

立法會
Legislative Council

LC Paper No. CB(1) 910/06-07
(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 third meeting
held on Tuesday, 30 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 CHAN Yuen-han, JP
Hon SIN Chung-kai, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Vincent FANG Kang, JP
- Member absent** : Hon Martin LEE Chu-ming, SC, 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 Confirmation of minutes

(LC Paper No. CB(1) 827/06-07) -- Minutes of the meeting held on
18 January 2007

The minutes of the meeting held on 18 January 2007 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1) 829/06-07(01) -- List of follow-up actions arising
from the discussion on
25 January 2007

LC Paper No. CB(1) 829/06-07(02) -- Administration's response to LC
Paper No. CB(1) 829/06-07(01))

Other relevant papers

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

The Legislative Council Brief

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

3. The Administration was requested to -

- (a) review the names of the compounds under "exempt compound" in the Regulation to ensure consistency. To also include in the Legislative Council Brief on the Regulation to be issued by the Environmental Protection Department all the amendments proposed by the Subcommittee;
- (b) advise the anticipated improvement to the compliance rate of Air Quality Objectives after the implementation of the Regulation;
- (c) include in the tables comparing the proposed volatile organic compounds (VOCs) limits of Hong Kong with the California's standards the existing range of VOC contents of the products to be covered under the Regulation;

- (d) advise the manpower and financial resources earmarked for the enforcement of the Regulation. The Administration should step up enforcement, including tests of VOC contents of regulated products, to ensure compliance with the Regulation after it had come into operation; and
- (e) expedite the review of the Regulation, particularly on flat coatings, which was expected to take place one year after its implementation.

4. Members agreed to continue discussion at the next meeting to be held on Thursday, 8 February 2007, at 2:30 pm.

III Any other business

5. There being no other business, the meeting ended at 10:54 am.

Council Business Division 1
Legislative Council Secretariat
7 February 2007

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

Time Marker	Speaker	Subject(s)	Action required
000000 - 000232	Chairman	Confirmation of minutes of the meeting held on 18 January 2007 (LC Paper No. CB(1) 827/06-07)	
000233 - 002859	Administration Chairman ALA4 Mr SIN Chung-kai Ms Emily LAU	Administration's explanation on its response to the list of follow-up actions arising from the discussion on 25 January 2007 (LC Paper No. CB(1) 829/06-07(01)) Members' endorsement of the proposed amendments to the Regulation	The Administration to review the names of the compounds under "exempt compound" in the Regulation to ensure consistency. To also include in the Legislative Council Brief on the Regulation to be issued by the Environmental Protection Department all the amendments proposed by the Subcommittee
002900 - 003711	Chairman Ms Emily LAU ALA4 Administration Mr Vincent FANG	Ms Emily LAU's concern that a subcommittee might not be formed to study the Regulation as amended when it was re-introduced into the Legislative Council. As such, Members who had views on the Regulation might not be able to speak on or debate the Regulation at the Council meeting. The Secretariat to explore options for debate on subsidiary legislation subject to negative vetting. ALA4's reference to Rule 21(5) of Rules of Procedure on addressing the Council by Members or designated public officers on subsidiary legislation	The Clerk and ALA4 to explore options for debate on subsidiary legislation at Council meetings

Time Marker	Speaker	Subject(s)	Action required
003712 - 004734	Chairman Mr SIN Chung-kai Ms Emily LAU Miss CHOY So-yuk ALA4 Mr Howard YOUNG	<p>Discussion on the types of subsidiary legislation which should be subject to negative vetting</p> <p>Subsidiary legislation involves minor amendments should be subject to negative vetting while subsidiary legislation involves issue of wide public concern or complicated matter should be subject to positive vetting to allow sufficient time for discussion.</p> <p>The subject should be referred to the Committee on Rules of Procedure for follow up.</p>	
004735 - 005252	Miss CHOY So-yuk	Miss CHOY So-yuk's similar concern about insufficiency of time for scrutiny of subsidiary legislation subject to negative vetting	
005253 - 005848	Chairman Administration Mr Vincent FANG	<p>Discussion on the tables comparing the proposed volatile organic compounds (VOCs) limits of Hong Kong with the California's standards</p> <p>Mr Vincent FANG's question why VOC limits for some regulated products in Hong Kong were lower than that of California's standards. For the sake of consistency, it would be more preferable to strictly adhere to the California's standards rather than setting out some new standards, although these might have already been achieved in the local market</p> <p>Miss CHOY So-yuk's and Ms Emily LAU's support for adoption of VOC limits more stringent than that of California if such had already been achieved in the local market</p> <p>The Administration's explanation that lower VOC limits had been agreed and accepted by the trades after extensive consultation</p>	

Time Marker	Speaker	Subject(s)	Action required
005949 - 011335	Administration Mr Vincent FANG Miss CHOY So-yuk Ms Emily LAU	Discussion on VOC limits of hairsprays Mr Vincent FANG's support for efforts to encourage hairspray to be packed in the form of pump spray instead of aerosol can, as the former would emit much less VOCs	
011336 - 012707	Mr Vincent FANG Administration Miss CHOY So-yuk Miss CHAN Yuen-han	Discussion on the anticipated improvements to air quality in Hong Kong as a result of introduction of VOC control	The Administration to advise the anticipated improvement to the compliance rate of Air Quality Objectives after the implementation of the Regulation
012708 - 014146	Miss CHOY So-yuk Miss CHAN Yuen-han Administration Chairman	Discussion on the range of VOC contents of the products to be covered under the Regulation and the testing methods for VOC-containing products	The Administration to provide the existing range of VOC contents of the products to be regulated under the Regulation, as far as possible
014147 - 014503	Mr Vincent FANG Administration	Mr Vincent FANG's enquiry on whether VOC-containing products manufactured in California could be exempted from testing Administration's explanation that testing was not mandatory for VOC-containing products but spot checking would be made by the Administration as part of its enforcement	
014504 - 015031	Miss CHAN Yuen-han Administration	Discussion on the difficulties of compliance with the Regulation by the trades and the experience of the Californian Government in VOC control	The Administration to step up enforcement, including tests

Time Marker	Speaker	Subject(s)	Action required
			of VOC contents of regulated products, to ensure compliance with the Regulation after it had come into operation
015032 - 015350	Ms Emily LAU Administration	Discussion on the enforcement of VOC control	The Administration to advise the manpower and financial resources earmarked for the enforcement of the Regulation
015351 - 015607	Mr Howard YOUNG Administration	Mr Howard YOUNG's support for exemption of VOC-containing products which were approved for sale in California from testing in Hong Kong	
015608 - 021722	Miss CHOY So-yuk Administration Ms Emily LAU Mr Howard YOUNG	<p>Miss CHOY So-yuk's request for further tightening the VOC limits of flat coatings in view of the ready availability of water-based alternatives</p> <p>Mr Vincent FANG's emphasis that further consultation with the trades would be required if changes to the agreed VOC limits were proposed. This would inevitably delay the implementation of the Regulation. His concern was shared by Ms Emily LAU and Mr Howard YOUNG</p> <p>Administration's views -</p> <p>(a) the VOC limits and time frames for implementation had been agreed with the trades after extensive consultation;</p> <p>(b) the Regulation would need to be gazetted in time for implementation on 1 April 2007 as scheduled; and</p>	The Administration to expedite the review of the Regulation, particularly on flat coatings, which was expected to take place one year after its implementation.

Time Marker	Speaker	Subject(s)	Action required
		(c) a review would be conducted one year after the Regulation had come into effect	
021723 - 022357	Chairman Ms Emily LAU Miss CHOY So-yuk Mr Vincent FANG Chairman	Members agreed to - (a) allow for the gazettal of the Regulation on 9 February 2007 as proposed by the Administration; and (b) continue discussion on the Regulation at the next meeting scheduled for Thursday, 8 February 2007, at 2:30 pm	