

立法會
Legislative Council

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the Administration)

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

**Minutes of first meeting on
Thursday, 11 June 2009, at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon Miriam LAU Kin-ye, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
- Member absent** : Hon CHAN Hak-kan
- Public Officers attending** : Agenda item II
- Mr MOK Wai-chuen
Acting Assistant Director (Air Policy)
Environmental Protection Department
- Mr PANG Sik-wing
Principal Environmental Protection Officer (Air Policy)
Environmental Protection Department
- Mr Joe W Y FONG
Senior Environmental Protection Officer (Air Policy)2
Environmental Protection Department
- Miss Emma WONG
Acting Senior Government Counsel
Law Drafting Division
Department of Justice

Clerk in attendance : Ms Debbie YAU
Chief Council Secretary (1)6

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Ms Amy LEE
Senior Council Secretary (1)8

Ms Debbie SIU
Legislative Assistant (1)9

Action

I Election of Chairman

Ms Miriam LAU, the member who had the highest precedence in the Council among all members of the Subcommittee present, presided over the election of the Chairman of the Subcommittee. She invited nominations for the chairmanship of the Subcommittee.

2. Ms Audrey EU was nominated by Mr Vincent FANG and the nomination was seconded by Mr KAM Nai-wai. Ms EU accepted the nomination. As there was no other nomination, Ms Audrey EU was elected Chairman of the Subcommittee. Ms EU took over the chair.

II Meeting with the Administration

(Ref.: EPD200905

-- Legislative Council Brief issued by the Environmental Protection Department

LC Paper No. LS73/08-09

-- Legal Service Division Report

LC Paper No. CB(1)1845/08-09(01)

-- Marked-up copy of the Air Pollution Control (Volatile Organic Compounds) Regulation prepared by the Legal Service Division

LC Paper No. CB(1)1845/08-09(02)

-- Background brief prepared by the Legislative Council Secretariat

LC Paper No. CB(1)1845/08-09(03) -- Assistant Legal Adviser's letter dated 27 May 2009 to the Administration

LC Paper No. CB(1)1845/08-09(04) -- Administration's response to CB(1)1845/08-09(03))

Relevant papers previously issued by the Panel on Environmental Affairs for the meeting on 24 November 2008

(LC Paper No. CB(1)223/08-09(05) -- Administration's paper on a proposal to control the contents of Volatile Organic Compounds in vehicle refinishing paints, marine vessel paints, pleasure craft paints, adhesives and sealants

LC Paper No. CB(1)223/08-09(06) -- Paper on extending the scope of Air Pollution Control (Volatile Organic Compounds) Regulation to control vehicle refinishing paints, marine paints, adhesives and sealants prepared by the Legislative Council Secretariat (Background brief))

3. The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

4. The Administration was requested to:

- (a) provide information on the outcome of implementation of measures and programmes to reduce volatile organic compound (VOC) emissions, to illustrate how the reduction target, from the emission level of 68 800 tonnes of VOC per year in 1997 to 31 000 tonnes per year by 2010, could be met;
- (b) provide a rank order list of locally available products with high VOC content, which should include products under the Air Pollution Control (Volatile Organic Compounds) Regulation and Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2009 (the Amendment Regulation), and if appropriate, cleansing detergents for external walls of buildings;
- (c) provide information on the measures and programmes adopted or to be adopted by the Guangdong Provincial Government vis-à-vis those

in Hong Kong to reduce VOC emissions, including progress of implementation and achievements of VOC emission reduction;

- (d) provide information on the way forward after implementing the Amendment Regulation and meeting the VOC emission reduction target in 2010 with a view to further improving the air quality of Hong Kong, including proposed measures and the environmental/health/economic benefits to be attained;
- (e) explain why VOC emissions from power stations were not subject to statutory control; and
- (f) provide information on the results of the Administration's review on the need to impose liability on the retailers subsequent to the operation of the Air Pollution Control (Volatile Organic Compounds) Regulation.

Schedule of further meetings

5. Members agreed that the schedule for further meetings were to be arranged by the LegCo Secretariat.

(Post-meeting note: The next meeting would be held on Friday, 26 June 2009 at 3:30 pm or immediately after the meeting of House Committee, whichever would be the later. Members were notified about the schedule of the next three meetings vide LC Paper No. CB(1)1910/08-09 issued on 12 June 2009.)

Extension of scrutiny period

7. Members agreed that the Chairman should move a motion at the Council meeting on 24 June 2009 to extend the scrutiny period of the Amendment Regulation to 14 October 2009. Members noted the deadline for giving notice of amendment to the Amendment Regulation was 7 October 2009 and the date of reporting to the House Committee was 9 October 2009.

III Any other business

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

**Proceedings of the first meeting of
the Subcommittee on Air Pollution Control (Volatile Organic Compounds)
(Amendment) Regulation 2009
on Thursday, 11 June 2009, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000107 – 000238	Ms Miriam LAU Mr Vincent FANG Mr KAM Nai-wai Ms Audrey EU	Election of Chairman	
000239 – 000833	Chairman Ms Miriam LAU Mr Vincent FANG	Members' agreement to extend the scrutiny period of the Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2009 (the Amendment Regulation), and to invite deputations to provide views and meet with the Subcommittee Dates of future meetings	
000834 – 001515	Chairman Administration	Briefing by the Administration on the Amendment Regulation (Legislative Council Brief Ref.EPD200905)	
001516 – 003015	Chairman Ms Miriam LAU Administration	Ms Miriam LAU's concerns about the economic implications of the Amendment Regulation on the affected industries as set out in paragraphs 12 to 14 of EPD200905 The Administration's response – (a) the increase in cost of compliant adhesives and sealants from less than 10% to about 200% was just a rough estimation depending on the product types and supply. The cost was expected to be reduced when more compliant products were introduced into the local market. Since the cost of adhesive and sealants usually accounted for about 1% of the total project cost, the increase in cost of these products should not have any major impact on the total project cost; (b) for motor refinishing paints, the additional capital cost for motor repairing shops to retrofit their painting facilities for using compliant paints was estimated to be in the range of \$5,000 to \$30,000 depending on the operational scale of the shops. To provide further support to the motor repairing industry, workshops would be arranged by	

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		<p>the Vocational Training Council (VTC) to introduce the skills of using water-based or low-VOC compliant paints; and</p> <p>(c) the estimated increase in cost of vessel paints was about 30%, and would only result in about 3% increase in the total cost for ship body maintenance works which involved mainly manual jobs such as painting and the removal of shells</p>	
003016 – 004811	Chairman Mr Vincent FANG Administration Ms Miriam LAU	<p>Mr Vincent FANG's concerns –</p> <p>(a) how far the reduction target had been met since the implementation of measures and programmes to reduce VOC emissions;</p> <p>(b) whether the four types of products, i.e. vehicle refinishing paints, vessel paints, pleasure craft paints, adhesives and sealants, were proposed to be included in the Amendment Regulation because of their high VOC content;</p> <p>(c) whether consultation had been conducted with relevant trades and industries as there were comments from the motor repairing industry that the water-based paint failed to provide a smooth and fine finishing and could not meet customers' requirements, and</p> <p>(d) whether the Administration had assessed the nuisance caused by the VOC emissions from the use of cleansing detergents for the external walls of buildings, which could be a major source of VOC emissions</p> <p>The Administration's response –</p> <p>(a) according to the consensus between the Government of Hong Kong Special Administrative Region (HKSAR) and Guangdong Provincial Government (GPG), the target was to reduce the regional emissions of VOCs by 55% in 2010 with reference to the 1997 emission level, i.e. from 68 800 tonnes per year in 1997 to 31 000 tonnes per year by 2010. The level of VOC emissions had already been reduced in 2007 to 39 700 tonnes per year. When the extended control under the Amendment Regulation was fully implemented, it could help reduce about 700 tonnes of VOC</p>	The Administration to provide information as required in paragraphs 4(a) and (b) of the minutes

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		<p>emission a year vis-à-vis 8 000 tonnes subsequent to the implementation of the Air Pollution Control (Volatile Organic Compounds) Regulation (the Regulation);</p> <p>(b) the four types of newly regulated products were the remaining VOC-containing products with high VOC content, which were also controlled by the State of California, the place known to be the most advanced in controlling VOC emissions for better air quality. Apart from high VOC content, considerations were also given as to whether the products were technically irreplaceable. As the four types of products had been subject to statutory control in California for over a decade, compliant products at reasonable cost should be available;</p> <p>(c) the Administration had consulted the relevant trades and held a number of in-depth discussions with them so that the final proposal and implementation plan were most practicable and acceptable by the trades. The current proposal as reflected in the Amended Regulation had already taken into account their views, in particular on the relaxation of applicable VOC content limits, and the deferment of the effective dates; and</p> <p>(d) cleansing detergents were mostly water soluble with comparatively low VOC content and therefore they were not on the list of products subject to statutory control</p>	
004812 – 010200	Chairman Ms Cyd HO Administration	<p>Ms Cyd HO's concerns –</p> <p>(a) about the exemption provided under the Amendment Regulation;</p> <p>(b) about the way forward after meeting the target of reducing VOC emission by 55% by 2010;</p> <p>(c) about the occupational safety of workers who were exposed to VOC emissions, such as thinner in adhesives and sealants; and</p> <p>(d) whether GPG would adopt similar measures to regulate the VOC-containing products in achieving the target reduction because if not, related business opportunities might be shifted to the Mainland</p>	The Administration to provide information as required in paragraph 4(c) of the minutes

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		<p>The Administration's response –</p> <ul style="list-style-type: none"> (a) claims for exemption would be applicable for products irreplaceable in serving a vital public health or security function, or it was a trade sample not for sale in Hong Kong, or the exemption would be in the public interest. Considerations for exemption would be made on an individual basis; (b) whether the remaining 45% of VOC emission could be further reduced would hinge on technological advancements and further study would be conducted to review the situation; (c) occupational safety was under the purview of the Occupational Safety and Health Council and there were already guidelines for the protection of worker safety in connection with their use of products with high VOC content, such as the requirement for exhaust air and good ventilation during the application. Besides, demonstrations on the use of newly introduced water-based adhesives and sealants with better performance had been arranged for the industry by the Hong Kong Productivity Council; and (d) the HKSAR Government and GPG had set up a task force to monitor progress of the VOC emission reduction programmes in both places. As the sources of VOC emissions in the two places differed, the programmes in Guangdong would mainly focus on reducing VOC emissions from factories at this stage 	
010201 – 011013	Chairman Mr Vincent FANG Administration Ms Miriam LAU	<p>Mr Vincent FANG's consideration that it was not worthwhile to regulate the proposed four types of products which could only achieve a reduction of 700 tonnes of VOC emission per year but bringing much impact on the industries because the compliant products were expensive and the supply was limited. Instead, the Administration should seek to control VOC emissions from power stations</p> <p>Ms Miriam LAU's echo with the concern and her consideration that the HKSAR Government and GPG should regulate the same VOC-containing products, and develop compliant products and</p>	

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		<p>offer them to the trades at affordable prices. Otherwise, customers would be attracted to use the motor repairing and ship maintenance services in the Mainland because the material costs there were lower</p> <p>The Administration's responses –</p> <p>(a) because of efficient combustion, the VOC concentrations in the flue gases of power plants were very low, accounting for just around 400 tonnes per year and further reduction in their VOC emissions was technically very difficult; and</p> <p>(b) the Administration had set up taskforces in January 2009 comprising representatives from major stakeholders to work out programmes to facilitate compliance and promote the use of compliant products so that the affected trades and the public were well prepared and adapted to using the newly regulated products. As technology advanced, compliant products at competitive prices would be introduced to the local market</p>	
011014 – 011603	Chairman Mr KAM Nai-wai Administration	<p>Mr KAM Nai-wai's support for the Amendment Regulation but the implementation should be expedited. The Administration should provide information on other types of VOC-containing products that should also be controlled</p> <p>The Chairman's enquiry on whether the 400 tonnes of VOC emissions from power stations could be reduced</p> <p>The Administration's highlight about the combustion process in power stations whereby the level of 400 tonnes VOC emissions per year could not be further lowered unless there was technology breakthrough because the combustion efficiency was already high. On further control of VOC emissions from other products, the Administration's advice that even water-based paints would still give out some VOC emissions</p>	
011604 – 011857	Chairman Ms Miriam LAU Administration	<p>The Administration's clarification that the level of VOC emissions in Hong Kong had already been reduced to 39 700 tonnes per year in 2007. In reply to the enquiry of the Chairman and Ms Miriam LAU, the Administration's confirmation that with a reduction of about 700 tonnes of VOC emission a year when the proposed extended</p>	

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		control was fully implemented, the reduction of VOC emission target of 55% by 2010 could be achieved	
011858 – 012341	Chairman Ms Cyd HO Administration	<p>Ms Cyd HO's consideration that the Administration should seek to regulate more VOC-containing products, such as cosmetic and perfumes, with a view to further improving the air quality of Hong Kong</p> <p>As the reduction of about 700 tonnes of VOC emissions a year would only be realized after the proposed control was fully implemented, the Chairman's query whether this could help achieve the VOC emission reduction target in 2010</p> <p>The Administration's response that it expected the proposed control could help achieve the VOC emission reduction target by the end of 2010</p>	The Administration to take action as required in paragraph 4(d) of the minutes
012342 – 012817	Chairman Mr Vincent FANG Administration	<p>Mr Vincent FANG's concern that the Administration should set out the list of locally available products containing high VOC content for members and the public to consider which of them should be included in the Amendment Regulation</p> <p>The Chairman's request for the Administration to explain why VOC emissions from power stations were not subject to statutory control</p>	The Administration to provide information as required in paragraph 4(e) of the minutes
012818 – 013140	Chairman Ms Cyd HO	<p>Ms Cyd HO' suggestion to invite VTC instructors to provide technical advice on the performance of water-based vehicle refinishing paints</p> <p>The Chairman's reiteration about the Subcommittee's decision to invite deputations to give views on the Amendment Regulation</p>	
013141 – 013600	Chairman Administration	<p>The Chairman's enquiry about the results of the Administration's review on the need to impose liability on retailers subsequent to the implementation of the Regulation to prevent unscrupulous retailers from smuggling non-compliant regulated products into Hong Kong and selling them at low prices</p> <p>The Administration's response that the review had been conducted. Retailers were found to be cooperative and cases of importing non-compliant regulated products into Hong Kong were not reported</p> <p>Mr Vincent FANG's comment that if there were</p>	The Administration to provide information as required in paragraph 4(f) of the minutes

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		unscrupulous retailers importing non-compliant regulated products into Hong Kong, these retailers would be treated as importers and would be liable under the Regulation	
013601 – 013849	Chairman Mr Vincent FANG Administration	<p>Mr Vincent FANG's repeated concern that the affected industries and trades were forced to move their businesses to the Mainland subsequent to the implementation of the control measures. His request for the Administration to review the need for the Amendment Regulation, in particular the impact on the motor repairing industry</p> <p>The Administration's emphasis on the need to regulate vehicle refinishing paints to safeguard the residents in the vicinity from the adverse health effects of exposure to high VOC emissions. The Administration had worked out feasible plans with the industry through consultations</p>	