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For information by circulation

**Information Note on
Transitional Arrangement to adopt Technical Memorandum on
Environmental Impact Assessment Process**

PURPOSE

This Note provides information to ACE Members on our proposed announcement of cut-off date for the “Transitional Arrangement” stipulated in paragraph 27 of the LegCo Brief for EIAO (Amendment of Schedules 2 and 3) Order 2023 and the revised Technical Memorandum on Environmental Impact Assessment Process (EIAO-TM).

BACKGROUND

2. The EIAO (Amendment of Schedules 2 and 3) Order 2023 and the revised EIAO-TM became effective on 30 June 2023. Given that the introduction of the revised EIAO-TM may impact on-going EIA studies at the planning or drafting stage, which commenced technical assessments under the old EIAO-TM, the LegCo Brief has stipulated a "Transitional Arrangement" in paragraph 27 to avoid abortive efforts and programme implications for these studies.

Paragraph 27 of the LegCo Brief

*“In respect of the revised EIAO-TM, **transitional arrangement** for the on-going EIA studies at the planning or drafting stage has also been prepared for implementation by EPD. For on-going EIA studies in which technical assessments have already commenced and the assessment methodologies have been agreed based on the prevailing EIAO-TM, the project proponents shall follow the agreed methodologies or the technical requirements as stipulated in the issued EIA study brief. Project proponents may opt to apply for a fresh EIA study brief if necessary.”*

CUT-OFF DATE ON THE TRANSITIONAL ARRANGEMENT

3. Given that the revised EIAO-TM has been in place for almost 16 months, EPD considers it a suitable juncture to review and set a cut-off date for the transitional arrangement. This is necessary to avoid potential legal challenges from the public for the prolonged application of the transitional arrangement beyond a reasonable timeframe, which could be perceived as an attempt to circumvent the new requirements.

4. After careful consideration, the cut-off date for the transitional arrangement is set as 30 June 2025, i.e., 24 months after the revised EIAO-TM was put in place. The cut-off date is applicable to the submission of an EIA report submitted to the Director for approval under s.6(2) of the EIAO. This timeframe is deemed reasonable and practicable, as the entire EIA process for a Designated Project typically spans around 18 months for typical projects and 24 months for major or complicated projects, as pledged in the same LegCo Brief. The cut-off date has also struck a balance between public expectation and project proponents' need to complete the EIA process in a reasonable timeframe.

IMPLICATION TO ON-GOING EIA PROJECTS

5. We have already contacted all the relevant project proponents and they generally expressed acceptance of the cut-off date arrangement.

PUBLICITY

6. To keep the trade informed, this announcement will be posted on the EIAO website. EPD will continue to engage stakeholders through the EIAO Users Liaison Groups (ULG) on matters related to the EIAO process. EPD will convene the EIAO ULG meeting in Q4 2024 to further debrief members on the cut-off date on the transitional arrangement. In parallel, EPD is writing to inform the relevant project proponents of the above arrangement and would take follow-up actions accordingly.

Environmental Protection Department
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