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致香港特別行政區政府環境運輸及公務局：

反對政府將建議的

「就指定產品的揮發性有機化合物含量實施強制登記及標籤規定規管計劃」

近年珠三角經濟急促發展，因工業生產、經濟活動、汽車數量和人口增長，空氣質素下降，環境運輸及公務局於2004年9月22日提出的「指定產品的揮發性有機化合物(VOC)含量實施強制登記及標籤規定規管計劃」。

香港化妝品同業協會支持政府採取有效的措施改善空氣質素。

但現今政府所提出的「先標籤、後管制」方案，並無深思熟慮，是一刀切方案，若急於强行推出，不獨無助於改善香港空氣質素，卻對香港的民生、經濟及國際地位有深遠的負面影響。所以香港化妝品同業協會（以下簡稱協會），建議政府應在諮詢文件中有關消費品清單（即附件A）《個人護理用品》，即第24—29 項目完全刪去，然後與業界詳細商討，尋找適合香港環境的可行性方案。

簡而言之，協會**支持**政府採取措施改善空氣質素意向，**反對**政府以「先標籤、後管制」及「產品一刀切」方式執行，並且，我們**建議**政府在香港業界的參與下和主要化妝品出口國協商，「先立指標、後管制」及以分階段「產品選擇性」方式執行，與國際步伐協調，這才是對香港及國際業界、市民、政府等多方面的「多贏方案」，協會懇請當局詳加考慮。

對民生的影響沉重

政府要求消費品（包括化妝品）在上市之前必須登記其產品揮發性有機化合物含量，並須提交由一間合適的本地或海外實驗室發出的測試報告，確認揮發性有機化合物的含量，和在產品標籤上印上 VOC%。目前估計每次產品入口所須的 VOC% 檢測費用由港幣(下同)數千元至數萬元，該產品成本因而至少升高 30% 以上，而由於法例帶來的種種限制，化妝品的品種必定大幅減少，對香港的消費者和海外的遊客而言是極為不利的。

化妝品是並非 VOC 主要源頭，VOC%標籤是苛政，壓逼自食其力的從業員

化妝品並非 VOC 主要源頭，VOC 排放量只佔本港整體的 1%，政府建議動用入獄六個月的最高刑責來壓逼化妝品業從業員就犯，本末倒置，正是一大苛政。

50%中小企會倒閉

香港化妝品行業牽涉廣泛，包括進口商、批發商、零售商、美容美髮業、直銷業，從業員超過十萬人，其中最多的是中小企。根據協會統計，在 2003 年度，香港化妝品的本地全年銷售約 28 億 5000 萬，以 2004 年度上半年計，則約為 19 億 5000 萬，充份反映自 2003 年七月間開始國內旅客透過自由行赴港帶給香港化妝品行業的裨益，開拓了不少新的就業機會（詳情可參考附件一）。另一方面，一般中小企代理的化妝護膚品品種約在 500 左右，檢測全部產品一次，費用就高達一千萬元，中小企平均的年營業額只有五百萬，估計會有超過一半(50%)的從事化妝品業的中小企倒閉，會失去超過五萬個就業機會。

唇亡齒寒，對旅遊業的影響深遠

化妝品是訪港遊客最喜歡購買的產品之一，在 SARS 之後，香港化妝品同業協會與香港旅遊發展局緊密溝通合作，協助旅遊業發展，寄望內地的「自由行」帶動旅遊業、零售業及化妝品業復甦，增加就業機會。若化妝品價格因 VOC%標籤法例大幅飆升，產品種類萎縮，購物天堂失色，唇亡齒寒，旅遊業也會受嚴重的打激。

國際上並無 VOC%標籤先例

全球並沒有一個國家／地區要求在消費品上印揮發性有機化合物的含量標籤。

美國化妝品業界代表和歐盟化妝品業界代表曾**面對面**再三向香港環境運輸公務局官員指出，**國際上並無 VOC%標籤先例**，直接向香港環境運輸公務局官員指出，他們對香港所提出在化妝品上打上 VOC%標籤，以及 VOC 引起空氣污染的警語不能理解和表示憂慮。而日本化妝品業界 Japan Cosmetic Industry Association (JCIA)亦表達了同等的關心。

進一步而言，美國 Cosmetic, Toiletry & Fragrance Association (CTFA) 向港府表示，目前有關 VOC 的建議是完全達不到目標的。CTFA 表示“*In our view, while the purpose of the proposal is laudatory, the proposal is overbroad and in many cases offer solutions which will not advance the goal of limiting VOCs*”（詳情可參考附件二）。此外，代表歐盟 23 國家之 The European Cosmetic, Toiletry & Perfumery Association (COLIPA) 則形容有關建議是完全不合比例，COLIPA 指出，“*considers that the proposed requirements are disproportionate to the objectives that want to be attained and they (i.e.HKSAR Government) also put in jeopardy the economic environment in Hong Kong*”（詳情可參考附件三）。

事實上，我們不厭其煩引述國際化妝品業界等關注，基本上是指出一項鐵一般的事實，像港府有關 VOC 的建議，是「超歐趕美」，且不貼近現實考慮，也同樣不能與國際接軌，哪為何要用香港化妝品行業作這如此輕卒的「實驗」呢？況且，香港化妝品在全部 VOC 的排放量只佔 1%。而且，協會積極注視全球化妝品法規協調的走向，派代表出席去年於東京由美國 CTFA、歐盟 COLIPA 和日本 JCIA 所共同主辦的「全球化妝品法規協調會議」，該會議有超過 70 個國家地區派出官員和業界出席。國際上已開始關注有關課題，在過去十年，美國已把產品中的 VOC 含量分七個不同階段循序漸進地降低，歐盟正著手草擬階段性指引。香港政府應主動與國際的化妝品出口地區作法規上的協調，而不是坐井觀天，無視國際大環境去閉門造車，劃地自限，將本地化妝品業自絕於國際社會之外。

「先標籤、後管制」方案是在設置技術性的貿易阻礙

香港 95% 化妝品是從各國進口，VOC% 標籤和種種限制，正是在設置技術性貿易阻礙，必會造成香港與國際貿易伙伴的磨擦，有可能向世界貿易組織提出投訴，有損香港作為一個自由港和金融中心的地位。

香港與加州所面對的問題並不完全相同，不可盲目照搬現今加州的模式

香港環境運輸公務局官員一再強調以美國加州空氣質素管理為模式，但不可不知美國加州從 60 年代開始，用了 40 年時間以循序漸進方式進行空氣質素管理階段式立法，而每一階段都進行深入的因果成效科學研究，廣邀產業、學術界分析階段性成果，研究下一階段可行性方案。

南加州的風向是由太平洋海洋往內陸吹，海洋風相當清潔；而香港風向是由珠江三角洲內陸向南方的香港和南中國海吹，內陸污染物隨風而至，污染物分佈和擴散模式與美國加州完全不同。香港上空充滿著對高濃度的珠江三角洲空氣污染物。大嶼山東涌山明水秀，人口稀少，卻是全港空氣污染最嚴重地區之一，空氣中常有煤炭味，該地區的空氣污染指數與人口不成比例。這可以說明香港本土的排放只佔一少部份，並非香港空氣污染問題之根源。

香港所面對的空氣主要污染源問題是珠江三角洲南下的污染物與美國加州的在處理完全來自於本土排放有基本上的分別。

香港環境運輸公務局聲稱現今建議要實行的模式，是參照目前加州的法例。首先，如前文所述，美國加州並無 VOC 標籤！再者，港府莫視加州與香港在面對空氣質素問題上污染源頭的基本分別，也莫視美國加州以廣邀產業、學術界去研究分析可行性方案的手法，以階段性、循序漸進方式立法的經驗。香港政府每每只懂得全盤照抄西方，知其然而不知其所以然，忽略香港獨特之環境和須要，只知盲目的要求一步到位，惘顧代價，不在污染物的主要來源下手，找只佔本地排放量 1%的化妝品業開刀，是在找代罪羔羊，相信不獨無助於改善香港空氣質素，卻會造成對香港的民生、經濟及國際地位有根本及結構性的傷害。

政府是要改善營商環境，扶助市民就業，還是要打破市民飯碗？

特首董建華先生信誓旦旦的要改善營商環境，促使經濟復甦，改善就業，而 VOC%標籤法例，卻是背道而馳，這違背了董特首的承諾，失信於民。

結論

香港化妝品同業協會建議政府應應在諮詢文件中有關消費品清單（即附件A）《個人護理用品》，即第24—29 項目完全刪去，然後，政府應設立與業界詳細商討的機制，以客觀、科學、循序漸進的原則，顧及香港獨特的環境、限制和須要，尋找適合和可行的方案。

此

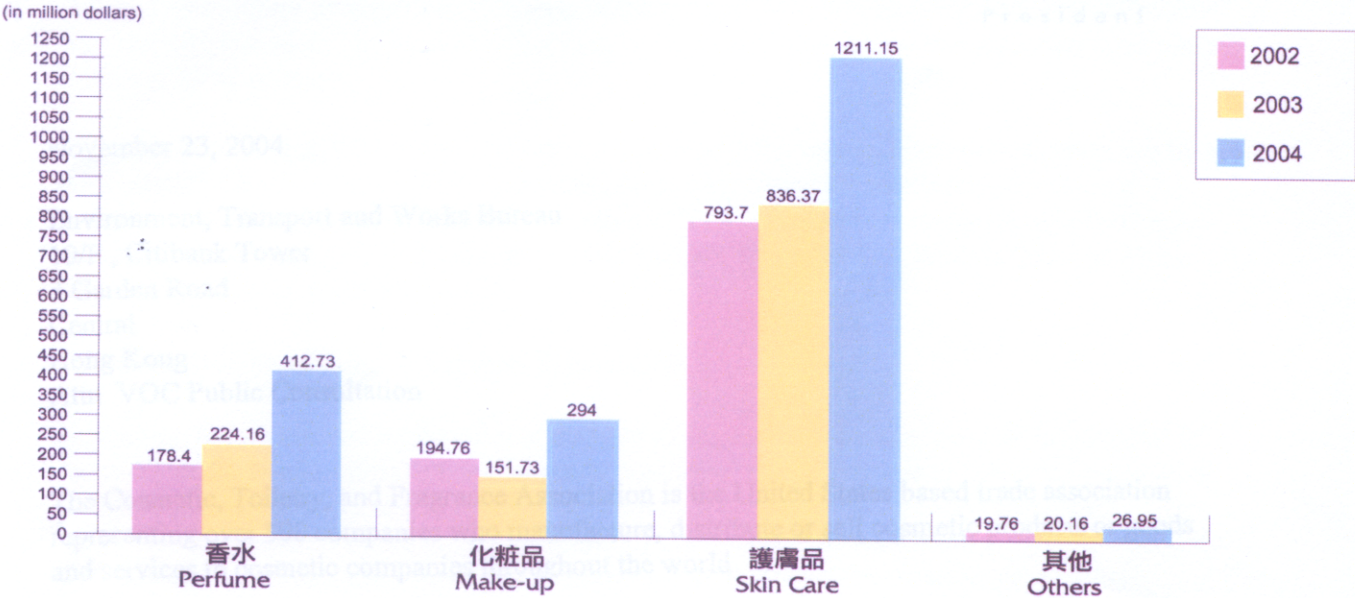
香港化妝品同業協會
2004 年 11 月 29 日

02-04年之首半年香港本地銷售

Hong Kong Domestic Trade Jan-June 02 / Jan-June 03 / Jan-June 04

香港本地市場進口淨值
(入口減去轉口數值)
Hong Kong Domestic Trade
(Import Minus Re-export)

百萬港元(million Hong Kong Dollars)			
	2002	2003	2004
香水 Perfume	178.4	224.16	412.73
化粧品 Make-up	194.76	151.73	294
護膚品 Skin Care	793.7	836.37	1211.15
其他 Others	19.76	20.16	26.95

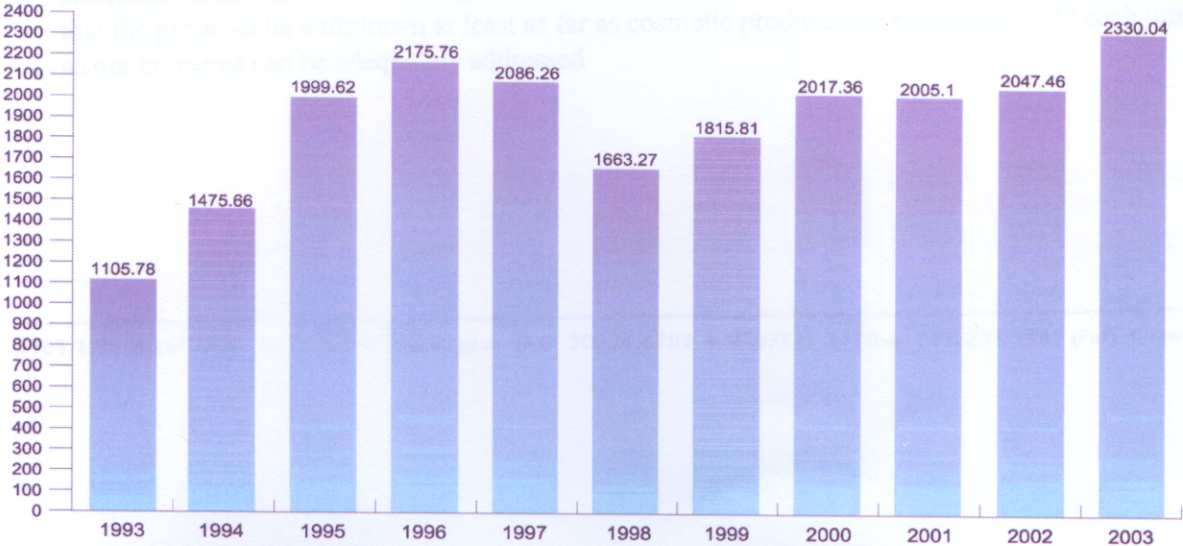


化粧品及護膚品 - 香港本地市場銷售 (1993-2003)

COSMETIC & SKIN CARE PRODUCTS - Hong Kong Domestic Trade (1993-2003)

化粧品及護膚品-香港本地市場進口淨值 (入口減去轉口數值)
Cosmetic & Skin Care products - Hong Kong Domestic Trade Import (Minus Re-export)

		百萬港元(million Hong Kong Dollars)										
化粧品及護膚品 Cosmetic & Skin Care Products	入口 Import	1517.72	2005.20	2618.71	2852.74	2743.47	2280.40	2335.91	2710.85	2749.41	2900.82	3473.26
	轉口 Re-export	411.94	529.54	619.09	676.98	675.21	617.13	520.10	693.49	744.31	853.36	1143.22
	淨值 Net	1105.78	1475.66	1999.62	2175.76	2086.26	1663.27	1815.81	2017.36	2005.10	2047.46	2330.04



Securing the Industry's Future Since 1894



E. Edward Kavanaugh
President

November 23, 2004

Environment, Transport and Works Bureau
10/F, Citibank Tower
3 Garden Road
Central
Hong Kong
Attn: VOC Public Consultation

The Cosmetic, Toiletry, and Fragrance Association is the United States based trade association representing over 500 companies who manufacture, distribute or sell cosmetic products or goods and services to cosmetic companies throughout the world.

The CTFA has worked closely with government agencies at both the Federal and State level in the U.S. in order to address the issue of volatile organic compounds (VOCs). Numerous references are made to the California experience with regard to VOCs and it should be noted that CTFA has been closely involved in the development of the California rules with regard to VOCs. The California rules are the product of many years of experience of what is doable and what are worthwhile mechanisms for accomplishing the goals of limiting VOCs without unnecessary or costly regulatory burdens that have no real impact on the set goals.

It is in this spirit that we offer our comments with regard to the "Proposed Scheme to Require Mandatory Registration and Labeling of the Contents of Volatile Organic Compounds in Specified Products".

In our view, while the purpose of the proposal is laudatory, the proposal is overbroad and in many cases offers solutions which will not advance the goal of limiting VOCs. We do not believe sufficient consideration has been given to the concerns raised in the comments below and request that the proposal be withdrawn at least as far as cosmetic products are concerned until such time as our concerns can be adequately addressed.

STAGE 1 – Mandatory Registration and Labeling Scheme

8. Mandatory Labeling of VOC Contents

No other country or jurisdiction, including the state of California, has required mandatory VOC content labeling for personal care products because of concern that such information may confuse or mislead consumers. It is unlikely that mandating a VOC content number will steer consumers to lower VOC products.

The requirement that VOC content appear on a product label was required several years ago by a U.S. state for a consumer product. However, the state dropped the requirement because it became clear that consumers did not know what a “VOC” was and generally thought that “more is better,” so that a product with a higher VOC number was a “better” product than one with a lower VOC content number.

13. Registration of Specific Product Information

Requiring the pre-market registration of detailed and complex consumer product information is contrary to the trend in jurisdictions currently regulating VOCs which is to lessen the paperwork burden on manufacturers and to give government staff time to concentrate on significant environmental concerns. If a government agency has concerns about compliance, their VOC rule gives them the authority to contact the manufacturer of a product for detailed information.

14. Testing of VOC Contents – VOC Reports

None of the U.S. states with VOC rules and the U.S. Environmental Protection Agency (EPA) national VOC rule do not require the pre-market submission of testing reports for any products. The agencies recognize the huge cost to companies, so have adopted provisions that allow the government to ask manufacturers to substantiate the VOC content in their products if they have concerns about compliance.

15. Labeling

“VOCs Cause Air Pollution” Statement on Label

Requiring such an “air pollution” label on consumer products with VOCs unfairly singles them out while products such as cars emitting VOCs are not required to bear such a label. Also, as manufacturers reformulate consumer products to meet lower VOC standards, why should they be penalized for such progress by having to label their products as polluting?

Registration Number

The mandatory issuance of a registration number and placing it on a consumer product sold in Hong Kong is completely unnecessary and does not give the agency additional, useful information. In fact, the purpose of having a registration number system is not explained in the proposal.

If the EPD has a concern about how to track a product sold in Hong Kong back to a manufacturer, there are less burdensome, existing ways to do that without issuing registration numbers to thousands of consumer products

Finally, nowhere in the US, including California and at the national level with the U S EPA, is there a requirement to obtain pre-market registration numbers for personal care products with VOCs because the government recognizes that it likely could interfere with the timely marketing of a product and is unnecessary to implement an enforceable regulation

16. Reporting of Sales Records

The annual submission of sales information is unnecessary and burdensome for several reasons. First, it is questionable why tracking year-to-year variations of sales is useful if the EPD is going to pursue two Stages of VOC regulation effective 2007 and 2010.

Instead, the EPD should choose one recent year's sales data before the rulemaking begins to have the latest sales trends. Submitting sales data for 2007, 2008 and 2009 requires great effort on industry's part and is not necessary to adopt the EPD's rules.

In addition, any collection of information on a company's sales for a product should be based on a product category (e.g., hairsprays) and not be required for each product with a registration number as is proposed. Aggregating sales information for a product category will provide the agency accurate data without the huge reporting burden in the current proposal. Finally, the proposed rule should include a citation in the EPD rules or statutes that grant protection to Confidential Business Information such as sales data.

17. Offences and Penalties

The proposed imposition of "imprisonment of up to six months for non-compliance" far exceeds a reasonable penalty for what could be a good faith mistake or unfamiliarity with the rule. In the U S, the imposition of significant monetary fines if such environmental laws are not followed and the real threat of not allowing the sale of a company's product has been a very effective tool in enforcing the state and federal consumer product VOC rules.

The EPD proposal justifies imposing criminal penalties such as imprisonment for violation of VOC labeling and registration requirements because there are similar penalties for submitting false information when registering personnel for asbestos work. The comparison is inappropriate because the health and societal harm of violating asbestos laws far exceeds the impact of a VOC labeling or registration lapse.

18. Transitional Period

The proposal states that the registration and labeling requirements should go into effect six months after enactment, but this is not adequate time for manufacturers and importers to comply.

19. Cost Implication

In its current form, the proposal states that the cost impact would be minimal, but in fact, it would impose huge and very significant costs on companies facing the enormous task of re-labeling, registration number waiting periods, submitting testing records for each product and other near impossible requirements

Annex A – List of VOC Containing Consumer Products to be Regulated under the Proposed Registration and Labeling Scheme

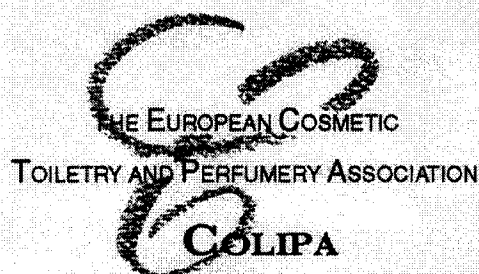
One of the product categories listed in the annex is nail polish and polish remover. This category has been exempted from the California VOC rules because it was recognized by California that technical and performance barriers made it impossible to reformulate these products. Some of these barriers included the fact that wearability would be compromised because the wear time would be shortened if substitutes were used. This would increase the frequency of applications, thus thwarting the air quality gains. Longer drying times would result, a consequence that is unacceptable to consumers. There was also concern that alternate technologies could increase consumer and occupational health risks. There were no feasible alternatives and the quality of the proposed alternatives was insufficient in that key performance attributes were lost (i.e. gloss, adhesion, stability, application and durability). For all of these reasons, California exempted nail products from the VOC regulations and we request the same be done with regard to Hong Kong.

We would be pleased to discuss any of the issues raised in these comments.

Sincerely,



Louis G. Santucci
Vice-president, International



**PROPOSAL FOR A VOLATILE ORGANIC COMPOUNDS (VOCs) SCHEME
IN HONG KONG**

COLIPA COMMENTS

25 November 2004

Colipa, the European Cosmetics, Toiletry and Perfumery Association, was set up in 1962 to act as a voice for the European cosmetic, toiletry and perfumery industry. Colipa membership consists of the national cosmetics industry associations of 23 European Union Member States, 26 major international companies and 9 associated/observer international cosmetics industry associations.

Colipa welcomes the opportunity to comment on the proposed scheme on Volatile Organic Compounds (VOCs) in Hong Kong. Overall, Colipa supports the objective pursued by the proposed scheme, namely the protection of the environment in Hong Kong and the awareness of Hong Kong consumers in relation to VOCs. Nevertheless, Colipa believes that the requirements foreseen in the proposed scheme would impose a very high administrative and economic burden on companies operating on the Hong Kong market. Colipa considers that the proposed requirements are disproportionate to the objectives that want to be attained and they also put in jeopardy the economic environment in Hong Kong. Colipa suggests that a socio-economic impact analysis is made before introducing the proposed VOC scheme in Hong Kong. Also, Colipa believes that any measure taken by the Hong Kong Assembly takes into account the contribution of the sector to the overall air pollution problem.

In addition, in order to achieve the above-mentioned legitimate policy objectives while, at the same time, not imposing a too-high economic burden on companies operating in the Hong Kong market, Colipa calls on the Hong Kong Authorities to consider the following changes to the proposed scheme.

Definition and scope of the proposed scheme

Colipa believes it is of paramount importance to include a technical definition of VOC in the final piece of legislation. Colipa is ready to provide technical assistance in the coming months on this aspect, taking into account the current discussions in the European Union in relation to a possible European Union definition on VOCs for cosmetic products, which are not concluded yet.

Secondly, the proposed VOC scheme would impose certain restrictions on some consumer products (including certain cosmetic products) simply because they fall within the definition of a certain product category without consideration of the amount of VOC actually employed. Colipa strongly believes that it is not proportionate to treat in the same way products that have no or low percentage of VOCs as those that do contain a considerable percentage of VOCs.

In relation to specific product categories, as referred to in Annex A of the proposed scheme, it is worth mentioning that the Californian Air Resources Board (CARB) decided not to include the category of nail polishes in the latest revision of the Californian VOC law. Colipa believes the same approach should be therefore also followed in the proposed Hong Kong VOC scheme.

Labelling requirements

The labeling requirements, as foreseen in the proposed scheme, go much beyond the requirements in other countries. Colipa believes they are disproportionate to the policy objectives that are pursued and that a international benchmark should be made comparing the labeling requirements in other countries.

In particular, Colipa believes there is no need to include on labels neither the warning "*VOCs cause pollution*", nor the exact percentage of VOCs in the product formula, nor the registration number of the product. Public awareness on VOCs and their environmental considerations is a complex technical matter and the information on a product's label cannot convey such information. As an alternative, there are various possibilities much more effective to communicate with consumers on VOCs, such as public awareness campaigns, which do not have such a high risk to mislead consumers.

Testing requirements

Companies responsible for putting products on the market are in a good position to provide the percentage of VOCs in the product formulae as they hold the ultimate technical responsibility on the composition and safety of their products. Colipa believes it is not proportionate to require companies to request external laboratories to carry out an analysis of the percentage of

VOCs in the product formulae as this information is easily available from each producer. Such a requirement would imply high costs on companies. Colipa proposes instead a submission of the percentage of VOCs in the product formula to the Hong Kong Authorities by each individual company. Only in the case that the Hong Kong Authorities consider there is need for a detailed analysis of the percentage of VOCs for a specific product, companies should then be requested to carry out an external analysis of the percentage of VOC in the given product.

Registration system

A system of registration of products creates a lot of paperwork with no added benefit to the consumer. A notification system, whereby cosmetic companies would inform the authorities of the putting on the Hong Kong market of a product should suffice. The notification of the product would include the relevant information on the product formula (percentage of VOCs), which would allow the Authorities to assess the presence or not of VOCs. Authorities may, according to this information, request companies to provide them with further information, upon request.

Fines

Colipa believes the fines included in the proposed scheme are disproportionate to the damage that may be caused by infraction.

* * *

24 November, 2004

TO:
Environment, Transport and Works Bureau
10/F., Citibank Tower, 3 Garden Road
Central, Hong Kong

Fax : 2509 8857

Dear Sirs:

IFRA STATEMENT ON PROPOSED VOC LEGISLATION IN HONG KONG

IFRA, the International Fragrance Association, was founded in 1973 to represent the collective interests of the fragrance industry worldwide. IFRA's primary concern is to ensure the highest level of safety of the ingredients used in the fragrance industry. Its membership comprises national associations of fragrance manufacturers worldwide, including China. IFRA's national member associations cover more than 95% of the total worldwide market for fragrances.

IFRA's Code of Practice is binding on its members and currently comprises more than 100 restrictions called Standards. The Standards ban or restrict the use of fragrance ingredients or set special purity criteria for them. The Code of Practice and Standards are available on IFRA's website (www.ifraorg.org).

The fragrance industry takes consumer health and safety very seriously. Its four-step safety process includes an understanding of the history of materials safely used in fragrances, extensive safety tests by the manufacturers of those materials, thorough testing by the Research Institute for Fragrance Materials (RIFM), and safety tests conducted by the manufacturers of consumer products that these materials enhance.

Having carefully reviewed the proposed regulatory scheme for Volatile Organic Compounds (VOC's) in Hong Kong, IFRA is pleased to offer the following comments.

Overall and consistent with its primary concern for the safety of fragrance ingredients, IFRA supports the basic objective of the regulation to protect the environment in Hong Kong and develop the awareness of its consumers as to the safety of products they use, including VOC's. Nonetheless, in IFRA's opinion, the administrative requirements presently proposed in the draft regulation, would impose an unduly burdensome process on companies operating in Hong Kong, a burden IFRA believes would far outweigh the marginal benefits obtained, especially when such objectives can be procured through other means. Those alternatives have been carefully considered and adopted in other jurisdictions that share the concerns of the Hong Kong authorities in proposing the subject regulations. Therefore IFRA urges the Hong Kong authorities to review the less onerous solutions thus adopted and thereby limit the undue economic hardship on fragrance companies and their customers operating in the Hong Kong market, which would otherwise result from the regulations as proposed.

Definitions of VOC's and Fragrances

IFRA believes that a technical definition of the term 'Volatile Organic Compounds' is needed to help guide the industry in complying with the proposed regulation. Moreover, given the unique properties and intended purpose of those very important components of household and cosmetic products, we believe a clear definition of "Fragrances" should be established to facilitate the exact understanding and implementation of the legislation.

Together with RIFM, IFRA is widely considered to have the broadest scientific knowledge and experience on the safety aspects of fragrances and fragrance ingredients. In that context, it has consulted with many national regulatory authorities worldwide on regulatory matters dealing with the safety and environmental aspects of fragrances and VOC's. This often includes setting up workshops on topics of interests. IFRA would be pleased to conduct such a workshop for the Hong Kong regulatory authorities involved in drafting the subject regulations. This could consist of the presentation and discussion of the scientific and technical information needed to develop and support the public policy decisions required for an effective air pollution control program dealing with fragrances and VOC's, as well as a review of successful alternatives adopted in other countries.

By the nature of their intended function and properties, fragrances must have some degree of volatility in order to be perceived. Regulatory authorities have recognized these important properties and the benefits of fragrances, and as a result, developed and implemented a consistent definition for fragrances from which they may be recognized and regulated in their VOC regulations. For example, in the U.S. state of California, VOC regulations define a fragrance as "a substance or complex mixture of aroma chemicals, naturals essential oils, and other functional components with a combined vapor pressure not in excess of 2 mm of Hg at 20 C, the sole purpose of which is to impart an odor or scent, or to counteract a malodor". The U.S. Federal guideline has a similar definition for a fragrance.

Labeling Requirements

IFRA encourages that the proposed requirements be harmonized with other existing national legislation as they would otherwise impose an unnecessary burden on the fragrance manufacturers and their customers operating in Hong Kong. The Labeling requirements that would be imposed under the proposed regulations exceed those of other similar national regulations, which have achieved the very objectives targeted by the proposed legislation.

Testing Requirements

Fragrance companies already have the responsibility for knowing the exact technical composition and the safety of their products and as such are already fully aware of the percentage of VOC's in their products. The onerous requirement for consumer and cosmetic product companies to have their products tested by external laboratories for the percentage of VOC's, far exceeds any requirement by other national legislation, worldwide. The requirement for external testing, while not offering any additional advantage toward the regulation's purpose, would impose substantially higher costs on the fragrance producers and their customers. The goal of that requirement could be easily achieved by requiring that each company putting a product on the Hong Kong market submit to the local authorities the percentage of VOC's in that product. Should there be reasonable cause for requiring further testing by outside agencies of the VOC percentage contained, this would then be arranged.

The fragrance industry cooperates closely with consumer and cosmetic product companies to ensure compliance with similar VOC regulations. For example, in the U.S. state of California, which so far has enacted the most stringent regulation on VOC's, manufacturers are not required to measure VOC's, but instead the regulators regularly spot check products on the market, and conduct analyses of those products to ensure compliance.

Registration Requirements

The proposed registration procedure would not help to advance the legislative purpose while adding significant burden to fragrance companies and their customers. Here again, the goal of the legislation could be easily met by requiring each party putting a product on the Hong Kong market to submit to the appropriate authorities all relevant information on that product, including the percentage of VOC's contained. Should there be a reasonable need for further information, those can then be easily requested and provided.

We look forward to hearing from you.

Yours sincerely,

Richard Boncy
IFRA Executive Director

CC The Cosmetics & Perfumery Association of Hong Kong, Fax +852 2312 0348

Messrs., Environment, Transport and Works Bureau

Nov. 29, 2004

Our comments for “A Proposed Scheme to Require Mandatory Registration and Labelling of the Contents of Volatile Organic Compounds in Specified Products”

We have known your struggle towards the emission reduction program for the improvement of the air quality of the Pearl River Delta Region.

Now we would like to address our comment for “A Proposed Scheme to Require Mandatory Registration and Labelling of the Contents of Volatile Organic Compounds in Specified Products”, addressed on Sep. 22, 2004, as follows;

1. The category of the coverage

In order to improve the air quality, the major source of emission (including both fixed and unfixed sources) should be regulated for the firsthand, and further regulation should be made after that, confirming the effect or result of the first trial. Even in such case, when regulating the commodities for consumers, the products that contain the VOCs, which have higher negative effects on air condition, should be prioritized.

2. Regarding the definition of the VOCs

Since your “A Proposed Scheme to Require Mandatory Registration and Labelling of the Contents of Volatile Organic Compounds in Specified Products” doesn't have clear indication for the target material which corresponds to the VOCs definition, it is rather hard to comment precisely, but we propose to specify the limited material as possible, considering the degree of impact on the air quality

3. Regarding the coverage of VOCs

Under the “List of VOC Containing Consumer Products to be Regulated under the Proposed Registration and Labelling Scheme”(designated consumer products) which is attached to “A Proposed Scheme to Require Mandatory Registration and Labelling of the Contents of Volatile Organic Compounds in Specified Products”, the personal care products are listed from No.24 to No.29.

Regarding these 5 products except No.27, if you assume Liquefied Petroleum Gas and ethanol as VOCs, we do hope to remove them from the target substance, since there is no substitute for these two substances.

Our comments for “A Proposed Scheme to Require Mandatory Registration and Labelling of the Contents of Volatile Organic Compounds in Specified Products”

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In addition, regarding No.27, nail polish (collar)/ nail polish remover, your proposed regulation is stricter than the content of VOC regulation in the USA. So, we would also hope you to remove No.27 from the “List of VOC Containing Consumer Products to be regulated under the Proposed Registration and Labeling Scheme”.

4. Regarding the VOC content by amount and the labeling of the warning message

In Japan, there is neither regulation for the amount of VOC content nor responsibility for any labeling.

No problem has been cast by consumers at all so far, in Japan.

Reference: Japan Cosmetic Industry Association is an association of cosmetic manufacturers and established in 1959. The current number of the member is 764.

Best regards,

A handwritten signature in black ink, reading "T. Makino". The signature is written in a cursive, flowing style.

Toshitaka MAKINO

Senior Management Director

Japan Cosmetic Industry Association