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Panel on Environmental Affairs

Meeting on 24 November 2008

**Background brief on extending the scope of
Air Pollution Control (Volatile Organic Compounds) Regulation to
control vehicle refinishing paints, marine paints, adhesives and sealants**

Purpose

This paper gives a brief account of previous discussion on the Air Pollution Control (Volatile Organic Compounds) Regulation.

Background

2. The Hong Kong Special Administrative Region Government and the Guangdong Provincial Government reached a consensus in 2002 to reduce, 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 by 2010, 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 as at 2004. More vigorous measures have to be taken in order to meet the emission reduction target in respect of VOC.

3. In November 2006, the Administration introduced the Air Pollution Control (Volatile Organic Compounds) Regulation (the Regulation), which aims at prohibiting the manufacture and importation of regulated products (i.e. regulated paints, regulated printing inks and regulated consumer products) if the content of VOC of the product exceeds the maximum limit that is prescribed by the Regulation. A Subcommittee was formed to study the Regulation. Owing to insufficient time for scrutiny, the Regulation was repealed by the Council in January 2007. To expedite the examination of the new Air Pollution Control (Volatile Organic Compounds) Regulation (the proposed Regulation) after the repeal of the Regulation, another Subcommittee was set up to study the issues relating to the proposed Regulation.

Deliberations by the Subcommittee on Air Pollution Control (Volatile Organic Compounds) Regulation

4. The Subcommittee noted that the proposed Regulation aimed at controlling regulated products locally manufactured or imported either by sole agents or parallel importers, for sale at the local market or proprietary use (i.e. the importer or manufacturer was also the end consumer). It did not intend to impose liability on retailers except that they should provide accurate information regarding the origin of products sold when required. Members were concerned that if retailers were not held liable for selling regulated products exceeding the prescribed VOC limits, there might be circumstances where some unscrupulous retailers might smuggle non-compliant regulated products into Hong Kong and sell them at low prices, thereby creating unfair competition to their law-abiding counterparts. In the light of the Subcommittee's concern, the Administration had undertaken to consult the trades again, after the proposed Regulation had come into operation, on the need for and feasibility of imposing liability on those retailers who knowingly sold regulated products exceeding the prescribed VOC limits.

5. There were dissenting views on the types of products to which the proposed Regulation would apply. Some members considered that there was room for further tightening of the prescribed VOC limits under the proposed Regulation. By way of illustration, for flat coatings, water-based flat coatings emitted much less VOCs as compared to their oil-based counterparts. Hence, consideration should be given to reviewing the VOC limits, particularly for flat coatings, taking into account the availability of alternative products in the market. Other members however pointed out that the proposed control regime had been worked out after extensive consultation with the trades. Thus, it would be imprudent to introduce any changes at this stage without further consulting the trades.

6. Given the far-reaching implications of the proposed control regime on VOCs which was completely new to Hong Kong, the Subcommittee agreed that it was necessary that Members should be able to speak on the proposed Regulation in the Council after it had been tabled in the Council, and that the responsible officers should respond to views of Members at the same Council meeting. Members therefore decided that the Chairman should, on behalf of the Subcommittee, recommend to the House Committee the holding of a motion debate on the proposed Regulation at the Council meeting on 14 March 2007. The Administration was also requested to include in the speech of the then Secretary for the Environment, Transport and Works delivered at the motion debate on the proposed Regulation an undertaking that it would conduct a review of the adequacy of the resources earmarked for enforcement of the proposed Regulation, the need to impose liability on retailers and the VOC limit for flat coatings within one year after the proposed Regulation has come into operation.

Latest development

7. The Administration intends to extend the scope of the Air Pollution Control (Volatile Organic Compounds) Regulation to control vehicle refinishing paints, marine paints, adhesive and sealants. The subject has been scheduled for discussion by the Panel at its meeting on 24 November 2008.

Relevant paper

House Committee Report of the Subcommittee on Air Pollution Control (Volatile Organic Compounds) Regulation on 12 January 2007

<http://www.legco.gov.hk/yr06-07/english/hc/papers/hc0112cb1-672-e.pdf>

House Committee Report of the Subcommittee to Study Issues Relating to the Air Pollution Control (Volatile Organic Compounds) Regulation on 23 February 2007

<http://www.legco.gov.hk/yr06-07/english/hc/papers/hc0223cb1-952-e.pdf>

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