

立法會
Legislative Council

LC Paper No. CB(1)67/09-10
(These minutes have been seen by
the Administration)

Ref : CB1/SS/9/08

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

**Minutes of the sixth meeting on
Tuesday, 22 September 2009, at 4:30 pm
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
- Members absent** : Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
- Public Officers attending** : Agenda item II
- Mr MOK Wai-chuen
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
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 Angel SHEK
Senior Council Secretary (1)1

Action

I Confirmation of minutes

(LC Paper No. CB(1)2623/08-09 - Minutes of meeting held on 9 September 2009)

The minutes of the meeting held on 9 September 2009 was confirmed.

II Meeting with the Administration

(LC Paper No. CB(1)2625/08-09(01) -- List of follow-up actions arising from the discussion at the meeting on 16 September 2009 prepared by the Legislative Council Secretariat

LC Paper No. CB(1)2625/08-09(02) -- Administration's response to LC Paper No. CB(1)2625/08-09(01)

LC Paper No. CB(1)2625/08-09(03) -- Draft resolution on the amendments proposed by the Administration

Other relevant papers issued previously

LC Paper No. CB(1)2599/08-09(01) -- List of follow-up actions arising from the discussion at the meeting on 9 September 2009 prepared by the Legislative Council Secretariat

LC Paper No. CB(1)2599/08-09(02) -- Administration's response to LC Paper No. CB(1)2599/08-09(01)

LC Paper No. CB(1)2538/08-09(01) -- List of follow-up actions arising from the discussion at the meeting on 2 July 2009 prepared by the Legislative Council Secretariat

- LC Paper No. CB(1)2538/08-09(02) -- Administration's response to LC Paper No. CB(1)2538/08-09(01)
- LC Paper No. CB(1)2146/08-09(01) -- Assistant Legal Adviser's letter dated 30 June 2009 to the Administration
- LC Paper No. CB(1)2538/08-09(03) -- Administration's response to LC Paper No. CB(1)2146/08-09(01)
- LC Paper No. CB(1)2029/08-09(01) -- List of follow-up actions arising from the discussion at the meeting on 11 June 2009 prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)2029/08-09(02) -- Administration's response to LC Paper No. CB(1)2029/08-09(01)
- 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)
- 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

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

3. The Administration took members through its proposed amendments in the draft resolution to amend the Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2009 (the Amendment Regulation). While the Subcommittee did not raise objection to the proposed amendments, the Chairman

requested the Administration to include in the speech of the Secretary for the Environment to be delivered at the motion debate on the Amendment Regulation a report about the shortfall of VOC emission reduction by 35 tonnes for meeting the 2010 emission reduction target, pursuant to the proposed amendments to relax the maximum VOC content limits for regulated vehicle refinishing paints.

Way forward

4. The Chairman concluded that the Subcommittee had completed examination of the Amendment Regulation and would report its deliberations to the House Committee by circulation before 7 October 2009 which was the deadline for giving notice of amendments to the Amendment Regulation. Members noted that the Administration would move a motion at the Council meeting on 14 October 2009 to amend the Amendment Regulation.

III Any other business

5. There being no other business, the meeting ended at 4:50 pm.

Council Business Division 1
Legislative Council Secretariat
19 October 2009

**Proceedings of the sixth meeting of
the Subcommittee on Air Pollution Control (Volatile Organic Compounds)
(Amendment) Regulation 2009
on Tuesday, 22 September 2009, at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000242 – 000300	Chairman	The Chairman's introductory remarks Confirmation of minutes of meeting on 9 September 2009 (CB(1)2623/08-09)	
000301 – 000536	Chairman Administration Ms Miriam LAU	<u>Meeting with the Administration</u> Briefing by the Administration on its response to the concern raised at the meeting on 16 September 2009 (CB(1)2625/08-09(02))	
000537 – 001227	Chairman Administration Assistant Legal Adviser (ALA) Ms Miriam LAU	<u>Draft resolution on the amendments proposed by the Administration (CB(1)2625/08-09(03))</u> <u>Amendment to proposed section 2(2)</u> Ms Miriam LAU's remarks that notwithstanding her reservation about the inclusion of shipping agent as "importer", she would accept the revised definition of "importer" as proposed by the Administration at this stage but she would request for a review in future if the shipping industry encountered operational difficulty after implementation of the Amendment Regulation <u>Amendment to proposed sections 2(11) and 2(14)</u> Members did not raise any query <u>Amendment to proposed section 20 (Schedule 5)</u> In response to ALA's enquiry about the amendment to section 1 of Part 2 of Schedule 5, the Administration's clarification that there was no change in the maximum limits of VOC content in ready to use condition for "other vehicle refinishing coatings" (i.e. item (14) in Annex A to CB(1)2538/08-09(02)), hence no amendment for this item would be proposed in Schedule 5	
001228 – 001711	Chairman Administration Mr Vincent FANG Ms Miriam LAU ALA	In response to the enquiries of Mr Vincent FANG and the Chairman, the Administration's clarification that while enforcement of the Amendment Regulation would mainly target at importation of non-compliant products in large quantities, the definition of "importer" would apply irrespective of the amount of the regulated products being imported, and whether the products were for commercial or personal use. As such, the Customs and Excise Department would take enforcement actions against	

Time marker	Speaker	Subject(s)	Action required
		<p>importation of non-compliant products at border check points</p> <p>At the request of Ms Miriam LAU, the Administration's agreement to step up publicity about the implementation of Amendment Regulation to alert end-users not to import small quantities of non-compliant products for private use</p>	
001712 – 002029	<p>Chairman The Administration Mr KAM Nai-wai Mr Vincent FANG Ms Miriam LAU</p>	<p>Mr Vincent FANG's appreciation of the Administration's proposed amendments to relax the maximum limits of VOC content for regulated vehicle refinishing paints to alleviate the adverse impact of the Amendment Regulation on the vehicle repair trades</p> <p>In reply to the Chairman and Mr KAM Nai-wai, the Administration's undertaking to include in the speech of the Secretary for the Environment to be delivered at the motion debate on the Amendment Regulation a report about the shortfall of VOC emission reduction by 35 tonnes for meeting the 2010 emission reduction target and an undertaking to review the need to tighten the maximum VOC content limits for regulated vehicle refinishing paints gradually in phases to meet the California standards (those specified by the California Air Resources Board) within one year after the implementation of the control on vehicle refinishing paints on 1 October 2011</p> <p>Mr Vincent FANG's view that the Administration should take into account the possible adverse impact on the business viability of vehicle repair trades if the California standards were to be adopted for regulating vehicle refinishing paints, having regard to the fact that most vehicles in Hong Kong were manufactured in Europe. The Administration's response that the VOC content limits for regulated vehicle refinishing paints would be reviewed in the light of actual implementation of the control on vehicle refinishing paints</p>	<p>The Administration to take follow-up action as required in paragraph 3 of the minutes</p>