



Clear the Air's Opinion of the Environmental Impact Assessment procedure in Hong Kong

# ADVISORY COUNCIL ON THE ENVIROMENT





Permanent Secretary for the Environment



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Director of Environmental Protection





# South China Morning Post 南華早報

## Environmental watchdog needs to rebuild trust

Comment › Insight & Opinion

Edwin Lau

Edwin Lau calls for more transparency in the review process of the Advisory Council on the Environment, to help the public better understand its decisions and rebuild people's trust in its role as a gatekeeper. When I attended my first meeting as a member of the Advisory Council on the Environment, I asked how the body could be more transparent so the public could better understand how it scrutinises environmental impact assessment reports.

This year, as I come to the end of my tenure in accordance with the government's six-year rule, I am still trying to find answers.

The council has two main roles: to advise the government on major environmental policies, and a statutory function to examine the environmental impact assessment reports of projects put forward by private groups or the government.

This second role is of paramount importance: the council acts as a gatekeeper, examining whether a particular proposal would have an unacceptable impact on the environment or people's health, and whether such effects could be avoided or lessened.

Given that these projects can affect many individuals and the ecology of an area, there have been growing public calls for greater transparency in the process of scrutinising the reports. I believe more transparency is essential to help the public better understand the review process and also enhance the council's credibility.

The council is bound by the Environmental Impact Assessment Ordinance, and thus can review only the possible impact of a proposed project. It has no scope to question whether the project is actually needed, or recommend alternatives, even if members believe the project may end up being a "white elephant".

When, in 2007, I proposed opening up the meetings, there was much disagreement. Part of the meetings are now, in fact, open to the public, but only for the presentation by the proponents and during their responses to questions from council members.

Discussions over whether to pass or reject an environmental assessment report are still held behind closed doors. Some believe this has been a big leap forward in terms of transparency; in my view, more needs to be done, as the public are still unable to understand how the conclusions are reached. This is especially important given that nearly all controversial projects have passed this "examination".

Take just two of the reports - the artificial beach at Lung Mei and the Sha Lo Tung columbarium - as an example. Both generated much controversy. That's not surprising given the reports' poor quality, with ecological information inadequately reflecting the actual situation. These two cases also show up the deficiency of the system whereby members can only review what is in the reports and make reference to the opinions of government representatives attending the council meetings. Too often, it seems that these "professional" views favour the proponent rather than the environment, which the council is charged with safeguarding.



For example, in the Lung Mei environmental impact report, the developer claimed that even though there were many species at the site of the proposed beach, they were also found in other places around Hong Kong. Therefore, the site had a low ecological value and it was acceptable to develop the beach. Officials shamelessly accepted that recommendation, and sadly, the species living around Lung Mei had no say!

Then there was the impact assessment for the proposal to build an offshore waste incinerator on Shek Kwu Chau. I questioned the visual impact and compatibility of having such a project located next to the pristine nature on the island. Yet the official claimed the incinerator had been designed to blend in with the surrounding environment. So the government chose this pristine site over an industrial site next to a landfill.

There are numerous other ridiculous examples I could share from the closed part of the meetings. Often, it seemed officials were trying to humiliate members by pushing their "professional" opinions. It almost seemed as if they had a secret agenda to ensure that projects got the green light.

Council members, who are voluntary and part-time, have to find time in their busy schedules to read the environmental impact assessment reports, which can be as thick as telephone directories and contain lots of technical details. Not every member has the professional knowledge to digest all this, nor are they able to dig out the devils hidden in the "details".

The government should provide funding for the council to hire independent bodies such as universities to review controversial or complex reports. This would assist the council members, enhance the quality of the assessment and lend credibility to the group as a whole.

At the end of this year, around a quarter of the members will retire. This is an opportunity for the government to rebalance the council by appointing more experts in important and under-represented areas such as ecology, air pollution and public health.

Lastly, the government needs to work to minimise apparent conflicts of interest, such as when the project proponent and gatekeeper are two government departments or even the same party (as in the case of the incinerator, in which the Environmental Protection Department director approved the impact-assessment report by his own department).

Above all, concrete efforts are needed to regain trust so that people can see the environment and those affected by any decision are really being protected.

**Edwin Lau Che-feng is director, general affairs, of Friends of the Earth (HK), and has been a member of the Advisory Council on the Environment since 2007**

<http://www.scmp.com/comment/insight-opinion/article/1093161/environmental-watchdog-needs-rebuild-trust>

**Advisory Council on the Environment (ACE)  
Membership List (with effect from 1 January 2011 for two years)**

**(Appointed by Chief Executive)**

Professor LAM Kwan-sing, Paul, J.P. (Chairman)  
Professor CHAU Kwai-cheong, J.P. (Deputy Chairman)  
Ms. AU Pui-ye, Teresa  
Dr. CHAN YUEN Tak-fai, Dorothy, B.B.S.  
Mr. CHOW Vee-tsung, Oscar



Professor FUNG Tung  
Ms. HO Siu-fong, Betty  
Mr. Hans Michael JEBSEN, B.B.S.  
Mr. LAU Che-feng, Edwin, M.H.  
Professor LEE Hun-wei, Joseph  
Professor LI Xiang-dong  
Dr. LO Wai-kwok, B.B.S., M.H., J.P.  
Dr. MAN Chi-sum, J.P.  
Miss NG Yuen-ting, Yolanda  
Dr. TAM Yat-cheung, Alfred  
Mr. TSANG Kam-lam, J.P.  
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Ms. YAU Lai-ping, Pansy  
Dr. YAU Wing-kwong, J.P.  
Dr. YEP Kin-man, Ray  
Professor YU Tak-sun, Ignatius  
Secretary: Deputy Director of Environmental Protection (3)

### **ACE Secretariat - Contact Information**

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Waste Management Subcommittee Secretariat - Dr Derek Wong (Tel: 2594 6562, Fax: 2511 3658)  
Nature Conservation Subcommittee Secretariat - Miss Sian Li (Tel: 3509 8645, Fax: 2136 3304)

### **Permanent Secretary for the Environment**

Duplicity - Which conflicts with:

#### **Director of Environmental Protection**

Ms Anissa Wong Sean-ye, JP



### **Curriculum Vitae**

Ms Wong joined the Government in July, 1979, as an Executive Officer. She was appointed to the Administrative Service in September, 1979, and rose to her present rank of Administrative Officer Staff Grade A1 in April, 2010.

Ms Wong has served in various bureaux and departments, including the former New Territories Administration, the former Housing Branch, the former Education Branch, the Lands Department, the former City and New Territories Administration, the former Survey Office, the former Urban Services Department, the former Chief Secretary's Office, the Information Services Department, the



*Permanent Secretary for the Environment / Director of Environmental Protection*

former Security Branch and the former Industry Department. She was Deputy Director-General of Industry from March, 1996, to April, 1997, Deputy Secretary for the Civil Service from April, 1997, to February, 2003, and Director of Leisure and Cultural Services from February, 2003, to September, 2006. **She has been Permanent Secretary for the Environment, Transport and Works (Environment) (later renamed Permanent Secretary for the Environment) and Director of Environmental Protection since September 13, 2006.**

### Responsibilities

. To head the  
Environmental  
Protection  
Department

[www.aud.gov.hk/pdf\\_e/e59ch01.pdf](http://www.aud.gov.hk/pdf_e/e59ch01.pdf)

*HAS SHE DONE HER JOB IN PROTECTING THE ENVIRONMENT ?  
READ THE REPORT !*

watch this space [ ] for the updated details of the number of Environmental Impact Assessment reports she has rejected during her term as Director of Environmental Protection.

and

watch this space [ ] for the updated details of the number of Environmental Impact Assessment reports she has approved during her term as Permanent Secretary for the Environment.





CLEAR THE AIR MESSAGE FOR ANISSA WONG



**TO DO YOUR DAMN JOB !**  
YOU HAVE A DUTY OF CARE TO THE ENVIRONMENT  
AND TO THE PEOPLE OF HONG KONG

**BE ACCOUNTABLE  
OR QUIT !**