

Regulatory Framework for Opening, Operating and Closing a Business

Disclaimer: Any information rendered in this document is for general references only and should not be considered as legal advice. Users are strongly advised to seek independent legal advice if they are in doubt of their legal position.

Business Location – Environmental Permits

No.	Regulatory Framework	Link
<i>Environmental Risks in Construction Project</i>		
1.	Classifying building construction projects based on their potential environmental impact	<p>➤ Cap. 499 Environmental Impact Assessment Ordinance</p> <p>➤ Environmental Impact Assessment Ordinance website</p>
2.	Addressing the following environmental risks associated with building construction projects: <ul style="list-style-type: none">• Risks that may affect biodiversity and natural resources, potentially threatening the protection, conservation, maintenance, and restoration of natural habitats and biodiversity, including ecosystems, protected areas, and forests• Risks that may cause physical or biological hazards, such as contamination of air, water, soil, or noise• Risks that may require pest management measures, such as pesticides or other chemicals	

No.	Regulatory Framework	Link
	<ul style="list-style-type: none"> • Risks that may generate or release pollutants, such as wastewater, solid waste, or air emissions, and require measures to prevent or mitigate pollution • Risks that may affect water resources, including water quality, quantity, and access, and require measures to manage and conserve water resources 	
<i>Environmental Permits Requirements for Construction</i>		
3.	Mandating permits to prevent pollution (air, water, soil) during or from construction projects in the building industry and establishing penalties or fines to enforce compliance	➤ Cap. 358 Water Pollution Control Ordinance ➤ Cap. 311 Air Pollution Control Ordinance ➤ Cap. 400 Noise Control Ordinance
4.	Mandating permits to govern waste management and recycling during or from construction projects in the building industry and establishing penalties or fines to enforce compliance	➤ Cap. 354 Waste Disposal Ordinance
5.	Mandating permits to govern wastewater treatment during or from construction projects in the building industry and establishing penalties or fines to enforce compliance	
6.	Mandating permits to govern extraction of water resources during or from construction projects in the building industry and establishing penalties or fines to enforce compliance	➤ Section 29, Cap. 102 Waterworks Ordinance

No.	Regulatory Framework	Link
<i>Criteria Triggering an Environmental Impact Assessment (EIA)</i>		
7.	<p>Criteria triggering an EIA in Hong Kong for a building construction project:</p> <ul style="list-style-type: none"> • Size of the project (e.g., surface area of the project, number of floors, parking lots) • Geographical location of the project (e.g., environmentally sensitive locations, cultural heritage) • Environmental impact (e.g., changes to land use, pollution, human health and safety) 	➤ Cap. 499 Environmental Impact Assessment Ordinance
<i>Qualified Professional</i>		
8.	Mandating an EIA to be conducted by a qualified professional or professional agency	➤ Technical Memorandum on EIA Process issued under Cap. 499 Environmental Impact Assessment Ordinance
<i>Requirements for an EIA Process</i>		
9.	<p>The EIA process including the following requirements:</p> <ul style="list-style-type: none"> • Scoping • Impact assessment • Mitigation measures • Public consultation 	➤ Technical Memorandum on EIA Process issued under Cap. 499 Environmental Impact Assessment Ordinance

No.	Regulatory Framework	Link
	<ul style="list-style-type: none"> Monitoring and follow-up 	
Disclosure of EIA Information		
10.	Mandating the public disclosure of relevant information from EIAs (i.e., Environmental Impact Statement)	➤ Cap. 499 Environmental Impact Assessment Ordinance
Public Consultation		
11.	<p>Requiring the following activities and approaches to enable stakeholders to contribute to the decision making for EIAs:</p> <ul style="list-style-type: none"> Relevant information for EIA clearance is provided in formats and languages that are understandable and accessible to both project-affected and other interested parties Relevant information for EIA clearance is provided in accessible places, online, gazettes and media Capacity-building activities (such as training, resources, and technical assistance) are offered 	➤ Cap. 499 Environmental Impact Assessment Ordinance
Review of EIA Reports		
12.	EIA reports subject to a review by a responsible authority or body and offering formal guidelines and procedures for the EIA review process	➤ Cap. 499 Environmental Impact Assessment Ordinance ➤ Environmental Impact Assessment Ordinance website

No.	Regulatory Framework	Link
13.	Requiring that the formal review of EIAs be conducted by a qualified professional or an expert in EIAs	➤ Technical Memorandum on EIA Process issued under Cap. 499 Environmental Impact Assessment Ordinance
<i>Enforcement Mechanism</i>		
14.	Enforcing the final decisions on EIAs through penalties, fines, and other mechanisms	➤ Cap. 499 Environmental Impact Assessment Ordinance
<i>Liability for environmental damages</i>		
15.	Holding either the approving authority of an EIA or the project developer/owner liable If a project causes environmental damage	➤ Technical Memorandum on EIA Process issued under Cap. 499 Environmental Impact Assessment Ordinance
<i>Dispute Resolution Mechanism for Construction-Related Environmental Permits</i>		
16.	EIA decisions in Hong Kong SAR, China be disputed or appealed by affected parties	➤ Cap. 499 Environmental Impact Assessment Ordinance

Public Services that Facilitate Trade

[Including services provided by government bureaux and departments, and other public organisations]

Disclaimer: There are other digital public services that aim to facilitate business and compliance in Hong Kong. Please refer to the webpages of individual bureaux / departments / public organisations for details.

Business Location – Environmental Permits

No.	Public Services	Link
Digital Public Services		
1.	Electronic system that facilitates public consultation for environmental permitting	➤ Environmental Impact Assessment Ordinance website
2.	The fees for obtaining environmental permits in Hong Kong can be paid through an online payment system (i.e. a portal specialized in online payment transactions)	➤ Environmental Protection Interactive Centre
3.	Electronic system that facilitates the following: <ul style="list-style-type: none"> • Online communication between users and the authorities for obtaining environmental permits in Hong Kong • Online submission of documents for obtaining environmental permits in Hong Kong 	
4.	Final decisions on environmental permits can be appealed online	

No.	Public Services	Link
<i>Transparency of Information</i>		
5.	Requirements for submitting an application to obtain environmental clearances or permits for constructing a building in Hong Kong available online	➤ Legislative Framework
6.	Current fee applicable for environmental permits in Hong Kong as of September 2024 available online	➤ Fees
7.	Public, official and updated information that shows a list or total number of approved EIAs in Hong Kong SAR, China	➤ Environmental Impact Assessment Ordinance website