

Demystifying Environmental Impact Assessment and Cross-Boundary Planning Processes for Civil Society Groups

- Knowledge based Capacity Building on EIA and Cross-boundary Planning Issues

Project Coordinator:

Team Members:

Assistants:

Dr. Ng Cho Nam

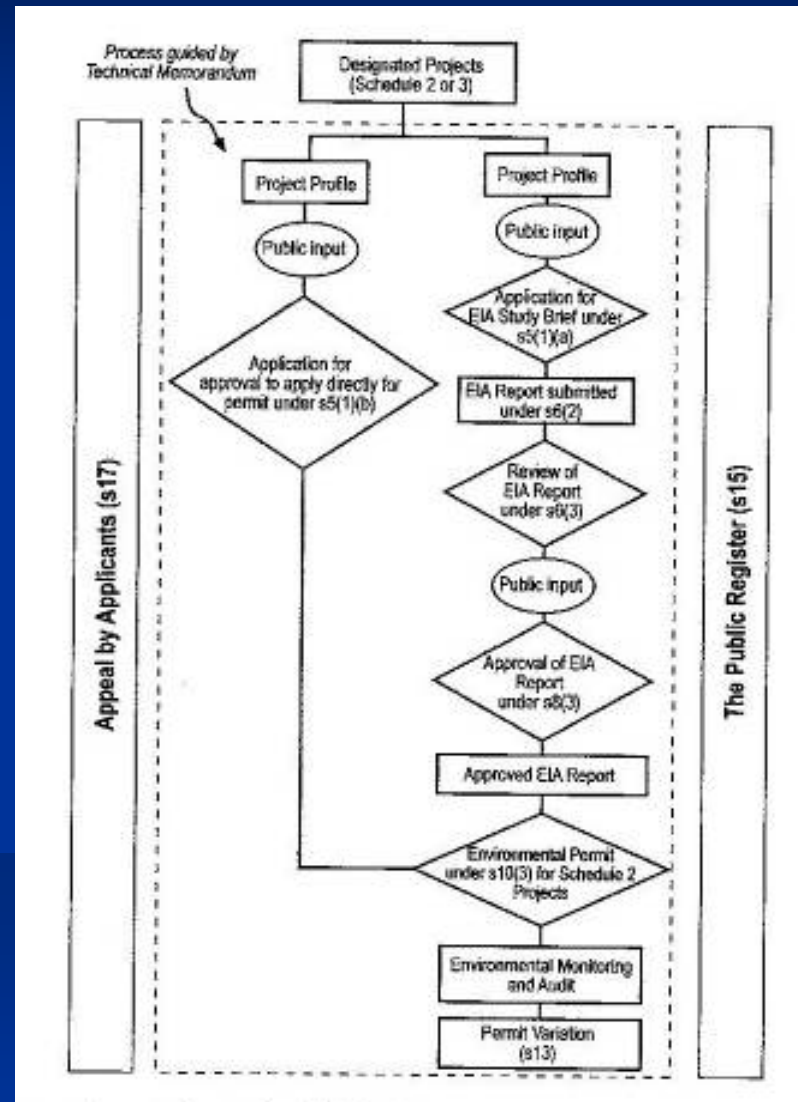
Dr. Y.S. Frederick Lee

Mr. Wong Chi Chung

Mr. Owen Wong

Topic 1: Environmental Impact Assessment in HK

- The EIA system in Hong Kong
- The screening and scoping processes under the EIA Ordinance
- Impact assessment, evaluation and mitigation
- Public participation in Hong Kong's EIA process
- Decision-making and case studies
- Monitoring and Audit, and EIA Follow-up
- Effectiveness & limitations of Hong Kong's EIA process
- Strategic Environmental Assessment and international trends

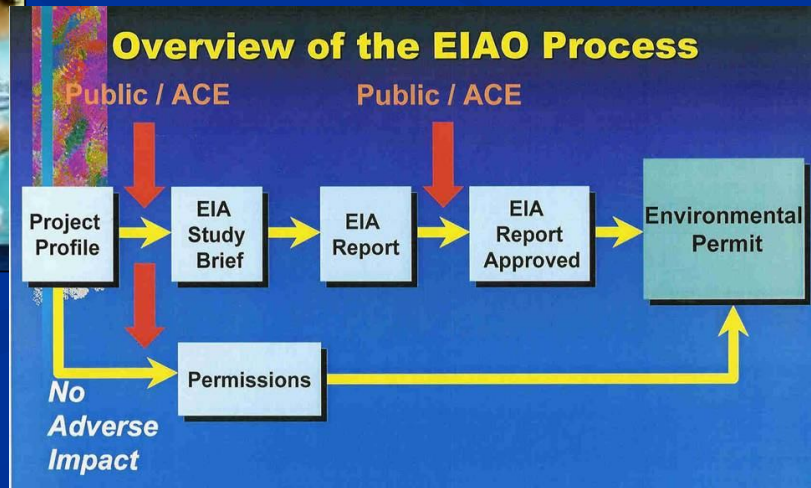


Topic 2: Cross-Boundary Planning

- Institutional set-up and governance framework
- Plan-making approaches: Similarities and differences
- Cross-boundary infrastructure planning
- Cross-boundary land-use planning
- Cross-boundary environmental planning
- Cross-boundary marine ecology planning
- Stakeholder engagement in cross-boundary planning
- Role of civil society in cross-boundary planning



stakeholder groups participation plays a very important part in the decision making process



EIA Report of Sheung Shui to Lok Ma Chau Spurline Project



One of the 5 Best Environmental News in the Millennium Year



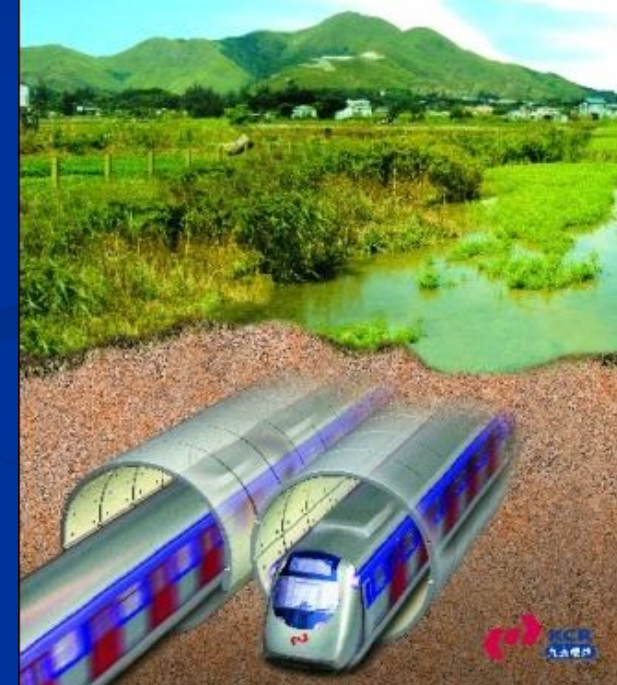
KCRC wins full marks for new wetland, but greens fear flaw



The Lok Ma Chau Spur Line forms the building-up to mandatory birds sanctified yesterday on the ponds of the new wetland, erected out of a string of former fish farms. (Photo: Martin Chan)

落馬洲支線建隧道 過境快捷又環保

A greener Hong Kong ahead A new way forward below



Quality decision ?

Tung Chung woman files legal challenge to bridge

Joyce Man

24.1.10

A Tung Chung resident has called for a judicial review of the decision to grant environmental permits for the Hong Kong-Zhuhai-Macau bridge, saying impact assessments ignored pollution issues and used faulty methodology.

Fu Tung Esiwah filed the case in the Court of Final Appeal, saying the government is taking an easy option to avoid political row.

Impact assessments last autumn, and to grant environmental permits for its construction and operation.

The Environmental Protection Department said it would investigate the case in consultation with the Department of Justice.

facilities, North Lantau Highway connection, and the Tuen Mun-Chek Lap Kok link road – a highway connecting Tuen Mun with Hong Kong International Airport and Tung Chung.

"No sensible person in the position of decision-maker would use his

bridge's impact on public health, the filing said. "Without the evidence of a quantitative risk assessment of the impact on public health, the director could not have lawfully granted an environmental permit under the [Environmental Impact Assessment Ordinance]." It added

dioxide, which the filing described as a major health hazard.

The experts cited in the filing said an assumption in one of the reports that the project would not generate ozone was invalid and unscientific.

"There is no question that ozone, as a pollutant, will be generated from

monitoring station, rather than a general station that was 21 metres above ground in Tung Chung, the filing said.

The reports were conducted with reference to the city's 1987 air quality objectives, which the experts claimed were obsolete and overdue for revision.

To show that the bridge would meet the objectives, the studies used 1987 as a baseline year to assess the project's impact. By 2015, government measures to reduce air pollution would have taken hold, meaning project would have enough "margin" to meet the objectives.

The experts said use of a baseline year was wrong, since it is based on speculation about future air quality.

Chu, 65, said in the filing that she lives in an area that the project will directly affect. She claimed the construction and operation of the project would affect her health, given her existing medical problems such as diabetes and a heart condition.

The project is already under fire from community and green groups for the danger it could pose to white dolphins in the area, and the disturbance it would generate for about 30,000 Tung Chung residents.

Officials accused of taking easy option to avoid political row Choice of remote island for incinerator enrages critics

Cheung Chi-fai

Environmental officials have picked a remote outlying island for a controversial mega-incinerator to dispose of Hong Kong's mounting waste.

But critics say building it there will cost more, take longer and cause more environmental damage than the other potential location.

In choosing Shek Kwu Chau, about six kilometres south of Lantau, officials passed over a more widely expected site at Tsang Tsui in Tuen Mun.

Critics immediately said the government wanted to avoid a bruising fight with residents who live in and around Tuen Mun and politicians who would strenuously object to an incinerator capable of burning 3,000 tonnes of waste a day in an area that already has a landfill.

An environment minister Edward

Yau Tang-wah announced the long-awaited selection yesterday, an environmental impact assessment report was released for public consultation.

The selection process has been a flashpoint issue since the sites were shortlisted in 2006. Concerns were heightened when a plan to expand the Tseung Kwan O landfill was rejected by lawmakers last year.

The environmental impact report released yesterday did little to resolve the controversies, however. It remains from saying if Shek Kwu Chau or Tsang Tsui is the more acceptable choice on environmental grounds.

It concludes that both sites comply with all environmental standards, leaving it largely for government officials to decide which to pick.

Yau said the island was favoured because it would create a more balanced distribution of waste facilities throughout the city. And because it is

Warry's view

A14

closer to existing refuse transfer facilities in the urban area, waste transport trips would be shorter.

"Shek Kwu Chau is further away from major population centres," Yau said, "so the accumulated environmental effect will be less."

Tsang Tsui, on the far western tip of the New Territories, is located next to the city's largest landfill and close to a power generation plant and transmission grid. It also has enough land for immediate construction of an incinerator by 2016. That will be badly needed to handle the city's mounting waste crisis, officials say, because all landfills will be full by 2018.

On the island, however, up to 18 hectares of land will have to be reclaimed from the sea for the construction. Because of that, the incinerator can only be complete

years later – in 2018.

In addition, extra power will have to be laid in the sea between the island and Cheung Tsui to transmit the electricity generated from the incineration process. Officials refused to say how much it would cost to build the incinerator on the island compared to Tsang Tsui.

In order to mitigate the 18 marine habitats, whose density the government proposes set a 700-hectare marine park between the Soko Islands and Shek Kwu Chau.

Ng Cho-nam, a former environmental adviser to the government, said the choice was clearly a political one that spared officials from the disruption to its plan and the Tseung Kwan O landfill.

COMMENT

正視環評漏洞 捍衛法治精神 有關港珠澳大橋司法覆核 致香港市民的公開信

我們關心香港未來的公民團體、學術界、文化界和專業人士。上月高等法院裁定，港府提交的港珠澳大橋環境評估報告不符合法定要求，因此撤銷環保署發出的環境許可證。依照判決，港府須重新提交環境評估報告，暫停大橋香港段的工程。之後，香港出現一些輿論，認為法庭不應阻止重大工程，令公營損失，甚至阻礙中港兩地融合。我們呼籲市民正視此事，維護香港司法獨立的精神，捍衛香港的法治原則及環保標準，使今次案例成為維護香港法治，提升香港環保尺度的里程碑。

今次判決的核心是法治與環保；這是香港必須堅持的普世價值，既符合中國可持續發展的國策，亦是我們為下一代建設優質城市的必要條件。

高院判決指出了現行環評制度的漏洞，政府過去錯解環保條例，未能有效保護環境和公共健康。司法獨立，無懼政府，也不懼政治，是次判決，正是香港司法制度的體現。更何況，捍衛環保標準，正是聯繫社會進步，惠及全港市民及萬物生靈。港珠澳大橋原址並非最佳選擇，在有心人的策劃下促進政府糾正錯誤，小市民因循政府，並不值得我們鼓勵。

多年來環境污染對公共健康，以經濟發展之名，將公害轉嫁予市民大眾和後世子孫。政府應以積極態度面對法庭判決，使香港的環保水平與先進國家看齐。無論環保署的法庭上訴的結果如何，我們均應參考國際原則，在發展基礎建設時盡最大努力減低污染，並檢討有缺陷的環評制度。政府應保留有可應用的財政儲備金，應諮詢公眾，保障市民健康，也應就公營，令後世子孫不必付出沉重代價。

完善的法治包含以下基本要素：對執事者有司法中斷的有效渠道，法庭能斷新陳代謝地依法裁判，行政機關切實執行法庭判決——三管齊下，我們便見特區政府尊重法治，把對法治的衝擊司法獨立，視為公民權利的首善，必須提高警惕。

香港正處於可持續發展的十字路口，只靠經濟增長增長，原想提環境公義和人文價值的發展模式，已經難以得到多數市民認同。今次大橋體現了香港法治精神的可貴，我們香港人視為尋常，和贏得眾多內地媒體的讚賞，環保和可持續發展，是世界大勢。我們呼籲社會各界尊重法治，不要在發展與環保之間製造虛構的對立，或在短期間造成不必要的分化，甚至無意間製造有關「一國兩制」的爭端。

Objectives

- To provide a **comprehensive training and experience-sharing** programme for **environmental NGOs** and **community concern groups** on two major environmental planning issues: Environmental Impact Assessment (EIA) and cross-boundary planning
 - To enhance the participants' competency and capacity to make an **informed and reasoned contribution** to these two environmental planning issues, significantly strengthening their bargaining power in regard to the overall decision-making process
- => The contributions from such stakeholder groups should help **improve the overall quality** of the decision-making process.

Programme Activities

- 4 network meetings with ENGOs & CCGs
- 2 two-day training sessions on EIA and cross-boundary planning
- 2 one-day field trips on EIA mitigation measures and cross-boundary planning
- 6 half-day practical workshops on current EIA cases
- 1 half-day public lecture on EIA
- 1 one-day symposium each on EIA and cross-boundary planning
- Web-based training programme

Proposed schedule

Mar – Jun 2012	July – Dec 2012	Jan – June 2013	July – Dec 2013
1 network meeting – for identifying the ENGO's needs and key concerns in EIA	Two-day training workshop on EIA	1 network meeting - for identifying the ENGO's needs and key concerns in cross-boundary environmental issues.	1 network meeting – for receiving feedback and evaluation of the programme
Collect and collate background materials, references and case examples	1 day field trip on EIA mitigation measures	Two-day training workshop on cross-boundary EIA and environmental issues	1 day symposium on EIA and cross-boundary issues.
Develop training programme	3 half-day practical workshops based on the current cases	1 day field trip to Shenzhen River Catchment	
	1 half-day public lecture on EIA	3 half-day practical workshops based on the current cases	
		1 half-day public lecture on EIA	

Activities Report (Mar 2012 –Aug 2012)

Date	Activities (Research, events, workshops, meetings etc.)	Description
20 Apr	A Trial Training Session on HKEIA Screening Process for ENGOs	Described the current screening process in the EIA system in HK. Discussed past examples and limitations of the process.
5 May	1 st Network Group Meeting	Identified the needs and key concerns of ENGOs and CCGs in regard to EIA & cross-boundary issues; A brief introduction to the workshop
25 Jul	Literature review on cross-boundary cooperation mechanisms	
31 Jul	Literature review on "HK/GD Joint Working Group on Sustainable Development & Environment Protection"	
9 Aug	Literature review on cross-boundary cooperation project initiatives	
14 Aug	Literature review on cross-boundary cooperation institutional development	
1 - 8 Aug	Meetings with the website designer	Discussed and confirmed the design of webpages and the terms of the contact
18–30 Jul	Research of case examples	5 case examples identified
24 Aug	Meetings with the website designer	Discussed the possible technical problems

upcoming plans/activities

Date	Activities (Research, events, workshops, meetings etc.)
6 Oct	A half-day training session on introduction of HKEIA system and the key features
27 Oct	A whole day training session - the scoping, impact assessment, impact evaluation & mitigation, decision making and public participation. EIA Follow-up
1 Dec	A whole day field trip – EIA mitigation measures in practice
8 Dec	A half day practical workshop – experience sharing, case examples and effectiveness and limitations of HKEIA system
?	A half day training session – ecological impact assessment, evaluation & mitigation in HK
?	A half day training session – air quality modelling & evaluation in HK
On-going	Research of case examples
On-going	Preparation of the web-based training materials
On-going	Preparation of training materials on cross-boundary planning

Expected Impacts ?!

版面/版頁：港聞/A18

明報

日期：2012-07-01

第三跑道補充環評 環團斥機局轉移視線

【明報專訊】機管局上月就興建第三條跑道呈交環境影響評估框架，環保署在最後關頭罕有地拒絕收貨，令諮詢要推倒重來。機管局前日終應環保署要求，提交更多有關海洋生態、潛在噪音影響地區等補充資料，承認中華白海豚有顯著下降趨勢，跑道工程亦有可能對白海豚生態造成潛在影響。

地球之友高級環境事務主任周月翔批評機管局選擇在最後關頭、七一前夕始補交資料，企圖低調過關，做法不夠光明正大。她又質疑機管局轉移視線，始終沒交代工程對健康的影響，以及碳排放等重要評估，要求環保署在將來更嚴謹地把關。

無評估對健康影響

近月多個環保團體不滿機管局就第三跑道提交的資料太粗疏，環保署亦向機管局提出11項質疑，包括中華白海豚數目趨勢資料過時，沒交代海陸交通流量評估，以及工程對健康的影響等。

機管局補交的資料引述漁護署數據，估計大嶼山一帶僅有78條白海豚，是2003年評估158條的一半，呈顯著下降趨勢，而工程船隻和營運期間海天碼頭往來渡輪數目的增加，則會令海路交通流量更繁忙，並對生態造成潛在干擾。機管局稱，會在環評時詳細評估飛機航道下地區，如對馬灣、青衣、屯門等地區的噪音影響。

促環保署嚴謹把關

周月翔指出，機管局提交了8頁補充資料，數量達原先報告的五分之一，反映局方也認同當初有重大疏漏，她批評機管局偷換概念，僅表示會作空氣污染評估，而沒有說明污染物有可能會帶來的健康問題，如氣管疾病等；另外亦沒有具體評估海陸交通流量變化，不能做到較準確的空氣評估；同時依然沒有作碳排放評估。工程項目簡介諮詢期由昨日起至本月13日結束，周月翔承認，要機管局再補交資料有一定難度，促環保署按程序批出環評研究概要時好好把關，清楚列明機管局在環評中需進行的研究。

Thank you