

立法會
Legislative Council

LC Paper No. CB(1) 909/06-07
(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 second meeting
held on Thursday, 25 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 CHAN Yuen-han, JP
Hon SIN Chung-kai, JP
Hon Howard YOUNG, SBS, JP
Hon CHOY So-yuk, JP
Hon Vincent FANG Kang, JP
- Member absent** : Hon Emily LAU Wai-hing, 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 Meeting with the Administration

- (LC Paper No. CB(1) 796/06-07(01) -- List of follow-up actions arising from the discussion on 18 January 2007
- LC Paper No. CB(1) 796/06-07(02) -- Administration's response to LC Paper No. CB(1) 796/06-07(01))

Other relevant papers

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

The Legislative Council Brief

- LC Paper No. CB(1) 509/06-07(01) -- Assistant Legal Adviser's letter dated 29 November 2006 to the Administration
- LC Paper No. CB(1) 509/06-07(02) -- Administration's response to LC Paper No. CB(1) 509/06-07(01)
- LC Paper No. CB(1) 509/06-07(03) -- Assistant Legal Adviser's further letter dated 14 December 2006 responding to the Administration's reply (LC Paper No. CB(1) 509/06-07(02))
- LC Paper No. CB(1) 532/06-07(01) -- Administration's response to Assistant Legal Adviser's letter dated 14 December 2006 (LC Paper No. CB(1) 509/06-07(03))
- LC Paper No. CB(1) 616/06-07(08) -- Assistant Legal Adviser's further letter dated 22 December 2006 responding to the Administration's reply (LC Paper No. CB(1) 532/06-07(01))
- LC Paper No. CB(1) 616/06-07(09) -- Administration's response to LC Paper No. CB(1) 616/06-07(08)

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

2. The Administration was requested to -
 - (a) Consider amending sections 9, 12 and 15 such that any alternative test methods which were acceptable to the Authority for determining the volatile organic compound (VOC) content of regulated products could be adopted to allow greater flexibility. To also consider the feasibility of specifying in the Regulation the requirement for publishing such alternative methods on the official website with reference to other legislation;
 - (b) Consider replacing the term “re-test” under section 16(4) with “re-certification” to ensure consistency; and
 - (c) Provide a comparison table on the control regime on VOCs, including the coverage and time frames for different phases of control etc, between the State of California and Hong Kong.

II Any other business

3. There being no other business, the meeting ended at 10:38 am.

Council Business Division 1
Legislative Council Secretariat
7 February 2007

**Proceedings of the second meeting of the
Subcommittee to Study Issues Relating to the
Air Pollution Control (Volatile Organic Compounds) Regulation
on Thursday, 25 January 2007, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action required
000000 - 000736	Chairman Administration	Administration's explanation on its response to the list of follow-up actions arising from the discussion at the meeting on 18 January 2007 (LC Paper No. CB(1) 796/06-07(02))	
000737 - 001331	Mr Vincent FANG Administration	<p>Mr Vincent FANG's concern -</p> <p>(a) With the reduction in volatile organic compounds (VOC) content of hairsprays, consumers might tend to use more to achieve the desired effect, thereby releasing more VOCs in the atmosphere; and</p> <p>(b) Whether affected trades would need to report on all inventories of VOC-containing products annually</p> <p>Administration's explanation -</p> <p>(a) Effectiveness of hairsprays was not related to its VOC content which was meant to be a propellant only. However, change in formulation might affect the drying speed of the product and hence consumers' preference; and</p> <p>(b) Provision of inventories of VOC-containing products was not part of the reporting requirements in section 11, in which it was specifically stated that only sales volume needed to be reported.</p>	
001332 - 002117	Mr Vincent FANG Administration	<p>Discussion on the VOC content of insecticides and insect repellants</p> <p>Administration's explanation that consideration might be given to exempting insecticides and insect repellents if the reduction in VOC content of these products was proved to</p>	

Time Marker	Speaker	Subject(s)	Action required
		<p>increase the chances for outbreak of diseases. Conditions might be imposed to require the manufacturers concerned to lower the VOC contents of other products to offset the VOCs in exempted products.</p>	
002118 - 003119	Mr Martin LEE Chairman Administration	<p>Section 12 - Determination of VOC content: regulated printing inks</p> <p>Schedule 2</p> <p>Mr Martin LEE's suggestion of using "acceptable" to replace "equivalent" in sections 9, 12 and 15 as such would provide more flexibility in the choice of test methods</p> <p>Chairman's request to include in the Regulation the requirement for publishing the alternative test methods on the official website</p>	<p>The Administration to consider amending sections 9, 12 and 15 such that any alternative test methods which were acceptable to the Authority for determining VOC content of regulated products could be adopted to allow greater flexibility. To also consider the feasibility of specifying in the Regulation the requirement for publishing such alternative methods on the official website with reference to other legislation</p>
003120 - 004431	Mr Vincent FANG Administration Chairman Mr Martin LEE	<p>Section 13 - Prohibition on manufacture and import : regulated consumer products</p> <p>Mr Vincent FANG's concern -</p> <p>(a) Difficulties in ascertaining VOC content of products manufactured by countries with no VOC control; and</p> <p>(b) Whether European standards could be adopted for control of VOC in Hong Kong</p>	

Time Marker	Speaker	Subject(s)	Action required
		<p>Administration's explanation -</p> <p>(a) Consultation with the trades indicated that they were able to comply with the VOC control as presently drafted; and</p> <p>(b) Californian standards were adopted in Hong Kong for the control of VOC as both places were facing similar smog problems. Besides, European countries had yet to work out their control regime on VOC</p>	
004432 - 004456	Administration	Section 14 - Requirement to submit a report: regulated consumer products Schedule 3	
004457 - 004518	Administration	Section 15 - Determination of VOC content: regulated consumer products	
004519 - 005627	Chairman Administration Miss CHOY So-yuk Administration	Part 5 Section 16 - Limits on VOC emissions from lithographic heatset web printing machines	
005628 - 012211	ALA4 Chairman Administration Miss CHAN Yuen-han Miss CHOY So-yuk	<p>Discussion on the conditions under which the Authority "is not satisfied" with the result of certification under section 16(4)</p> <p>Administration's explanation -</p> <p>(a) The Authority could request for re-testing if it had doubts about the accuracy of certification;</p> <p>(b) The trades could appeal against the Authority's decision under the Air Pollution Control Ordinance, Cap. 311; and</p> <p>(c) Failure to comply with requirements under section 16 would be an offence</p>	The Administration to consider replacing the term "re-test" under section 16(4) with "re-certification" to ensure consistency
012212 - 012907	Mr Vincent FANG Chairman Administration	Discussion on the comparison with the control regime on VOCs between the State of California and Hong Kong	The Administration to provide a comparison table on the

Time Marker	Speaker	Subject(s)	Action required
			control regime on VOCs, including the coverage and time frames for different phases of control etc, between the State of California and Hong Kong
012908 - 013210	Chairman Miss CHOY So-yuk Administration	Further discussion on the testing and re-testing requirements under section 16	
013211 - 013430	Chairman ALA4 Administration	Part 6 Section 17 - Offences and penalties	
013431 - 014208	Mr SIN Chung-kai Administration Chairman Mr Vincent FANG Mr Martin LEE	Mr SIN Chung-kai's concern about the reporting requirement, particularly non-compliance due to the loss of information Administration's explanation - (a) The reporting requirements were necessary and appropriate and similar requirements had been imposed on many products or processes with environmental impacts; and (b) The intended licensing /registration requirements had been removed and the reporting requirements as proposed had been worked out in consultation with the trades	
014209 - 014511	Chairman Administration ALA4 Mr Martin LEE	Section 18 - Defences	
014512 - 014723	Administration	Section 19 - Presumption: date of manufacture or importation of regulated products; regulated products not in transit	

Time Marker	Speaker	Subject(s)	Action required
014724 - 014941	Mr Vincent FANG Administration	Mr Vincent FANG's enquiry on whether sale of stocks in hand which might have exceeded the new VOC limits was allowed Administration's explanation that the main purpose of the Regulation was to control VOC at source. Existing stocks imported before the new VOC limits took effect were allowed to be sold in the market	
014942 - 015444	ALA4 Administration Mr Martin LEE	Discussion on the evidential burden under section 19	
015445 - 015503	Chairman	Part 7 Section 20 - Regulation does not apply to goods in transit etc	
015504 - 015843	Administration ALA4 Chairman	Section 21 - Exemption by the Authority	
015844 - 020645	Chairman ALA4 Administration Mr SIN Chung-kai Mr Martin LEE	Section 22 - Requirement to keep records	