

立法會
Legislative Council

LC Paper No. CB(1) 827/06-07
(These minutes have been seen
by the Administration)

Ref : CB1/HS/1/06/1

**Subcommittee to Study Issues Relating to the
Air Pollution Control (Volatile Organic Compounds) Regulation**

**Minutes of first meeting
held on Thursday, 18 January 2007, at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon Martin LEE Chu-ming, SC, JP
Hon SIN Chung-kai, JP
Hon Howard YOUNG, SBS, JP
Hon CHOY So-yuk, JP
- Members absent** : Hon CHAN Yuen-han, JP
Hon Emily LAU Wai-hing, JP
Hon Vincent FANG Kang, JP
- Public officers attending** : Environmental Protection Department

Mr TSE Chin-wan
Assistant Director (Air Policy)

Mr PANG Sik-wing
Principal Environmental Protection Officer
(Air Policy)

Mr SHIU Lik-king
Senior Administrative Officer (Air Policy Division)

Department of Justice

Mr Vidy CHEUNG Chi-wai
Senior Government Counsel

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Mrs Mary TANG
Senior Council Secretary (1)2

I Election of Chairman

Nominated by Mr Howard YOUNG and seconded by Mr Martin LEE, Ms Audrey EU was elected Chairman of the Subcommittee.

II Meeting with the Administration

(Air Pollution Control (Volatile Organic Compounds) Regulation (L.N. 258) gazetted on 24 November 2006

The Legislative Council Brief

LC Paper No. LS14/06-07

-- Legal Service Division Report

LC Paper No. CB(1)749/06-07(01)

-- List of outstanding issues

LC Paper No. CB(1)749/06-07(02)

-- Administration's response to LC Paper No. CB(1) 749/06-07(01)

LC Paper No. CB(1)749/06-07(03)

-- Submission from Federation of Beauty Industry (H.K.) (Chinese version only)

2. The Subcommittee agreed to accept the late membership of Ms Emily LAU.

3. The Subcommittee deliberated (Index of proceedings attached at **Annex A**).

4. The Administration was requested to-

(a) Provide an undertaking that it would consult the trades on the feasibility of imposing liability on retailers who knowingly sell regulated products exceeding the prescribed limits on volatile organic compounds (VOCs) under the Regulation;

(b) Review the drafting of sections 4(1)(a) and (b) to ensure that a label was affixed as prescribed on the container of a regulated paint regardless of whether it had packaging or not;

(c) Provide an undertaking that any alternative methods on the determination of VOC content of regulated paints would be uploaded onto the website of the Environmental Protection Department for public reference;

- (d) Re-consider the need for reports on regulated printing inks under section 11 if such reports were not required upon importation of the products. The requirement for reports might have accorded the Administration with excessive power, particularly when these reports were mainly used for statistical purpose but non-compliance or provision of misleading/false information would be subject to imprisonment under section 17; and
- (e) Consider replacing the phrase “a regulated product that” with “goods” under section 20 to ensure consistency with the definition of “goods in transit” under section 2.

5. Members agreed to the following schedule of meetings -

Thursday, 25 January 2007, at 8:30 am;

Tuesday, 30 January 2007, at 8:30 am;

Thursday, 8 February 2007, at 2:30 pm;

III Any other business

6. There being no other business, the meeting ended at 10:44 am.

Council Business Division 1
Legislative Council Secretariat
29 January 2007

**Proceedings of the first meeting of the
Subcommittee to Study Issues Relating to the
Air Pollution Control (Volatile Organic Compounds) Regulation
on Thursday, 18 January 2007 at 8:30 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action required
000000 - 000050	Mr Martin LEE Ms Audrey EU Mr Howard YOUNG	Election of Chairman Ms Audrey EU was elected Chairman of the Subcommittee	
000051 - 000455	Chairman Mr Martin LEE Administration	Discussion on the Administration's response under LC Paper No. CB(1)749/06-07(02) Mr Martin LEE's views - (a) Agreed to the revised definition of "manufacture" to exclude the process of solely adding colourant to the tint base of a regulated product; and (b) Would support the Regulation if the Administration would provide an undertaking that it would consider imposing liability on retailers who knowingly sold Volatile Organic Compounds (VOC)-containing products exceeding the prescribed limits. Administration's response - Agreed to consult the trades on the extension of VOC control to cover retailers Chairman's request - A written undertaking should be provided by the Administration for record purpose	The Administration to provide an undertaking that it would consult the trades on the feasibility of imposing liability on retailers who knowingly sold regulated products exceeding the prescribed limits on VOCs under the Regulation
000456 - 001301	Mr Howard YOUNG Administration	Mr Howard YOUNG's reservation on extending the control to retailers when liabilities had already been imposed on importers and manufacturers	

Time Marker	Speaker	Subject(s)	Action required
		Administration's response that it would adopt an open approach and would consult the trades in this respect	
001302 - 001320	Chairman	Acceptance of late membership of Ms Emily LAU	
001321 - 002706	Chairman Mr Martin LEE Mr Howard YOUNG Administration	Section-by-section examination of the Regulation Section 2 - Interpretation Definition on "goods in transit" Mr Howard YOUNG's concern - The definition might be valid for now to exclude land transport because it was unlikely that goods would be brought into Hong Kong from the Mainland via vehicle for the purpose of taking it back to the Mainland. However, this might not be the case after the opening of the Hong Kong-Zhuhai-Macau Bridge when land transport would become one mode of transportation Discussion on need to define "in transit" in section 20	The Administration to consider replacing the phrase "a regulated product that" with "goods" under section 20 to ensure consistency with the definition of "goods in transit" under section 2
002707 - 005028	Administration ALA4 Chairman Mr Howard YOUNG	Definition on "packaging" ALA4's concern - (a) Definition of "packaging" was non-exhaustive; and (b) For the protection of consumers, it was necessary to ensure labels were affixed on individual containers of regulated paints during the transitional period	The Administration to review the drafting of sections 4(1)(a) and (b) to ensure that a label was affixed as prescribed on the container of a regulated paint regardless whether it had packaging or not
005029 - 010300	ALA4 Chairman Administration	Section 3 - Prohibition on manufacture and import: regulated paints	

Time Marker	Speaker	Subject(s)	Action required
		Administration's explanation that regulated paints exceeding prescribed VOC limits would not be allowed to be imported or manufactured in Hong Kong after the specified dates as set out in section 3 but existing stocks would be exempted from the control	
010301 - 010700	Administration ALA4 Chairman	Sections 4 to 7 - Requirements for labels for regulated paints during the transitional period	
010701 - 010727	Administration	Section 8 - Requirement to submit a report : regulated paints	
010728 - 011649	Administration ALA4 Chairman	<p>Section 9 - Determination of VOC content : regulated paints</p> <p>Discussion on the alternative test methods to determine VOC content of regulated paints under section 9(2)</p> <p>Administration's explanation -</p> <p>(a) With the advance of science and technology, new methods which were technically equivalent to the test method specified in the Regulation might evolve;</p> <p>(b) There was a need for flexibility to enable the use of such alternatives; and</p> <p>(c) Schedule of the Air Pollution Control (Dry-cleaning Machines) (Vapour Recovery) Regulation (Cap 311T) contained a similar provision</p>	The Administration to provide an undertaking that any alternative methods on the determination of VOC content of regulated paints would be uploaded onto the website of the Environmental Protection Department for public reference.
011650 - 012119	Administration Mr SIN Chung-kai Chairman	Schedule 1	
012120 - 013043	Administration Mr SIN Chung-kai Chairman	Part 3 on regulated printing inks Section 10 - Prohibition on manufacture and import : regulated printing inks	

Time Marker	Speaker	Subject(s)	Action required
013044 - 014110	Miss CHOY So-yuk Administration	<p>Section 11 - Requirement to submit a report : regulated printing inks</p> <p>Mr SIN Chung-kai's concern that the provision might have accorded the Administration with excessive power, particularly when non-compliance or provision of misleading/false information would be subject to imprisonment under section 17</p> <p>Miss CHOY So-yuk's views -</p> <p>(a)Reporting requirement could be dealt with administratively rather than stipulating it in the Regulation,</p> <p>(b) Reports on the VOC-containing products should be presented upon importation;</p> <p>(c)Need to obtain samples of products, particularly those for industrial use, upon importation to Hong Kong for testing;</p> <p>(d) Air pollution control should not be confined to VOCs but should cover other pollutants, such as nitrogen oxides, as well; and</p> <p>(e)Whether additional measures would be taken to control certain regulated products which were found to have emitted excessive amounts of VOCs</p> <p>Administration's explanation -</p> <p>(a) Information in reports, such as sales volume of regulated products, was essential to assessing the effectiveness of the control regime in reducing emissions of VOCs. Similar reporting requirements were adopted in California;</p>	<p>The Administration to re-consider the need for reports on regulated printing inks under section 11 if such reports were not required upon importation of the products. The requirement for reports might have accorded the Administration with excessive power, particularly when these reports were mainly used for statistical purpose but non-compliance or provision of misleading/false information would be subject to imprisonment under section 17</p>

Time Marker	Speaker	Subject(s)	Action required
		<p>(b) If statistics indicated that VOC levels could not meet the 2010 emission reduction targets, consideration would be given to further tightening control on VOCs;</p> <p>(c) The reporting requirement was worked out after consultation with the trades as they had difficulties in providing the required information upon importation of the products. The trade strongly opposed any pre-registration and pre-notification scheme;</p> <p>(d) The purpose of the Regulation was meant to reduce VOC emissions and not to ban VOC-containing products; and</p> <p>(e) Spot checking on the VOC contents of regulated products would be carried out to ensure compliance</p>	
014111 - 014342	<p>Mr SIN Chung-kai Administration Chairman Miss CHOY So-yuk</p>	<p>Mr SIN Chung-kai's queries -</p> <p>(a) Information on sales volume could not provide accurate data on the amount of VOC emissions as some of the products might not be used until some time after the purchase;</p> <p>(b) Any methodology to ascertain the accuracy of information; and</p> <p>(c) Whether the methodology adopted to assess VOC emissions in 1997 was still applicable</p> <p>Administration's explanation -</p> <p>(a) As reports had to submitted each year, these would provide rather accurate records on the sales volume of the products which could provide useful reference for the calculation of the amount of VOC emissions; and</p>	

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		(b) The broad-brush method in 1997 based on population and industrial activities was no longer suitable for present day use to project VOC emissions	
014343 - 021219	Miss CHOY So-yuk Administration Chairman	Miss CHOY So-yuk's concerns on the need for testing VOC contents of regulated products Administration's explanation - (a) the present control scheme had balanced the interest between protection of the environment and operation of trades and cost of compliance; and (b) a review would be made after the scheme had been in operation for a while	
021220 - 021359	Chairman	Schedule of meetings	