## 立法會 Legislative Council

LC Paper No. CB(1)2521/08-09 (These minutes have been seen by the Administration)

Ref: CB1/SS/9/08

# Subcommittee on Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2009

Minutes of third meeting on Thursday, 2 July 2009, at 8:30 am in the Chamber of the Legislative Council Building

**Members present**: Hon Audrey EU Yuet-mee, SC, JP (Chairman)

Hon Miriam LAU Kin-yee, GBS, JP Hon Vincent FANG Kang, SBS, JP

Hon KAM Nai-wai, MH Hon Cyd HO Sau-lan

**Member absent** : Hon CHAN Hak-kan

**Public Officers** attending

Agenda item II

Mr MOK Wai-chuen

Acting Assistant Director (Air Policy) Environmental Protection Department

Mr PANG Sik-wing

Principal Environmental Protection Officer (Air Policy)

**Environmental Protection Department** 

Mr Joe W Y FONG

Senior Environmental Protection Officer (Air Policy)2

**Environmental Protection Department** 

Miss Emma WONG

**Acting Senior Government Counsel** 

Law Drafting Division Department of Justice

## Attendance by invitation

Agenda Item II

:

Green Council

Ms Linda HO

Chief Executive Officer

**Consumer Council** 

Ms Connie LAU Chief Executive

Ms Jennifer LI

Research & Trade Practices Officer

Service Managers Association

Mr Eric TAM Vice-Chairman

Mr John YAU

CTC & VETC Chairman

Akzo Nobel Car Refinishes (Hong Kong) Limited

Mr KONG Siu-shing Regional Manager

Mr LUK Yun-sze Technical Advisor

Tai Lee Hong HK Trading Company

Mr YAU Shek-kwong

Director

Mr YAU Kai-man Business Manager

Hong Kong Vehicle Repair Merchants Association

Mr WONG Yiu-kwong

Chairman

Mr LAW Chi-ming

Member of Executive Committee

#### **Color Master Limited**

Mr Albert CHAN Kwing-chiu

**Managing Director** 

Mr Jay A KAISER Product Specialist

### Hong Kong General Building Contractors Association

Mr PEI Wing-fu Vice-President

Mr WONG Siu-Keung

Vice-President

## PPG Industries International Inc.

Mr Fox FOK

Territory Manager

Ms Britta LIU

Marketing Manager

#### Hong Kong Bus Suppliers Association

Mr John MA Originator

**Clerk in attendance**: Ms Debbie YAU

Chief Council Secretary (1)6

**Staff in attendance** : Mr Timothy TSO

Assistant Legal Adviser 2

Ms Amy LEE

Senior Council Secretary (1)8

Ms Debbie SIU

Legislative Assistant (1)9

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#### I Confirmation of minutes

(LC Paper No. CB(1)2074/08-09 - Minutes of meeting held on 11 June 2009)

The minutes of the meeting held on 11 June 2009 were confirmed.

## II Meeting with deputations and the Administration

- 1. Green Council (LC Paper No. CB(1)2120/08-09(01) –submission)
- 2. Consumer Council (LC Paper No. CB(1)2120/08-09(02) –submission)
- 3. Service Managers Association (LC Paper No. CB(1)2076/08-09(01) –submission)
- 4. Akzo Nobel Car Refinishes (Hong Kong) Limited (LC Paper No. CB(1)2076/08-09(02) –submission)
- 5. Tai Lee Hong HK Trading Company
- 6. Hong Kong Vehicle Repair Merchants Association (LC Paper No. CB(1)2076/08-09(03) –submission)
- 7. Color Master Limited (LC Paper No. CB(1)2076/08-09(04) –submission)
- 8. Hong Kong General Building Contractors Association
- 9. PPG Industries International Inc. (LC Paper No. CB(1)2076/08-09(05) –submission)
- 10. Hong Kong Bus Suppliers Association

#### Submissions from parties not attending the meeting

- 1. The Hong Kong Institute of Surveyors (LC Paper No. CB(1)2076/08-09(06) submission)
- 2. The Chinese Manufacturers' Association of Hong Kong (LC Paper No. CB(1)2076/08-09(07) submission)

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#### Other relevant papers issued previously

- LC Paper No. CB(1)2029/08-09(01) -- List of follow-up actions arising from the discussion at the meeting on 11 June 2009 prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)2029/08-09(02) -- Administration's response to LC Paper No. CB(1)2029/08-09(01)
- LC Paper No. CB(1)1845/08-09(03) -- Assistant Legal Adviser's letter dated 27 May 2009 to the Administration
- LC Paper No. CB(1)1845/08-09(04) -- Administration's response to CB(1)1845/08-09(03)
- LC Paper No. CB(1)2146/08-09(01) -- Assistant Legal Adviser's letter (tabled and subsequently issued on 3 dated 30 June 2009 to the July 2009) Administration
- Ref.: EPD200905 -- Legislative Council Brief issued by the Environmental Protection Department
- LC Paper No. LS73/08-09 -- Legal Service Division Report
- LC Paper No. CB(1)1845/08-09(01) -- Marked-up copy of the Air Pollution Control (Volatile Organic Compounds) Regulation prepared by the Legal Service Division
- LC Paper No. CB(1)1845/08-09(02) -- Background brief prepared by the Legislative Council Secretariat

Relevant papers previously issued by the Panel on Environmental Affairs for the meeting on 24 November 2008

(LC Paper No. CB(1)223/08-09(05) -- Administration's paper on a proposal to control the contents of Volatile Organic Compounds in vehicle refinishing paints, marine vessel paints, pleasure craft paints, adhesives and sealants

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LC Paper No. CB(1)223/08-09(06)

- -- Paper on extending the scope of Air Pollution Control (Volatile Organic Compounds) Regulation to control vehicle refinishing paints, marine paints, adhesives and sealants prepared by the Legislative Council Secretariat (Background brief))
- 2. <u>The Subcommittee</u> deliberated (Index of proceedings attached at **Appendix**).

#### List of concerns raised at the meeting

#### Standards to be adopted

- 3. The standards adopted by California Air Resources Board (CARB) in regulating VOC-containing products might not be applicable to the situation in Hong Kong. Suggestions were made to adopt the standards under the European Paint and Products Directive (the European PPD standards) or accepting both CARB and European PPD standards in light of the following
  - (a) most vehicles in Hong Kong were manufactured and imported from Europe and Japan. The European PPD compliant products were available in the market at affordable prices;
  - (b) problems such as technical difficulties, color matching, limited supply, higher costs and lack of customer support services were envisaged in using paints adopting the CARB standard;
  - (c) European PPD VOC regulations would deliver better air quality compared to CARB regulations, since the latter had excluded 47 solvents in the calculation of the VOC level;
  - (d) CARB compliant paints generally contain high levels of acetone which had a very low flash point and would increase the risk of fire and explosion; and
  - (e) sophisticated methods were required to distinguish exempt and non-exempt solvents and measure the VOC content level of CARB regulated products which would make enforcement difficult and costly compared to the European PPD compliant products.

#### Compliant products

4. The supply and price of the compliant products were uncertain. The compatibility of the water-based paints with the solvent-based paints and color

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matching were also questionable. The Administration should work with manufacturers and suppliers to ensure that sufficient compliant materials and products would be made available in the market at affordable prices.

5. The Administration should increase public awareness of the compliant products available in the market.

#### Capital and operation costs

- 6. The capital cost for a typical vehicle repairing shop to replace its painting facility for using low-VOC water-based compliant paints was estimated to be between \$50,000 and \$100,000 per paint booth and as much as \$500,000 to \$1 million for bus suppliers, which were far more than the estimated cost of \$5,000 to \$30,000 as suggested by the Administration.
- 7. The Administration should consider providing financial support to small and medium vehicle repairing shops in meeting the capital cost required for equipment modifications in association with the switching to water-based paints lest these shops would be forced out of business resulting in increased unemployment.
- 8. The application of water-based products for colour coatings would require careful control of humidity and temperature in dust-free paint booths with large working area which would add extra cost to the daily operation of the vehicle repairing shops.

#### **Training**

9. The Administration should coordinate the relevant parties such as the Vocational Training Council to provide adequate training and technical support to the industry for conversion from solvent-based paints to water-based products.

#### Enforcement

- 10. Enforcement should be extended to end-users for more effective control.
- 11. At present, no laboratory was accredited under the Hong Kong Laboratory Accreditation Scheme to undertake tests for the VOC content of paint products in Hong Kong. A proper mechanism should be established to facilitate enforcement.

#### Consultation and date of implementation

12. The initial consultation with the trades related to vehicle refinishing paints was not thorough. As the Administration had agreed to conduct further consultation with the trade, the implementation timetable for vehicle refinishing paints should be reconsidered.

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- 13. A lead time of around six months would be required for the industry to receive the required training on the application of water-based paints and retrofit the painting facility before implementing the proposed conversion.
- 14. <u>The Administration</u> undertook to conduct further consultation with the trades related to vehicle refinishing paints. It would report to the Subcommittee the outcome of consultation and provide a detailed response to the concerns raised at the meeting.

## Date of next meeting

15. Having regard to the time required for the Administration to conduct further consultation with the trades related to vehicle refinishing paints, the Subcommittee agreed to reschedule the fourth meeting to early September 2009.

(*Post-meeting note*: The fourth meeting was rescheduled to 9 September 2009 at 10:45 am, and members were duly notified on 3 July 2009 vide LC Paper No. CB(1)2145/08-09.)

#### III Any other business

16. There being no other business, the meeting ended at 10:35 am.

Council Business Division 1 <u>Legislative Council Secretariat</u> 28 August 2009

## Proceedings of the third meeting of the Subcommittee on Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2009 on Thursday, 2 July 2009, at 8:30 am in the Chamber of the Legislative Council Building

Time marker	Speaker	Subject(s)	Action required
000000 - 000049	Chairman	Confirmation of minutes (LC Paper No. CB(1)2074/08-09)	
000050 – 000704	Chairman Green Council	Meeting with deputations  Presentation of views (LC Paper No. CB(1)2120/08-09(01))	
000705 - 001050	Chairman Consumer Council	Presentation of views (LC Paper No. CB(1)2120/08-09(02))	
001051 - 001554	Chairman Service Managers Association	Presentation of views (LC Paper No. CB(1)2076/08-09(01))	
001555 – 001859	Chairman Akzo Nobel Car Refinishes (Hong Kong) Limited	Presentation of views (LC Paper No. CB(1)2076/08-09(02))	
001900 – 002256	Chairman Tai Lee Hong HK Trading Company (TLH)	Presentation of views —  TLH would be able to provide compliant products for testing and use by the industry. The Administration should expedite with the implementation of the Amendment Regulation in phases to reduce VOC emissions. The Administration should consider adopting a licensing system for supplying vehicle refinishing paints to minimize disturbance to local market and keep end-users informed about the list of licensed suppliers. The Administration should also provide assistance to the vehicle refinishing industry since the paint cost was estimated to increase by at least 100%	
002257 – 002754	Chairman Hong Kong Vehicle Repair Merchants Association	Presentation of views (LC Paper No. CB(1)2076/08-09(03))	
002755 - 003232	Chairman Color Master Limited	Presentation of views (LC Paper No. CB(1)2076/08-09(04))	
003233 - 003453	Chairman  Hong Kong General Building Contractors Association (GBCA)	Presentation of views –  GBCA's support to the Administration's initiatives in environmental protection but was concerned about the supply and price of the compliant products, additional	

Time marker	Speaker	Subject(s)	Action required
		equipment costs, the skills required and the training to be provided to technical staff	
003454 - 003924	Chairman PPG Industries International Inc.	Presentation of views (LC Paper No. CB(1) 2076/08-09(05))	
003925 – 004359	Chairman Hong Kong Bus Suppliers Association (BSA)	Presentation of views –  BSA's support to environmental protection measures but was concerned about the high cost involved in conversion to water-based paints for colour coatings, in particular the significant capital cost which was estimated to be between \$500,000 and \$1 million per paint booth. This would have great impact on individual companies and possibly result in closing down of business. BSA also expressed concern about the short duration of consultation	
004400 – 005612	Chairman Administration	The Administration's response –  (a) the Amendment Regulation aimed at reducing VOC emissions. Apart from improving ambient air quality, the reduction could also improve indoor air quality;	
		(b) VOC emissions from vehicle refinishing paints at about 360 tonnes/year was significant and worth regulating for protecting the environment and public health;	
		(c) water-based paints or low-VOC paints meeting the standards in the Amendment Regulation were available overseas and suppliers should be able to introduce these products to Hong Kong to improve public health;	
		(d) water-based colour coatings should not have any problems of colour matching or compatibility with solvent-based paints. From various sources including the Vocational Training Council (VTC) and some industry players, the Administration had an understanding that even solvent-based paints could only achieve 80% to 90% in colour matching. It was also noted that vehicle refinishing paint manufacturers had been devoting more resources to develop water-based paints, which some in the paint supply industry suggested would provide better colour effect than solvent-based paints. The vehicle repairing industry would need to adapt to the change;	
		(e) The Environmental Protection Department had been working with VTC and paint suppliers to organize shortly a series of workshops to help	

Time marker	Speaker	Subject(s)	Action required
		the vehicle repairing industry acquire the basic techniques and skills for application of the water-based or low-VOC vehicle refinishing paints;	
		(f) the increase in paint cost was yet to be determined by market conditions such as demand-and-supply, competition, etc. Given that the existing demand for compliant products was minimal since the paints were not yet regulated, it was too early to predict that there would be a cost increase of 100% in paint cost;	
		(g) the additional capital cost for a typical vehicle repairing shop to upgrade its painting facility should not have major financial implications for the trade if the paint booths were already up to scale in using solvent-based paints. VTC had previously demonstrated the application of water-based paints with basic set-up/equipment;	
		(h) the implementation date for vehicle refinishing paints had already been postponed for 10 months to 1 October 2010 taking into consideration the views of the trades expressed during consultation; and	
		(i) adopting the more stringent standards of the California Air Resources Board (CARB) would be more effective in reducing VOC emissions	
005613 - 010519	Chairman Ms Miriam LAU Administration	Ms Miriam LAU's grave concern that the Administration had not conducted in-depth consultation with the trades in May 2008 as it had claimed in CB(1)223/08-09(05). Her criticizm on the Administration's high-handed manner in taking forward the Amendment Regulation, without addressing the views expressed by the trades at the meeting of a task force held in January 2009. Her query on the feasibility of implementing the proposals if many issues raised by the industry remained unresolved, such as the supply, price, performance of and standards to be adopted for the compliant products. Her further enquiry whether the European PPD standards could be adopted in parallel to the CARB standards	
		The Chairman's enquiry whether the Administration could address the industry's concerns and hold the workshops prior to implementing the Amendment Regulation	
		The Administration's response –	
		(a) views of the trades had been taken into account in drawing up the proposed regulation, as seen in the relaxation of the maximum limits of VOC	

Time	Speaker	Subject(s)	Action
marker		content for clear coatings to 420 grammes per litre (g/l) which was the same as that in the European PPD standards. As for the primers, the proposed limit of 250g/l following the CARB standards had been implemented in California for more than ten years and therefore this limit was considered technically feasible; and  (b) as for the concerns on the supply and price of the compliant products, major paint manufacturers were multi-national companies and should have no problem sourcing compliant products globally	required
010520 - 011435	Chairman Mr Vincent FANG Administration	<ul> <li>Mr Vincent FANG's dissatisfaction with the Administration's short notice of consultation given to the trades but claimed to have conducted in-depth consultation. His concerns and queries as follows:</li> <li>(a) as the compliant products were still being tested, the supply and prices of these products were questionable;</li> <li>(b) the CARB standards had excluded 47 solvents in the calculation of VOC content; and</li> </ul>	
		(c) the feasibility of adopting the European standards prior to the CARB standards, and the projected reduction of VOC emissions adopting each of the standards	The Administration to provide a response as required in paragraph 14 of the minutes
		<ul> <li>(a) discussions with the trade had been conducted with a view to formulating a practicable implementation plan that could effectively reduce the VOC emissions and yet minimize the impacts on the affected parties. The proposed regulation had already taken into account their views on the applicable VOC content limits and the effective dates; and</li> <li>(b) the CARB standards would be more effective in reducing VOC emissions from vehicle refinishing paints, by about 150 tonnes per year, and there would be a loss of about 80 tonnes reduction per year if the European PPD standards were adopted</li> </ul>	
011436 – 012319	Chairman Mr KAM Nai-wai Color Master Limited (CML) Administration	Mr KAM Nai-wai's comment that the policy objective of the Amendment Regulation to safeguard public health should be clearly spelt out apart from improving air quality. His concerns on the following –  (a) as expressed by the deputations at the meeting,	

Time marker	Speaker	Subject(s)	Action required
		the estimated capital cost for a typical vehicle repairing shop to replace its painting facility was between \$50,000 and \$100,000 and as much as from \$500,000 to \$1 million for bus suppliers, but not \$5,000 to \$30,000 as claimed by the Administration;	- <u>4</u> .
		(b) whether adopting the European PPD standards and followed by CARB standards would necessitate retrofitting facilities twice;	
		(c) how the Administration would exercise enforcement given that no laboratory was accredited under the Hong Kong Laboratory Accreditation Scheme to undertake tests for the VOC content of paint products in Hong Kong; and	
		(d) whether CARB compliant paints would increase the risk of fire and explosion because of higher levels of acetone used as an exempt solvent	
		CML's views –	
		(a) the Administration's calculation of VOC emissions for premiers following the CARB standards was inaccurate, as 47 exempt solvents, which were hazardous to health, had not been included in the calculation. Taking into calculation the exempted solvents, the VOC content of compliant primers meeting the CARB standards could be as high as 500g/l but not 250g/l;	
		(b) out of the 360 tonnes of VOC emissions caused by vehicle refinishing paints per year, only 30% was caused by primers. Adopting the European PPD standards for primers would only result in a minor difference of VOC emissions compared to the CARB standards;	
		(c) European PPD regulations were already in place in many European countries and proven on large scale whereas the CARB regulations were only applicable to four districts of California; and	
		(d) enforcement would be easier following the European PPD standards and should also be extended to end-users for more effective regulation	
		Responding to the safety concern on the use of CARB compliant paints, the Administration's response that the use of water-based paints or low-VOC products should not increase the risk of fire	

Time	Speaker	Subject(s)	Action
<b>marker</b> 012320 -	Chairman	Ms Cyd HO's concerns –	required
013307	Ms Cyd HO Administration Assistant Legal Adviser (ALA)	(a) whether the Administration would conduct further consultation to address the industry's concerns on the supply and price of the compliant products, the financial implications for the trades, the technical skills required etc;	
		(b) whether the implementation for vehicle refinishing paints could be conducted in phases, similar to those for regulated vessel paints, pleasure craft paints and adhesives and sealants; and	
		(c) whether effective control measures would be in place to ensure that the motor repairing shops would be using compliant paints	
		The Administration's response –	
		(a) it was willing to conduct further consultation with the relevant trades;	
		(b) VOC content limits for vessel paints were to be implemented in phases to allow time for making available the paints in the local market whereas vehicle refinishing paints meeting the VOC content limits of the Amendment Regulation were readily available. Without the proposed Amendment Regulation, these low-VOC vehicle refinishing paints would not be introduced into the local market as overseas experience indicated that voluntary trial use of these products was not successful to bring about market changes;	
		(c) the Administration had been working together with the trades to solve the problems associated with the conversion and a task force had already been formed for the purpose; and	
		(d) effective enforcement of the control would be in place upon implementation of the proposed regulation to deter illegal import of regulated products. Also, under the provisions of the Air Pollution Control Ordinance, vehicle repairing shops using illegal paints would be served with a notice to prohibit the use of unsuitable materials, i.e., paints not complying with the VOC content limits specified by the Amendment Regulation, and prosecutions would be initiated for failing to follow the notice	
		ALA's request for the Administration to clarify the new definition of "importer" in section 2(2) of the Amendment Regulation, as stated in his letter dated 30 June 2009 (LC Paper No. CB(1)2146/08-09(01))	

Time marker	Speaker	Subject(s)	Action required
013308 - 013448	Chairman Service Managers Association (SMA)	SMA's concerns on the supply and price of the CARB compliant products since only a few places had adopted the CARB standards. Logistic arrangements and technical support were uncertain	•
013449 – 013838	Chairman Hong Kong Vehicle Repair Merchants Association (VRMA)	VRMA's concerns about retrofitting facilities and equipment at existing paint booths for conversion to compliant products, in particular for the small to medium vehicle repairing shops which would require much larger working area and an additional capital cost of around \$200,000. Its support for phased implementation to allow more time to retrofit the painting facility lest most small shops would be forced out of the business	
013839 – 014031	Chairman Hong Kong Bus Suppliers Association (BSA)	BSA's concerns on the uncertain price and supply of the compliant products, the colour matching of the water-based paints, and the significant capital cost required to retrofit its painting facility, which was estimated to be between \$500,000 and \$1 million. Its request for the Administration to provide BSA more opportunities for expressing their views	
014032 - 014127	Chairman Green Council (GC)	GC's request for the Administration to establish a proper mechanism to facilitate enforcement since no laboratory was accredited under the Hong Kong Laboratory Accreditation Scheme to undertake tests for the VOC content of paint products in Hong Kong	
014128 - 014304	Chairman Color Master Limited (CML)	CML's request for the Administration to reconsider the implementation timetable for vehicle refinishing paints. A lead time of around six months would be required for the industry to receive the required training on the application of water-based paints and retrofit the painting facility before implementing the proposals	
014305 - 014855	Chairman Ms Miriam LAU Administration	Ms Miriam LAU's comment that the Administration had ignored the views of the trades and decided to adopt the CARB standards which had excluded 47 solvents in the calculation of the VOC content. Her request for the Administration to conduct a thorough and in-depth consultation with the trades, respond to the deputations' concerns, and follow up with the issues related to VOC tests at accredited laboratories to ensure effective enforcement	The Administration to provide a response as required in paragraph 14 of the minutes
		The Administration's responses –  (a) further consultation would be conducted with the trades related to vehicle refinishing paints, and the Administration would adopt an open attitude to work out a feasible plan for implementation;  (b) solvents exempted under CARB standards had	

Time marker	Speaker	Subject(s)	Action required
		(c) the Administration would follow up with the Hong Kong Laboratory Accreditation Scheme on accrediting local laboratories for VOC content testing, and expect more laboratories would provide the testing service after implementation of the Amendment Regulation; and	
		(d) the Administration had already taken account of the supply of the compliant products and the ability of the trades in adapting to the switch to using low VOC-containing paints when drawing up the implementation dates	
014856 -	Chairman	Mr Vincent FANG's concerns –	
015338	Mr Vincent FANG Administration	(a) whether it would be worthwhile to adopt the CARB standards which imposed great impact on the affected trades and yet bringing about a difference of only 80 tonnes of VOC emission reduction per year as compared to the European PPD standards. Consideration should be given to adopting the European PPD regulation as an initial step and then gradually moving on to the CARB standards;	
		(b) whether phased implementation would be adopted to allow more time for training and retrofitting facilities; and	
		(c) whether the Administration would provide financial support to small vehicle repairing shops in meeting the capital cost required for equipment modifications	
		The Administration's responses –	
		(a) the Administration would conduct further consultation to address the concerns of the trades raised at the meeting, in particular on the supply of compliant products, capital cost and the training required; and	
		(b) the Administration would maintain an open attitude in the further consultation on the standards to be adopted and work out a feasible plan for implementation	
015339 – 015738	Chairman Mr KAM Nai-wai	Mr KAM Nai-wai's suggestion and enquiry –	
013730	Administration	(a) the Administration should include in its consultation exercise considerations of providing financial support to the small vehicle repairing shops for equipment modifications and possibilities of adopting the European PPD standards; and	The Administration to provide a response as required in paragraph 14 of the minutes

Time marker	Speaker	Subject(s)	Action required
		(b) how the Administration would undertake enforcement, in particular whether the Administration would inspect the vehicle repairing shops	
		The Administration's responses-	
		(a) SME Loan Guarantee Scheme could be a source of financial support to the vehicle repairing shops in need; and	
		(b) for effective enforcement, the Administration would also collect samples of vehicle refinishing paints from shops to assess whether the paints were compliant with the VOC content limits	
015739 – 020413	Chairman Ms Miriam LAU Ms Cyd HO Mr Vincent FANG Administration	The Chairman's request that if there was any change to the standards to be adopted or to the implementation timetable, the Administration should provide explanation on the impact of such changes on the VOC emission reduction target by 55% in 2010  Date of next meeting	The Administration to provide a response as required in paragraph 14 of the minutes

Council Business Division 1 <u>Legislative Council Secretariat</u> 28 August 2009