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電話
Tel. No.: 2594 6070
圖文傳真
Fax. No.: 2827 8040
電子郵件
Email:
網址
Homepage: <http://www.epd.gov.hk>

Environmental Protection Department
Headquarters
33/F, Revenue Tower,
5 Gloucester Road,
Wan Chai, Hong Kong



環境保護署總部
香港灣仔
告士打道五號
稅務大樓三十三樓

By Fax
(Fax: 2869 6794)

15 September 2009

Legislative Council Secretariat
Legislative Council Building
8 Jackson Road, Central, Hong Kong
(Attn.: Ms. Debbie Yau, Clerk to Subcommittee)

Dear Ms. Yau,

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

Fifth meeting on 16 September 2009

Thank you for your letter of 10 September 2009. We would like to provide below the requested information:

- (a) We will include in the speech of the Secretary for the Environment to be delivered at the motion debate on the proposed Amendment Regulation an undertaking to review the need to tighten the maximum limit of VOC content for regulated vehicle refinishing paints as set out in Annex A of CB(1)2538/08-09(02) in accordance with the standards adopted by the California Air Resources Board (i.e. the limits proposed under the Amendment Regulation) within one year after the implementation on 1 October 2011.
- (b) Based on the advice of the Department of Justice, we consider the definition of "importer" as set out in paragraph 10 of CB(1)2538/08-09(02) adequate for the following reason-

As owner, consignee, agent and broker are involved in the import process, excluding any one of them from the definition of "importer" will defeat the purpose of the Regulation. Among these parties, the shipping agent is a key party in the chain of custody of goods being imported. Excluding him from the definition of importer will break the importation chain for the authority to trace the actual importer. As to the worry that the shipping agent might be wrongly implicated, please note section 18 of the Regulation provides that it is a defence for a person who is charged with an offence under the Regulation to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence. In proving the defence, he may adduce evidence to show that commission of the offence was due to the act or default of another person or was due to reliance on information given by another. Hence, all persons, including

shipping agent, involved in the import of products can adduce evidence, e.g. bill of lading or shipping order to show that the offence was committed due to the act or default of another person or due to reliance on information given by him.

- (c) Please see Attachment I for a detailed breakdown on the estimated amount of VOC emission reduction to be achieved by the end of 2010.
- (d) Please see Attachment II for the information on measures implemented or to be implemented by the Guangdong Provincial Government to meet the 2010 VOC emission target, in particular measures to promote the use of water-based and low VOC-containing paints.

Please contact the undersigned if you want further information.

Yours sincerely,

(Joe Fong)
Senior Environmental Protection Officer
for Director of Environmental Protection

Internal

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DoJ (Attn: Ms Emma WONG, SGS) (By Fax: 2869 1302)

Attachment 1

Detailed Breakdown on the Estimated Amount of VOC Emission Reduction to be Achieved by the End of 2010

To reduce the VOC emission in 2010 by 55% as compared with the emission level of 1997, we need to reduce the annual VOC emission to 31,000 tonnes in 2010 from the 68,800 tonnes in 1997.

2. The table below summarizes the estimated VOC emissions by emission sources in 2010 as a result of the existing and planned measures and programmes to reduce VOC emissions-

Emission Sources	VOC Emission (tonnes/year) ^[1]		
	1997	2007	Projected 2010 ^[2]
Public Electricity Generation	357	435	435
Road Transport	16,500	7,770	6,770 ^[3]
Navigation	229	265	265
Civil Aviation	656	296	296
Other Fuel Combustion	2,360	1,160	1,160 ^[4]
Petrol Filling Stations	1,120	179	77 ^[5]
Other Non-combustion ^[6]	47,600	29,600 ^[7]	22,035 ^[8]
Total	68,800	39,700	31,035^[9]

Notes:

- ^[1] The total emission might be different from the sum of individual categories because of rounding off of data.
- ^[2] No activity growth has been assumed for the emission projection of 2010.
- ^[3] The major measures include tightening the vehicle emission standard and motor vehicle fuel standard in tandem with the European Union.
- ^[4] It covers fuel combustion activities in non-manufacturing (mainly construction), airport and cargo terminals, industrial, commercial and residential sectors. The reduction is mainly due to reduced construction activities since 1997.
- ^[5] We have implemented the Air Pollution Control (Petrol Filling Stations) (Vapour Recovery) Regulation to require recovery of petrol vapour from unloading and vehicle refuelling operations in petrol filling stations.
- ^[6] Other non-combustion sources include paints and coatings, printing, adhesives, sealants, consumer products, pesticides, etc.
- ^[7] The Air Pollution Control (Volatile Organic Compounds) Regulation, which restricted the VOC content of hairsprays and printing inks, came into force from 1 April 2007. It would contribute to a reduction of about 1,100 tonnes of VOC emission, thereby cutting the VOC emission to 29,600 tonnes in 2007. Without this control, the VOC emissions in 2007 would have been 30,700 tonnes.
- ^[8] According to the original standards in the Amendment Regulation, the control, including already relaxed VOC content limit for clear coating, would reduce the current annual VOC emission of 360 tonnes for vehicle refinishing paints to 220 tonnes (or 140 tonnes reduction in emission). If the control of vehicle refinishing paints takes effect on 1 October 2010 as scheduled originally, it would reduce the VOC emission by 35 tonnes (or 140 tonnes x 3/12 = 35 tonnes) in 2010. Therefore, postponing the implementation of control for vehicle refinishing paints to 1 October 2011 implies we will have only 665 tonnes of VOC emission reduction instead of 700 tonnes as originally estimated in 2010

by implementing the Amendment Regulation to control vehicle refinishing paints, marine paints, adhesives and sealants.

- [9] Our initial estimate is that the relaxation of the VOC content limits of vehicle refinishing paints and postponing the implementation date for 1 year to 1 October 2011 would reduce our VOC emissions by 2010 to 31,035 tonnes instead of 31,000 tonnes as required for meeting the 2010 emission reduction target agreed between the Governments of the Hong Kong SAR and Guangdong Province (i.e. a shortfall of about 35 tonnes). However, the actual extent of the shortfall can only be ascertained by the time of compiling the 2010 emissions figures.

Environmental Protection Department
September 2009

**Information on the Measures Implemented or to be Implemented by
the Guangdong Provincial Government
to Meet the 2010 VOC Emission Target**

In April 2002, Hong Kong and Guangdong agreed to reduce the emissions of four major air pollutants in the Pearl River Delta (PRD) region, with the emission level of volatile organic compounds (VOC) to be reduced by 55% by 2010, using 1997 as the base year. To achieve the 2010 emission reduction targets, both sides jointly drew up and have been implementing the Pearl River Delta Regional Air Quality Management Plan (RAQMP).

2. Key measures that have been undertaken by Guangdong under the RAQMP to reduce VOC emissions in the PRD region include tightening emission standards of newly registered vehicles to National III standards, implementing an environment labeling pilot system for vehicles, restricting the growth of motorcycles at key cities, stepping up annual inspections and on-road spot checks on vehicles, replacing by 2003 paints using VOCs with xylene as the main solvent, and strengthening implementation of cleaner production standards for printing and paint industries, etc.

3. To further improve regional air quality, the Guangdong Provincial Government introduced in March this year the “Measures for Prevention and Control of Air Pollution in the Pearl River Delta Region of Guangdong Province (廣東省珠江三角洲大氣污染防治辦法)”. Key measures for reducing VOC emissions include-

- (a) implementing comprehensive vapour recovery system at petrol filling stations, oil depots and tanker trucks at major PRD cities by the end of 2010;
- (b) phasing out paint and coating products with high VOC content;
- (c) studying measures to encourage the production and sale of low VOC content products, including pesticide sprayers, cleansers, adhesives and hair styling gels, etc.;
- (d) requiring industries (including vehicle manufacturing and repairs, petrochemical processing, furniture production, shoe production, printing, electronic products manufacturing and garment dry cleaning) to control fugitive VOC emissions in accordance with relevant technical standards and specifications; and
- (e) prescribing discharge limits and methods in respect of oily fume,

smoke and particulate emissions from catering operators in urban areas.

4. In addition, water-based architectural paints meeting the specified VOC content limits in Guangdong Province would carry an “environmentally friendly products” label. As for vehicle paints, the Ministry of Environmental Protection promulgated a guideline on “Clean Production Standard – Automobile manufacturing (Painting)” in 2006 for implementation on 1 December 2006 to promote the use of water-based vehicle paints.

Environmental Protection Department
September 2009