

For Discussion
on 22 September 2009

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

Draft Resolution to Amend the VOC Amendment Regulation

PURPOSE

This paper proposes a draft resolution to be made and passed by the Legislative Council to amend the Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2009 for consideration and endorsement of the Subcommittee. The proposed amendments reflect the outcomes of the further consultation with the trades related to vehicle refinishing paints, which were discussed and accepted at the 4th meeting of the Subcommittee held on 9 September 2009.

PROPOSED AMENDMENTS

2. The proposed amendments in the draft resolution, at Annex, are as follows:

(a) Section 2(2)

The definition of “importer” is to be replaced in order to make it clear that the coverage of “importer” would not be extended to retailers or purchasers.

(b) Section 2(11)

Paragraph (f) in the definition of “exempt compound” is repealed as exempt compounds will no longer be excluded in the calculation of the VOC contents for regulated vehicle refinishing paints.

(c) Section 14

Relevant sections under Part 5A are amended so that the effective date for control of vehicle refinishing paints will be changed from 1 October 2010 to 1 October 2011, and that all references to exempt compounds are deleted for the reasons in paragraph (b) above.

(d) Section 20 (Schedule 5)

- (i) Schedule 5 is amended so that the exempt compounds will be counted as volatile organic compounds in the determination of volatile organic compound content for regulated vehicle refinishing paints;
- (ii) As a new type of paint, namely “textured and flexibilized coating” has to be controlled, a new definition for this type of paint is added; and
- (iii) Section 1 of Part 2 of Schedule 5 is amended so that the VOC content limits are equivalent to those adopted by the European Union.

DRAFT RESOLUTION

3. The draft resolution detailing the amendments proposed in paragraph 2 is attached at Annex.

ADVICE SOUGHT

4. Members are requested to advise on the draft resolution.

Environmental Protection Department

21 September 2009

Annex**INTERPRETATION AND GENERAL CLAUSES
ORDINANCE****RESOLUTION OF THE LEGISLATIVE COUNCIL****AIR POLLUTION CONTROL (VOLATILE ORGANIC
COMPOUNDS) (AMENDMENT) REGULATION 2009**

Resolution made and passed by the Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) on 2009.

RESOLVED that the Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2009, published in the Gazette as Legal Notice No. 107 of 2009 and laid on the table of the Legislative Council on 27 May 2009, be amended –

(a) in section 2(2), by repealing the new definition of “importer” and substituting –

““importer” (進口商) means a person by or for whom a regulated product is or was brought, or caused to be brought, into Hong Kong, and includes a person who, at or immediately after the time a regulated product is or was brought, or caused to be brought, into Hong Kong, is or was in possession of or entitled to the custody or control of the product, whether as owner, consignee, agent or broker;”;

(b) in section 2(11), in the new definition of “exempt compound”, by repealing paragraph (f);

(c) in section 14, in the new section 16A, by repealing “1 October 2010” and substituting “1 October 2011”;

- (d) in section 14, in the new section 16B(1), by repealing “1 October 2010” and substituting “1 October 2011”;
- (e) in section 14, in the new section 16B(1)(d), by adding “and” at the end;
- (f) in section 14, by repealing the new section 16B(1)(e);
- (g) in section 14, in the new section 16C(2), by repealing “31 March 2011” and substituting “31 March 2012”;
- (h) in section 14, in the new section 16C(3), by repealing “1 October 2010 to 31 December 2010” and substituting “1 October 2011 to 31 December 2011”;
- (i) in section 14, in the new section 16C(4), by repealing “1 October 2010” and substituting “1 October 2011”;
- (j) in section 14, in the new section 16C(4)(f)(ii), by repealing “and volume of exempt compounds”;
- (k) in section 20, in the new Part 1 of Schedule 5, by repealing the definitions of “exempt compound” and “Method 303”;
- (l) in section 20, in the new Part 1 of Schedule 5, in the definition of “volatile organic compound”, by repealing everything after “metallic carbonates” and substituting “and ammonium carbonate.”;
- (m) in section 20, in the new Part 1 of Schedule 5, by adding –
““textured and flexibilized coatings” (紋理及柔軟效果塗料) means coatings that are labelled and formulated to be applied exclusively on a flexible plastic substrate or on the lower part of the body of a motor vehicle to provide textured or flexibilized effect on the substrate or part;”;
- (n) in section 20, in the new section 1 of Part 2 of Schedule 5, by repealing everything after “condition –” and substituting –

“Item	Regulated vehicle refinishing paints	Maximum limits of volatile organic compound content
1.	Adhesion promoters	840
2.	Clear coatings (non-matt finish)	420
3.	Clear coatings (matt finish)	840
4.	Colour coatings	420
5.	Multi-colour coatings	680
6.	Pre-treatment coatings	780
7.	Primers	540
8.	Single-stage coatings	420
9.	Temporary protective coatings	60
10.	Textured and flexibilized coatings	840
11.	Truck bed liner coatings	310
12.	Underbody coatings	430
13.	Uniform finish coatings	840”;

(o) in section 20, in the new Part 3 of Schedule 5, by repealing everything after “formula –” and substituting –

$$\frac{W_a - W_b}{V_d - V_e}$$

where –

W_a represents the weight of volatile matters in grams as determined by Method 24;

W_b represents the weight of water in grams as determined by Method 24;

V_d represents the volume of material in litres as determined by Method 24;

V_e represents the volume of water in litres, calculated by dividing the weight of water

as determined by Method 24 by the density of water.”.

Clerk to the Legislative Council

2009

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and General Clauses
Ordinance (Cap. 1))

**AIR POLLUTION CONTROL (VOLATILE ORGANIC
COMPOUNDS) (AMENDMENT) REGULATION 2009**

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regulated product is or was brought, or caused to
be brought, into Hong Kong, is or was in
possession of or entitled to the custody or control
of the product, whether as owner, consignee,
agent or broker;”;

- (b) in section 2(11), in the new definition of “exempt compound”, by repealing paragraph (f);
- (c) in section 14, in the new section 16A, by repealing “1 October 2010” and substituting “1 October 2011”;
- (d) in section 14, in the new section 16B(1), by repealing “1 October 2010” and substituting “1 October 2011”;
- (e) in section 14, in the new section 16B(1)(d), by adding “and” at the end;
- (f) in section 14, by repealing the new section 16B(1)(e);
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““textured and flexibilized coatings” (紋理及柔軟效果塗料) means coatings that are labelled and formulated to be applied exclusively on a flexible plastic substrate or on the lower part of the body of a motor vehicle to provide textured or flexibilized effect on the substrate or part;”;

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6.	Pre-treatment coatings	780
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8.	Single-stage coatings	420
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coatings

- | | |
|------------------------------|-------|
| 11. Truck bed liner coatings | 310 |
| 12. Underbody coatings | 430 |
| 13. Uniform finish coatings | 840”; |

(o) in section 20, in the new Part 3 of Schedule 5, by repealing everything after “formula –” and substituting –

$$\frac{W_a - W_b}{V_d - V_e}$$

where –

Wa represents the weight of volatile matters in grams as determined by Method 24;

Wb represents the weight of water in grams as determined by Method 24;

Vd represents the volume of material in litres as determined by Method 24;

Ve represents the volume of water in litres, calculated by dividing the weight of water as determined by Method 24 by the density of water.”.