立法會 Legislative Council

LC Paper No. CB(1) 910/06-07 (These minutes have been seen by the Administration)

Ref: CB1/HS/1/06/1

Subcommittee to Study Issues Relating to the Air Pollution Control (Volatile Organic Compounds) Regulation

Minutes of third meeting held on Tuesday, 30 January 2007, at 8:30 am in Conference Room B of the Legislative Council Building

Members present: Hon Audrey EU Yuet-mee, SC, JP (Chairman)

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

Member absent : Hon Martin LEE Chu-ming, SC, JP

Public officers attending

: Environmental Protection Department

Mr TSE Chin-wan

Assistant Director (Air Policy)

Mr PANG Sik-wing

Principal Environmental Protection Officer

(Air Policy)

Mr SHIU Lik-king

Senior Administrative Officer (Air Policy Division)

Department of Justice

Mr Vidy CHEUNG Chi-wai Senior Government Counsel **Clerk in attendance**: Miss Becky YU

Chief Council Secretary (1)1

Staff in attendance: Mr Stephen LAM

Assistant Legal Adviser 4

Mrs Mary TANG

Senior Council Secretary (1)2

I Confirmation of minutes

(LC Paper No. CB(1) 827/06-07) -- Minutes of the meeting held on 18 January 2007

The minutes of the meeting held on 18 January 2007 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1) 829/06-07(01) -- List of follow-up actions arising from the discussion on

25 January 2007

LC Paper No. CB(1) 829/06-07(02) -- Administration's response to LC Paper No. CB(1) 829/06-07(01))

Other relevant papers

Air Pollution Control (Volatile Organic Compounds) Regulation (L.N. 258) gazetted on 24 November 2006

The Legislative Council Brief

- 2. The Subcommittee deliberated (Index of proceedings attached in **Annex A**).
- 3. The Administration was requested to -
 - (a) review the names of the compounds under "exempt compound" in the Regulation to ensure consistency. To also include in the Legislative Council Brief on the Regulation to be issued by the Environmental Protection Department all the amendments proposed by the Subcommittee;
 - (b) advise the anticipated improvement to the compliance rate of Air Quality Objectives after the implementation of the Regulation;
 - (c) include in the tables comparing the proposed volatile organic compounds (VOCs) limits of Hong Kong with the California's standards the existing range of VOC contents of the products to be covered under the Regulation;

- (d) advise the manpower and financial resources earmarked for the enforcement of the Regulation. The Administration should step up enforcement, including tests of VOC contents of regulated products, to ensure compliance with the Regulation after it had come into operation; and
- (e) expedite the review of the Regulation, particularly on flat coatings, which was expected to take place one year after its implementation.
- 4. <u>Members</u> agreed to continue discussion at the next meeting to be held on Thursday, 8 February 2007, at 2:30 pm.

III Any other business

5. There being no other business, the meeting ended at 10:54 am.

Council Business Division 1
<u>Legislative Council Secretariat</u>
7 February 2007

Proceedings of the third meeting of the Subcommittee to Study Issues Relating to the Air Pollution Control (Volatile Organic Compounds) Regulation on Tuesday, 30 January 2007, at 8:30 am in Conference Room B of the Legislative Council Building

| Time Marker | Speaker | Subject(s) | Action required |
|-----------------|--|---|---|
| 000000 - 000232 | Chairman | Confirmation of minutes of the meeting held on 18 January 2007 (LC Paper No. CB(1) 827/06-07) | |
| 000233 - 002859 | Administration Chairman ALA4 Mr SIN Chung-kai Ms Emily LAU | Administration's explanation on its response to the list of follow-up actions arising from the discussion on 25 January 2007 (LC Paper No. CB(1) 829/06-07(01) Members' endorsement of the proposed amendments to the Regulation | The Administration to review the names of the compounds under "exempt compound" in the Regulation to ensure consistency. To also include in the Legislative Council Brief on the Regulation to be issued by the Environmental Protection Department all the amendments proposed by the Subcommittee |
| 002900 - 003711 | Chairman Ms Emily LAU ALA4 Administration Mr Vincent FANG | Ms Emily LAU's concern that a subcommittee might not be formed to study the Regulation as amended when it was re-introduced into the Legislative Council. As such, Members who had views on the Regulation might not be able to speak on or debate the Regulation at the Council meeting. The Secretariat to explore options for debate on subsidiary legislation subject to negative vetting. ALA4's reference to Rule 21(5) of Rules of Procedure on addressing the Council by Members or designated public officers on subsidiary legislation | The Clerk and ALA4 to explore options for debate on subsidiary legislation at Council meetings |

| Time Marker | Speaker | Subject(s) | Action required |
|-----------------|--|--|-----------------|
| 003712 - 004734 | Chairman Mr SIN Chung-kai Ms Emily LAU Miss CHOY So-yuk ALA4 Mr Howard YOUNG | Discussion on the types of subsidiary legislation which should be subject to negative vetting Subsidiary legislation involves minor amendments should be subject to negative vetting while subsidiary legislation involves issue of wide public concern or complicated matter should be subject to positive vetting to allow sufficient time for discussion. The subject should be referred to the Committee on Rules of Procedure for follow up. | |
| 004735 - 005252 | Miss CHOY So-yuk | Miss CHOY So-yuk's similar concern about insufficiency of time for scrutiny of subsidiary legislation subject to negative vetting | |
| 005253 - 005848 | Chairman Administration Mr Vincent FANG | Discussion on the tables comparing the proposed volatile organic compounds (VOCs) limits of Hong Kong with the California's standards Mr Vincent FANG's question why VOC limits for some regulated products in Hong Kong were lower than that of California's standards. For the sake of consistency, it would be more preferable to strictly adhere to the California's standards rather than setting out some new standards, although these might have already been achieved in the local market Miss CHOY So-yuk's and Ms Emily LAU's support for adoption of VOC limits more stringent than that of California if such had already been achieved in the local market The Administration's explanation that lower VOC limits had been agreed and accepted by the trades after extensive consultation | |

| Time Marker | Speaker | Subject(s) | Action required |
|-----------------|---|--|--|
| 005949 - 011335 | Administration Mr Vincent FANG Miss CHOY So-yuk Ms Emily LAU | Discussion on VOC limits of hairsprays Mr Vincent FANG's support for efforts to encourage hairspray to be packed in the form of pump spray instead of aerosol can, as the former would emit much less VOCs | |
| 011336 - 012707 | Mr Vincent FANG Administration Miss CHOY So-yuk Miss CHAN Yuen-han | Discussion on the anticipated improvements to air quality in Hong Kong as a result of introduction of VOC control | The Administration to advise the anticipated improvement to the compliance rate of Air Quality Objectives after the implementation of the Regulation |
| 012708 - 014146 | Miss CHOY So-yuk Miss CHAN Yuen-han Administration Chairman | Discussion on the range of VOC contents of the products to be covered under the Regulation and the testing methods for VOC-containing products | The Administration to provide the existing range of VOC contents of the products to be regulated under the Regulation, as far as possible |
| 014147 - 014503 | Mr Vincent FANG Administration | Mr Vincent FANG's enquiry on whether VOC-containing products manufactured in California could be exempted from testing Administration's explanation that testing was not mandatory for VOC-containing products but spot checking would be made by the Administration as part of its enforcement | |
| 014504 - 015031 | Miss CHAN Yuen-han Administration | Discussion on the difficulties of compliance with the Regulation by the trades and the experience of the Californian Government in VOC control | The Administration to step up enforcement, including tests |

| Time Marker | Speaker | Subject(s) | Action required |
|-----------------|---|---|---|
| | | | of VOC contents of regulated products, to ensure compliance with the Regulation after it had come into operation |
| 015032 - 015350 | Ms Emily LAU Administration | Discussion on the enforcement of VOC control | The Administration to advise the manpower and financial resources earmarked for the enforcement of the Regulation |
| 015351 - 015607 | Mr Howard YOUNG Administration | Mr Howard YOUNG's support for exemption of VOC-containing products which were approved for sale in California from testing in Hong Kong | |
| 015608 - 021722 | Miss CHOY So-yuk Administration Ms Emily LAU Mr Howard YOUNG | Miss CHOY So-yuk's request for further tightening the VOC limits of flat coatings in view of the ready availability of water-based alternatives Mr Vincent FANG's emphasis that further consultation with the trades would be required if changes to the agreed VOC limits were proposed. This would inevitably delay the implementation of the Regulation. His concern was shared by Ms Emily LAU and Mr Howard YOUNG Administration's views - (a) the VOC limits and time frames for implementation had been agreed with the trades after extensive consultation; (b) the Regulation would need to be gazetted in time for implementation on 1 April 2007 as scheduled; and | Administration to expedite the review of the Regulation, particularly on flat coatings, which was expected to take place one year after its |

| Time Marker | Speaker | Subject(s) | Action required |
|-----------------|---|--|-----------------|
| | | (c) a review would be conducted one year after the Regulation had come into effect | |
| 021723 - 022357 | Chairman Ms Emily LAU Miss CHOY So-yuk Mr Vincent FANG Chairman | Members agreed to - (a) allow for the gazettal of the Regulation on 9 February 2007 as proposed by the Administration; and (b) continue discussion on the Regulation at the next meeting scheduled for Thursday, 8 February 2007, at 2:30 pm | |

Council Business Division 1
<u>Legislative Council Secretariat</u>
7 February 2007