

L.N. 77 of 2023

**Environmental Impact Assessment Ordinance
(Amendment of Schedules 2 and 3) Order 2023**

(Made by the Secretary for Environment and Ecology under section 4(2) of the Environmental Impact Assessment Ordinance (Cap. 499))

1. Commencement

This Order comes into operation on 30 June 2023.

2. Environmental Impact Assessment Ordinance amended

The Environmental Impact Assessment Ordinance (Cap. 499) is amended as set out in sections 3 and 4.

3. Schedule 2 amended (designated projects requiring environmental permits)

(1) Schedule 2, Part I, heading “A—Roads, Railways and Depots”—

Repeal

“Roads”

Substitute

“Carriageways for Motor Vehicles”.

(2) Schedule 2, Part I—

Repeal item A.1

Substitute

“A.1 A carriageway for motor vehicles that is an expressway, trunk road, primary distributor road or district distributor road.”.

(3) Schedule 2, Part I, item A.6—

Section 3

Repeal

“200”

Substitute

“100”.

- (4) Schedule 2, English text, Part I, item A.7, after “road”—

Add

“tunnel”.

- (5) Schedule 2, Part I—

Repeal item A.8

Substitute

“A.8 A carriageway bridge for motor vehicles, or a railway bridge, the length between abutments for which is more than 100 m, with bridge piers over the sea supporting the bridge.”.

- (6) Schedule 2, Part I, item A.9—

Repeal

“road”

Substitute

“carriageway for motor vehicles”.

- (7) Schedule 2, Part I, item B.1—

Repeal

“activities related”

Substitute

“facilities relating”.

- (8) Schedule 2, Part I, item B.2, after “helipad”—

Add

Section 3

“(except one provided solely for the provision of firefighting or medical services, or solely for law enforcement, security (including national security), life-saving or otherwise ensuring personal safety, or any other emergency use)”.

- (9) Schedule 2, English text, Part I, item B.4—

Repeal paragraph (a)

Substitute

“(a) with a cargo working length of more than 1 000 m; or”.

- (10) Schedule 2, Part I, item B.4(b)—

Repeal

“between 500 m and 1 000 m”

Substitute

“of more than 500 m”.

- (11) Schedule 2, Part I—

Repeal item B.6

Substitute

“B.6 A ship building or ship repairing yard (including its associated facilities) that is of more than 1 ha in size or with a lifting capacity of more than 20 000 tonnes.”.

- (12) Schedule 2, Part I, item C.2—

Repeal paragraph (a)

Substitute

“(a) is less than 500 m from the nearest seaward boundary of, or less than 200 m from the nearest landward boundary of, an existing or planned—

Section 3

- (i) site of special scientific interest;
 - (ii) site of cultural heritage;
 - (iii) bathing beach;
 - (iv) marine park;
 - (v) marine reserve;
 - (vi) fish culture zone;
 - (vii) wild animal protection area;
 - (viii) coastal protection area;
 - (ix) conservation area;
 - (x) country park; or
 - (xi) special area; or”.
- (13) Schedule 2, Part I, item C.2—
Repeal paragraph (b).
- (14) Schedule 2, Part I, item C.2(c), after “from”—
Add
“the nearest boundary of”.
- (15) Schedule 2, Part I, item C.3(a), before “5%”—
Add
“more than”.
- (16) Schedule 2, English text, Part I, item C.3(b)—
Repeal
“in excess of”
Substitute
“of more than”.
- (17) Schedule 2, Part I, items C.5 and C.11—
Repeal

Section 3

“not less”

Substitute

“more”.

- (18) Schedule 2, Part I, item C.12—

Repeal

“exceeding 500 000 m³ or a dredging operation which”

Substitute

“that is”.

- (19) Schedule 2, Part I, item C.12—

Repeal paragraphs (a) and (b)

Substitute

- “(a) with a dredging volume of more than 500 000 m³; or
(b) less than 500 m from the nearest seaward boundary of, or less than 200 m from the nearest landward boundary of, an existing or planned—
(i) site of special scientific interest;
(ii) site of cultural heritage;
(iii) bathing beach;
(iv) marine park;
(v) marine reserve;
(vi) fish culture zone;
(vii) wild animal protection area;
(viii) coastal protection area; or
(ix) conservation area.”.

- (20) Schedule 2, Part I—

Repeal items D.1 and D.2

Substitute

Section 3

- “D.1 An electricity power plant running on fossil fuel with a production capacity of more than 100 megawatts.
- D.2 A gas generation plant for the production of town gas (as defined by section 2 of the Gas Safety Ordinance (Cap. 51)) with a production capacity of more than 10 million m³ per day.
- D.3 A wind power plant with a production capacity of more than 100 megawatts.”.

(21) Schedule 2, Part I, item E.1—

Repeal

“A primary”

Substitute

“An impounding”.

(22) Schedule 2, Part I, item E.2—

Repeal

“capacity of more than 100 000 m³ per day”

Substitute

“storage facility capable of storing more than 500 tonnes of dangerous goods”.

(23) Schedule 2, Part I—

Repeal item E.3.

(24) Schedule 2, Part I, item F.2(b)—

Repeal subparagraphs (viii), (ix) and (x)

Substitute

- “(viii) marine park;
- (ix) marine reserve; or

Section 3

(x) fish culture zone.”.

(25) Schedule 2, Part I—

Repeal item F.3.

(26) Schedule 2, Part I—

Repeal item F.4

Substitute

“F.4 A facility for generating, from sewage effluent treated by a sewage treatment plant, reclaimed water for use by the general public.”.

(27) Schedule 2, Part I, item G.3—

Repeal

“50”

Substitute

“500”.

(28) Schedule 2, Part I, item G.4—

Repeal

“, or waste disposal activity, for”

Substitute

“with an installed capacity of more than 500 tonnes per day for the disposal of”.

(29) Schedule 2, Part I, item G.4(b), before “chemical”—

Add

“food,”.

(30) Schedule 2, Part I, item G.5(a)—

Repeal

“not less”

Substitute

Section 3

“more”.

- (31) Schedule 2, Part I, item G.5(b), after “from”—

Add

“the nearest boundary of”.

- (32) Schedule 2, Part I, item I.1(b)—

Repeal

“which discharges or discharge into an area which is”

Substitute

“located”.

- (33) Schedule 2, Part I, item I.1(b)—

Repeal subparagraph (iii)

Substitute

“(iii) marine park;

(iiia) marine reserve;”.

- (34) Schedule 2, Part I—

Repeal item J.1

Substitute

“J.1 A petroleum or natural gas extraction facility with a production capacity of more than 100 tonnes per day.”.

- (35) Schedule 2, Part I, item J.2, after “operation”—

Add

“as construed in accordance with the Mining Ordinance (Cap. 285)”.

- (36) Schedule 2, Part I—

Repeal item J.3

Substitute

Section 3

“J.3 A surface quarry (being a quarry as defined by section 2(1) of the Factories and Industrial Undertakings Ordinance (Cap. 59)) at which ground surface excavation is carried out.”.

- (37) Schedule 2, Part I, heading “K—Industrial Activities”—

Repeal

“Activities”

Substitute

“Facilities”.

- (38) Schedule 2, Part I, item K.2—

Repeal

“an annual production capacity of more than 0.4 million hecto litres”

Substitute

“a production capacity of more than 0.4 million hecto litres per annum”.

- (39) Schedule 2, Part I, item K.3—

Repeal

“an annual production capacity of more than 500 000 m²”

Substitute

“a production capacity of more than 500 000 m² per annum”.

- (40) Schedule 2, Part I, item K.4—

Repeal

“processing”

Substitute

“production”.

- (41) Schedule 2, Part I—

Repeal item K.7

Substitute

“K.7 A petroleum refinery with a production capacity of more than 500 tonnes per day.”.

- (42) Schedule 2, Part I, item K.8—

Repeal

“an annual production capacity of more than 70 000 tonnes”

Substitute

“a production capacity of more than 70 000 tonnes per annum”.

- (43) Schedule 2, Part I, item K.9—

Repeal

“in a stand-alone, purpose built building”.

- (44) Schedule 2, Part I—

Repeal item K.10

Substitute

“K.10 A depot for the storage of, or a manufacturing plant for the manufacture of, explosives (as defined by section 2 of the Dangerous Goods Ordinance (Cap. 295)).”.

- (45) Schedule 2, English text, Part I, item K.13—

Repeal

“exceeding”

Substitute

“of more than”.

- (46) Schedule 2, Part I, item L.1—

Section 3

Repeal

“not less”

Substitute

“more”.

- (47) Schedule 2, Part I, item L.2—

Repeal

everything after “gas”

Substitute

“or hydrogen facility with a storage capacity of more than 200 tonnes.”.

- (48) Schedule 2, Part I, item L.3—

Repeal

“not less”

Substitute

“more”.

- (49) Schedule 2, Part I, item L.4—

Repeal

“oil facility with a storage capacity of not less”

Substitute

“petroleum facility with a storage capacity of more”.

- (50) Schedule 2, Part I, item M.1(b)—

Repeal subparagraph (i)

Substitute

“(i) marine park;
(ia) marine reserve; or”.

- (51) Schedule 2, Part I, item N.1—

Repeal

“numbers of livestock”

Substitute

“food animals (as defined by section 3 of the Slaughterhouses Regulation (Cap. 132 sub. leg. BU))”.

- (52) Schedule 2, Part I, item N.3, after “market”—

Add

“for fish or livestock”.

- (53) Schedule 2, Part I, item O.2—

Repeal

“or dry storage for not less”

Substitute

“for more”.

- (54) Schedule 2, Part I—

Repeal items O.3 and O.4

Substitute

“O.3 An open air venue designed for horse racing with a capacity to accommodate more than 10 000 persons.

O.4 An outdoor motor racing circuit (including one provided solely for training).”.

- (55) Schedule 2, Part I—

Repeal item P.2.

- (56) Schedule 2, Part I, item Q.1—

Repeal

“including new access roads, railways, sewers, sewage treatment facilities,”

Section 3

Substitute

“involving”.

- (57) Schedule 2, Part I, item Q.1(a)—

Repeal

“drainage, slopes and utilities”

Substitute

“sewers, slopes, public lightings (including their associated cabling) or utilities”.

- (58) Schedule 2, Part I, after item Q.1(a)—

Add

“(ab) minor maintenance works (including desilting works) relating to a drainage channel or river;”.

- (59) Schedule 2, Part I, item Q.1(b)—

Repeal

“minor public utility works including”.

- (60) Schedule 2, Part I, item Q.1(b)—

Repeal

“and”

Substitute

“or”.

- (61) Schedule 2, Part I, item Q.1(c)—

Repeal

“education and recreational”

Substitute

“educational, recreational or public enjoyment”.

- (62) Schedule 2, Part I, item Q.1(d)—

Repeal

Section 3

“and the management of vegetation”

Substitute

“or the management of vegetation or habitat”.

- (63) Schedule 2, Part I, item Q.1—

Repeal paragraphs (e), (f) and (g)

Substitute

- “(e) New Territories exempted houses or their associated structures or facilities (including drainage and sewerage);
- (f) footpaths or sitting out areas, or their associated facilities;
- (g) facilities (including firefighting, power supply or water supply facilities, toilets and sewers (including their associated sewage treatment facilities)) or works (including slope, drainage and road works) relating to the management and protection of marine parks, marine reserves, country parks, sites of special scientific interest, conservation areas or special areas;”.

- (64) Schedule 2, Part I, item Q.1(h)—

Repeal

“country parks and special areas, marine parks and marine reserves”

Substitute

“country parks, special areas, marine parks or marine reserves”.

- (65) Schedule 2, Part I, item Q.1—

Repeal paragraphs (i) and (j)

Substitute

Section 3

- “(i) maintenance of, or improvement works to, existing waterworks;
 - (j) works involving trench excavation (with a trench width of not more than 1.5 m) for the provision of underground water or sewage pipes (including any associated works for fittings or valves);
 - (k) the following works that do not involve trench excavation—
 - (i) works for the provision of underground water or sewage pipes; or
 - (ii) works for the provision of above ground water or sewage pipes with a diameter of 450 mm or less (including any associated works for fittings or valves);
 - (l) works for the provision of water tanks;
 - (m) works for the provision of hydrological stations (including any associated works);
 - (n) works carried out for village supply schemes, including schemes for electricity or gas supply, telecommunications, public lightings (including their associated cabling), water supply and sewerage; or
 - (o) helipads, or any other facilities, provided solely for the provision of firefighting or medical services, or solely for law enforcement, security (including national security), life-saving or otherwise ensuring personal safety, or any other emergency use.”.
- (66) Schedule 2, Part I—

Repeal item Q.2

Substitute

Section 3

- “Q.2 An underground rock cavern with a portal that is less than 100 m from the nearest boundary of an existing or planned—
- (a) residential area;
 - (b) place of worship;
 - (c) educational institution;
 - (d) health care institution;
 - (e) site of special scientific interest;
 - (f) site of cultural heritage;
 - (g) country park;
 - (h) special area;
 - (i) conservation area;
 - (j) bathing beach;
 - (k) marine park; or
 - (l) marine reserve.”.

- (67) Schedule 2, Part II—

Repeal item 2

Substitute

“2. A petroleum refinery with a production capacity of more than 500 tonnes per day.”.

- (68) Schedule 2, Part II, item 3, after “incinerator”—

Add

“with an installed capacity of more than 500 tonnes per day”.

- (69) Schedule 2, Part II—

Repeal items 4 and 5

Substitute

Section 3

- “4. An electricity power plant running on fossil fuel with a production capacity of more than 100 megawatts.
5. A gas generation plant for the production of town gas (as defined by section 2 of the Gas Safety Ordinance (Cap. 51)) with a production capacity of more than 10 million m³ per day.”.

(70) Schedule 2, Part II—

Repeal item 6.

(71) Schedule 2, English text, Part II, item 8—

Repeal

“pulverised”

Substitute

“pulverized”.

(72) Schedule 2, Part II, item 9—

Repeal

“melting capacity exceeding”

Substitute

“a production capacity of more than”.

(73) Schedule 2, Part II, item 10—

Repeal

“works”

Substitute

“plant with a production capacity of more than 70 000 tonnes per annum”.

(74) Schedule 2, Part II—

Repeal item 11

Substitute

“11. A depot for the storage of, or a manufacturing plant for the manufacture of, explosives (as defined by section 2 of the Dangerous Goods Ordinance (Cap. 295)).”.

(75) Schedule 2, Part II, item 12, after “facility”—

Add

“with a storage capacity of more than 80 000 tonnes”.

(76) Schedule 2, English text, Part II, item 13—

Repeal

“exceeding”

Substitute

“of more than”.

(77) Schedule 2, Part II, item 14—

Repeal

“with a storage capacity exceeding”

Substitute

“or hydrogen with a storage capacity of more than”.

(78) Schedule 2, English text, Part II, item 15—

Repeal

“ores with a storage capacity exceeding”

Substitute

“ore with a storage capacity of more than”.

(79) Schedule 2, Part II, item 16—

Repeal

“oil with a storage capacity exceeding 200”

Substitute

Section 4

“petroleum with a storage capacity of more than 1 000”.

(80) Schedule 2, Part II—

Repeal item 17

Substitute

“17. A ship building or ship repairing yard (including its associated facilities) that is of more than 1 ha in size or with a lifting capacity of more than 20 000 tonnes.”.

4. Schedule 3 amended (major designated projects requiring environmental impact assessment reports)

(1) Schedule 3—

Repeal item 1

Substitute

“1. An urban development or redevelopment project covering an area of more than 50 ha.”.

(2) Schedule 3—

Repeal item 2.

TSE Chin-wan
Secretary for Environment and
Ecology

28 April 2023

Explanatory Note

Under the Environmental Impact Assessment Ordinance (Cap. 499) (*Ordinance*)—

- (a) environmental permits are required for the construction or operation of designated projects listed in Part I of Schedule 2 to the Ordinance (*Schedule 2*) or for the decommissioning of designated projects listed in Part II of Schedule 2; and
- (b) in general, the preparation of environmental impact assessment reports is required for planning designated projects listed in Schedule 2 or Schedule 3 to the Ordinance (*Schedule 3*).

2. This Order amends Schedule 2 to—

- (a) add the following items to Part I of Schedule 2 so that they become designated projects listed in that Part—
 - (i) a wind power plant with a production capacity of more than 100 megawatts; and
 - (ii) a hydrogen storage, transfer and trans-shipment facility with a storage capacity of more than 200 tonnes;
- (b) add a store for hydrogen with a storage capacity of more than 200 tonnes to Part II of Schedule 2 so that it becomes a designated project listed in that Part;
- (c) remove certain items from Part I or II of Schedule 2 so that they cease to be designated projects listed in that Part;

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- (d) in respect of projects of certain classes, adjust the criteria for their being listed in Part I or II of Schedule 2 as designated projects; and
 - (e) make minor textual amendments to the descriptions of such classes of projects.
- 3. The Order also amends Schedule 3 to, in respect of urban development or redevelopment projects, adjust the criteria for their being listed in Schedule 3 as designated projects.