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By Fax
(Fax: 2869 6794)

21 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**

Sixth meeting on 22 September 2009

Thank you for your letter of 17 September 2009. Below is our response to the request of the Subcommittee at its meeting of 16 September 2009 to amend the definition of “toilet or urinal care product” to spell out the types of toilet or urinal to be included.

In the Regulation, “toilet or urinal care product”, which is defined as “any product that is designed or labelled to clean or to deodorize toilet bowl, toilet tank or urinal”, is exempted from control as “air freshener”. However, “toilet bowl, toilet tank or urinal” is defined as “a toilet or urinal connected to permanent plumbing in a building and other structures, portable toilet or urinal placed at temporary or remote locations, and toilet or urinal in a vehicle, boat, ship and aircraft”. Since the word “toilet” may be interpreted as the fixture itself or the toilet room containing the fixture, one may argue that air fresheners solely used in the toilet rooms containing the fixture should be exempted from the control. As this would contradict the policy intent to exempt air fresheners used in toilet bowls, toilet tanks or urinals only but not for those air fresheners used in toilet rooms, we have proposed in the Amendment Regulation to delete the definition of “toilet bowl, toilet tank or urinal”.

As air fresheners that are used to clean or to deodorize toilet bowls, toilet tanks and urinals are exempted from the control irrespective of the types or the locations of the toilet bowls, toilet tanks and urinals, we consider that it is not necessary to amend the definition of “toilet or urinal care product” to spell out the types or the locations of toilet bowls, toilet tanks and urinals.

Please contact the undersigned if you want further information.

Yours sincerely,

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

Internal

AD(AP)

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c.c.

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