

EPD appeals against Court of First Instance's judicial review decision on proposed public housing development at Fanling Golf Course

The Environmental Protection Department (EPD) today (December 30) filed an appeal to the Court of Appeal (CA).

A spokesman for the EPD stated that after conducting a detailed review of Court of First Instance (CFI)'s ruling with the legal team, the department cannot agree with parts of the rulings and has therefore decided to appeal. The grounds for appeal are as follows:

1. The Environmental Impact Assessment Ordinance (EIAO) clearly stipulates the mechanisms and timelines for public consultation, appropriately balancing the needs for public participation and project development certainty. The CFI's judgment essentially requested for additional public consultation which is beyond the scope of the statutory framework established by the EIAO, which would make it impossible to reasonably conduct the entire environmental impact assessment process normally and would cause continuous delays, creating detrimental impacts and uncertainty on project development, contrary to the legislative intent of the EIAO.
2. The ruling would have significant systemic impacts on ongoing and future environmental impact assessments, in particular, it may lead to serious delays in development, operation and execution of the development proposals.

The EPD decided to appeal to the CA aiming to clarify the legitimate and practicable interpretation of the relevant legislations to ensure the certainty, rationality, and operability of the legal framework, as well as the specific implementation of the EIAO processes.