodiversity conservation must be integrated in mutual ways to survive the climate crisis that is now upon us, and to build a thriving future for both nature and the people of Hong Kong. Therefore, WWF-Hong Kong (WWF) opines that optimisation of the Environmental Impact Assessment (EIA) process must in no way be allowed to compromise basic environmental protection. We would like to suggest the following points for discussion in the panel meeting:

1. Adequate and justified information and evidence is needed for discussion

In the administration paper LC Paper No. CB(1)92/2022(02) point 7, it mentioned “*Having reviewed the previous EIA studies, we observed that the time required to conduct the ecological impact assessment is comparatively lengthy*”. To facilitate a meaningful discussion, the government shall support this argument with evidence of the extent of the suggested problem.

2. Assess ex-situ impact, carbon emission and climate change impact

Currently, the EIAO does not require project proponent to evaluate ex-situ impact, i.e. impact out of assessment area, and carbon emission. WWF strongly recommends the review to include these impacts. Further, WWF advises that EIA process should also explicitly consider risks to the project and implementation due to climate change effects, with such assessment detailing opportunities for management of these risks, with mitigation measures and adaptation strategies provided in the scope of the EIA.

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3. Both effectiveness and efficiency must be enhanced

Over the years, effectiveness of the EIA process has been discussed by a lot of academics through different channels, such as the effectiveness of mitigation measures. However, there has been no corresponding enhancement up to date. The government should include academics' suggestions for enhancing the effectiveness of EIA processes, rather than just focusing on the efficiency enhancement.

4. Formalise Strategic Environmental Assessment to assess cumulative impact

EIA currently only focuses on the environmental impact of a project in its project site. Critically, current processes fail to consider cumulative impacts of different projects in the region and over time, especially for concurrent projects with temporally overlapping construction phases due to project delays. Therefore, the government must formalize the procedures for conducting Strategic Environmental Assessments to incorporate principles of the Convention on Biological Diversity, including no net loss, precautionary principles, wide stakeholder participation, and incorporating traditional and scientific knowledge.

5. Optimise transparency with adequate statutory public consultation process

Proper public consultation invariably improves the quality of policy decisions and eliminates uncertainty as to the intentions behind the proposal. It can also reduce or avoid potential misunderstandings and unnecessary concerns. To ensure proper public consultation, WWF believes a stakeholder engagement plan must be included in the project profile. Also, the EIA report must record a description of the key stakeholders and their concerns, including any technical advice given by various government departments. Furthermore, the existing public consultation period must be maintained or even extended to allow the EIA to be sufficiently publicised and adequately justified. There must also be a proper public consultation process during any Variation of the Environmental Permit applications.

6. Establish an independent approval authority

Advisory Council on the Environment and its EIA subcommittee provide valuable inputs throughout the EIA process. However, their role is only advisory and their comments are not required to be addressed by the authority. Currently, the Environmental Protection Department (EPD) is the authority approving EIA reports, but EPD can simultaneously be a project proponent (for example, for the Integrated Waste Management Facilities). To resolve the conflict of interest, the government must establish an independent approval authority, including for the pre-EIA processes, to improve the transparency of the process and decision made.

7. Update the ecological baseline guideline and improve data quality

The government's capacity in ensuring ecological data and impact assessment's quality is questionable. For example, the South Lantau Sewerage Works EIA's ecological baseline survey neglected most of the active months of wintering birds. WWF recommends revising Technical Memorandum and EIAO Guidance Notes to provide rigorous and effective guidelines for establishing ecological baseline profile, and assessment, evaluation, and mitigation of ecological impacts. For marine ecology, new guidelines for assessing underwater

noise impacts are needed, such as mandating acoustic propagation modelling^{1,2,3} for development projects that will generate significant noise disturbance to marine wildlife.

8. Apply specific and quantitative impact assessment and evaluation

To better quantify and present impact assessment processes, WWF suggests adopting scoring tools or systems^{4,5,6} to achieve more objective assessment and evaluation of ecological impacts, which consider importance, magnitude, permanence, reversibility, accumulation, and likelihood of an environmental impact. Such standardisation also allows accurate judgements to be made on a like-for-like basis across different projects.

WWF reiterates that we are not against development. Rather, we believe biodiversity conservation can and should be integrated into the development process as part of sustainable development. We are looking forward to working closer with the Panel on enhancing the EIAO.

Yours sincerely,

Nicole Wong
CEO, WWF-Hong Kong

¹ Farcas, A., Thompson, P. M., & Merchant, N. D. (2016). Underwater noise modelling for environmental impact assessment. *Environmental Impact Assessment Review*, 57, 114–122. <https://doi.org/10.1016/j.eiar.2015.11.012>

² Faulkner, R. C., Farcas, A., & Merchant, N. D. (2018). Guiding principles for assessing the impact of underwater noise. *Journal of Applied Ecology*, 55(6), 2531–2536. <https://doi.org/10.1111/1365-2664.13161>

³ Ocean Acoustics Ltd. (2018). *Acoustic Propagation Modelling for Piling and Zones of Influence for Chinese White Dolphins and Indo-Pacific Finless Porpoises in South Lantau Waters, Including the Soko Islands - prepared for WWF-Hong Kong*

⁴ Kuitunen, M., Jalava, K., & Hirvonen, K. (2008). Testing the usability of the Rapid Impact Assessment Matrix (RIAM) method for comparison of EIA and SEA results. *Environmental Impact Assessment Review*, 28(4–5), 312–320. <https://doi.org/10.1016/j.eiar.2007.06.004>

⁵ Pastakia, C. M. R., & Jensen, A. (1998). The rapid impact assessment matrix (RIAM) for EIA. *Environmental Impact Assessment Review*, 18(5), 461–482. [https://doi.org/10.1016/S0195-9255\(98\)00018-3](https://doi.org/10.1016/S0195-9255(98)00018-3)

⁶ Fletcher, W. J. (2005). The application of qualitative risk assessment methodology to prioritize issues for fisheries management. *ICES Journal of Marine Science*, 62(8), 1576–1587. <https://doi.org/10.1016/j.icesjms.2005.06.005>