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

**Background brief prepared for the
meeting on 11 June 2009**

Purpose

This paper summarizes Members' views expressed at previous discussions on the Air Pollution Control (Volatile Organic Compounds) Regulation¹ (the Regulation) and the proposals under the Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2009 (the Amendment Regulation).

Background

2. Volatile organic compounds (VOCs) play a significant role in the formation of ozone and respirable suspended particulates, which are major pollutants giving rise to the smog problem and reduced visibility in the Pearl River Delta Region. They can also irritate eyes, cause respiratory tract symptoms and provoke asthmatic attacks in people who already have asthma. In April 2002, the Hong Kong Special Administrative Region Government and the Guangdong Provincial Government reached consensus to endeavour to reduce the regional emissions of VOCs by 55% by 2010, with reference to the 1997 emission level.

3. To achieve the reduction target, the Administration implemented a comprehensive programme to reduce VOC emissions, including: -

- (a) tightening the emission standards of newly registered motor vehicles in tandem with the European Union;

¹ In November 2006, the Administration introduced the Regulation which was repealed by the Council in January 2007 due to insufficient time for scrutiny by the relevant Subcommittee. To expedite the implementation of the new Regulation, another Subcommittee was set up by the House Committee on 12 January 2007 to study issues relating to the new Regulation.

- (b) requiring the recovery of petrol vapour from unloading and refueling processes in petrol filling stations; and
- (c) implementing the Regulation in phases since 1 April 2007 to limit the contents of VOCs in architectural paints/coatings, printing inks and selected consumer products, and to require installation of emission reduction devices on certain printing machines.

The Amendment Regulation

4. The Amendment Regulation seeks to include in the Regulation the remaining VOC-containing products, i.e. vehicle refinishing paints, vessel paints, pleasure craft paints, adhesives and sealants. According to the LegCo Brief, these newly regulated products are also controlled by the State of California of the USA, which is most advanced in controlling VOC emissions for better air quality. This will help reduce about 700 tonnes of VOC emission a year, and such reduction is essential to secure the achievement of VOC emission reduction target.

5. The Amendment Regulation imposes liabilities on importers and local manufacturers of the newly regulated products for local sale and use, and contains the following key provisions which are similar to that provided in the existing Regulation –

- (a) prohibition of importation or local manufacture of the newly regulated products whose VOC contents exceed the prescribed maximum VOC content limits set out in Schedules 5, 6 and 7. The limits will take effect in phases between 1 January 2010 and 1 April 2012 (new sections 16A, 16E and 16I);
- (b) requiring the display of certain information of the newly regulated products in the Material Safety Data Sheets, trade catalogues, packaging or containers (new sections 16B, 16F and 16J);
- (c) requiring reporting of annual sales quantities and particulars of the newly regulated products for the preceding calendar year, by 31 March of each year, starting in the year immediately after the year in which the relevant VOC content limits have taken effect (new sections 16C, 16G, 16K); and
- (d) requiring keeping for at least three years documents containing the particulars of the newly regulated products imported and manufactured, and producing them upon request for inspection by the Authority (section 22).

6. Same as the existing regulated products, the Amendment Regulation will not apply to the newly regulated products for export, re-export, transshipment or in transit, or if they are manufactured or imported prior to the effective dates of the relevant VOC content limits. Claims for exemption will be considered if the product is irreplaceable in serving a vital public health or security function or it is a trade sample not for sale in Hong Kong, or the exemption would be in the public interest. The control on newly regulated products is to take effect by phases starting from 1 January 2010.

Previous discussions

Subcommittee on Air Pollution Control (Volatile Organic Compounds) Regulation

7. A Subcommittee was formed under the House Committee in 2007 to examine the Regulation. The Subcommittee considered that the Regulation should impose liability on retailers for selling regulated products exceeding the prescribed VOC limits as some unscrupulous retailers might smuggle non-compliant regulated products into Hong Kong and sell them at low prices. The Administration had undertaken to consult the trades again on the matter.

8. Some members of the Subcommittee considered that there was room for further tightening of the prescribed VOC limits, say, for flat coatings, under the Regulation. However, some other members opined that further consultation with the trades should be carried out before introducing any changes to the proposed control regime on VOCs.

9. During its deliberations in 2007, the Subcommittee had requested the then Secretary for the Environment, Transport and Works to undertake, in her speech at the motion debate on the Regulation at the Council meeting on 14 March 2007, that the Administration would conduct a review of the adequacy of the resources earmarked for enforcement of the Regulation, the need to impose liability on retailers and the VOC limit for flat coatings within one year after the Regulation has come into operation.

Panel on Environmental Affairs

10. The Panel on Environmental Affairs considered the proposals under the Amendment Regulation at the meeting on 24 November 2008. Members agreed to imposing liability on those retailers who knowingly sold regulated products exceeding the VOC limits. Some members noted that water-based paints with low VOC content were more expensive and the supply was limited. They considered it necessary for the Administration to devise a more comprehensive plan in consultation with the affected trades, suppliers and manufacturers, to ensure the ready supply of affordable compliant products in the local market before imposing the new VOC limits. In particular, the affected vehicle and vessel repairers and the construction industry should be consulted. Members also suggested that the Government should take the lead in applying new VOC limits in its work projects.

Relevant paper

House Committee Report of the Subcommittee on Air Pollution Control (Volatile Organic Compounds) Regulation on 12 January 2007

<http://www.legco.gov.hk/yr06-07/english/hc/papers/hc0112cb1-672-e.pdf>

House Committee Report of the Subcommittee to Study Issues Relating to the Air Pollution Control (Volatile Organic Compounds) Regulation on 23 February 2007

<http://www.legco.gov.hk/yr06-07/english/hc/papers/hc0223cb1-952-e.pdf>

Minutes of the meeting of the Panel on Environmental Affairs on 24 November 2008

<http://www.legco.gov.hk/yr08-09/english/panels/ea/minutes/ea20081124.pdf>

LegCo Brief on Air Pollution Control (VOC) (Amendment) Regulation 2009

http://www.legco.gov.hk/yr08-09/english/subleg/brief/107_brf.pdf

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