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Paper for the House Committee meeting on 12 January 2007

**Report of the Subcommittee on
Air Pollution Control (Volatile Organic Compounds) Regulation**

Purpose

This paper reports on the deliberations of the Subcommittee on Air Pollution Control (Volatile Organic Compounds) Regulation.

Background

2. The Air Pollution Control (Volatile Organic Compounds) Regulation (the Regulation) is one of the initiatives pledged in the 2006 Policy Address to enable Hong Kong to meet the emission reduction targets agreed between the Hong Kong Special Administrative Region Government and the Guangdong Provincial Government to reduce by 2010, on a best endeavour basis, the regional emissions of sulphur dioxide, nitrogen oxides, respirable suspended particulates and volatile organic compounds (VOC) by 40%, 20%, 55% and 55% respectively, using the emission levels at 1997 as a base. With the introduction of emission reduction measures over the years, Hong Kong has been able to achieve a 23% reduction of local VOC emissions by 2004. More vigorous measures have to be taken in order to meet the emission reduction target in respect of VOCs.

The Regulation

3. The main objective of the Regulation is to prohibit the manufacture and importation of regulated products (i.e. regulated paints, regulated printing inks and regulated consumer products) if the VOC content of the product exceeds the maximum limit that is prescribed by the Regulation for that product. However, products that are already in the market by the time the relevant provisions come into force, as well as products that are bound for export or in transit, will be exempted from the Regulation.

The Subcommittee

4. At the House Committee meeting on 1 December 2006, Members agreed to form a Subcommittee to study the Regulation. Under the chairmanship of Ms Audrey EU Yuet-mee, the Subcommittee has held two meetings. The membership list of the Subcommittee is in **Appendix I**. Apart from examining the Regulation with the Administration, the Subcommittee has also invited views from the trade and related sectors. Nine groups have made written and/or oral representation to the Subcommittee. A list of these groups is in **Appendix II**.

5. To allow sufficient time for the Subcommittee to scrutinize the Regulation, a resolution was moved and passed at the Council meeting on 20 December 2006 to extend the scrutiny period to 17 January 2007.

Deliberations of the Subcommittee

6. The Subcommittee generally supports the Regulation to control VOC emissions with a view to achieving the emission reduction targets. In the course of deliberation, concerns have been raised on the proposed control regime and the future plan to further reduce VOC emissions.

Proposed control regime

7. In June 2004, the Administration announced its intention to adopt a mandatory two-stage scheme to control the emissions of VOCs. Under the first stage, paints, printing inks and selected consumer products manufactured or imported for sale in Hong Kong would need to be registered with the Environmental Protection Department, tested on VOC contents and bear labels indicating the levels of VOC contents with a warning message that VOCs cause air pollution, so that consumers would be able to choose products containing less VOC contents. After implementing the first stage scheme, the Government would then review the effectiveness and consider the need to implement further measures to control the VOC contents of specified products at the second stage of the scheme.

8. A two-month consultation exercise was launched in September 2004 to gauge public views on the scheme. While there was general support to improve air quality, the trades had expressed grave concerns on the possible compliance burden and cost implications associated with the scheme, particularly the labelling and testing requirements. To this end, the Administration had set up four working groups with different sectors to explore on practical measures to reduce VOC emissions from different products. A revised control scheme was subsequently worked out under which limits on VOC contents could be directly imposed without the first-stage labelling programme. Mandatory registration and testing of VOC products were no longer required. The regulatory requirements would be sector-specific so that they would be most suitable and effective for the sector concerned. The scope of control

was the same for paints and printing inks. For consumer products, it was narrowed down to six largest emitting sources, namely hairsprays, insecticides, insect repellents, air fresheners, floor wax strippers and multi-purpose lubricants, which accounted for about 80% of VOC emissions from all consumer products.

9. The revised scheme is set out in the Regulation. It is expected that when fully implemented, the Regulation can reduce about 8 000 tonnes. Taking into account reduction from other sources, including vehicles, 45% to 50% of local VOC emissions will be reduced, which can almost meet the emission reduction target of 55% VOC emissions by 2010. It will also bring Hong Kong to the forefront of VOC control in the world since at present, the State of California is the only jurisdiction with a similar comprehensive VOC control regime.

10. While appreciating the Administration's effort in addressing the trades' concerns, some members have pointed out that consumers will not be able to know the VOC contents of products after the removal of the labelling requirement. This is not conducive to educating the public the need to reduce VOCs which are a major air pollutant causing the formation of smog. The Administration's explanation is that in devising the revised scheme, it has taken into consideration the trades' concerns about the practical problems for overseas manufacturers to produce labels specifically for Hong Kong or for importers to obtain the necessary information for producing the labels since Hong Kong is relatively small as a market, as well as the efforts and costs associated with the registration procedure and testing requirement. Instead of the previously proposed two-stage scheme, it is decided that VOC limits will be introduced such that products may be imported or manufactured as long as they comply with the relevant VOC limits. The imposition of prescribed VOC limits for regulated products will help expedite the control regime and dispense with the registration procedure and labelling requirement.

11. To ascertain the need for labels, members have asked if other jurisdictions have similar labelling requirement in the control of VOC emissions. The Administration's explanation is that except for the United States (US) which has imposed control on VOC emissions, other places, such as Japan and European countries, have yet to work out similar controls and studies are being carried out in this respect. Among the various states in US, the State of California is the only place which has a comprehensive VOC control regime and yet labels for VOC-containing products are not required.

12. On the next course of action to further reduce VOC emissions, the Administration's explanation is that subject to the results of the proposed control scheme, consideration will be given to extending the control to other VOC sources, such as industrial solvents and a study on the alternatives for solvents is being undertaken by the Hong Kong Polytechnic University.

Technical aspect of the Regulation

13. When the Subcommittees starts to examine the Regulation section by section, members note that there are technical issues, such as the consequences arising from the discrepancy between the definitions of “manufacture” and “manufacturer” under section 2, which have to be resolved with the Administration. Owing to time constraints, the Administration has agreed to repeal the Regulation.

Recommendation

14. It is recommended that a new subcommittee should be formed to study issues relating to the Regulation.

Advice sought

15. Members are invited to support the recommendation of the Subcommittee in paragraph 14 above.

Prepared by
Council Business Division 1
Legislative Council Secretariat
11 January 2007

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

Membership list

Chairman Hon Audrey EU Yuet-mee, SC, JP

Members Hon Martin LEE Chu-ming, SC, JP
Hon CHAN Yuen-han, JP
Hon SIN Chung-kai, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Vincent FANG Kang, JP

(Total : 8 Members)

Clerk Miss Becky YU

Legal Adviser Mr Stephen LAM

Date 15 December 2006

Appendix II

List of organizations which have made written and/or oral representations to the Subcommittee

- (a) Consumer Council
- (b) Clear The Air
- (c) The Cosmetic & Perfumery Association of Hong Kong Ltd
- (d) Hong Kong Retail Management Association
- (e) Hong Kong Suppliers Association
- (f) Hong Kong Architectural Coating Association
- (g) Federation of Beauty Industry (H.K.)
- (h) Green Council
- (i) Hong Kong Association for Testing, Inspection and Certification Ltd