

立法會
Legislative Council

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by the Administration)

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**Subcommittee on Air Pollution Control (Volatile Organic Compounds)
(Amendment) Regulation 2017**

**Minutes of first meeting
held on Tuesday, 7 November 2017, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon YIU Si-wing, BBS (Chairman)
Hon CHAN Hak-kan, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon Kenneth LEUNG
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Hon Tanya CHAN
Hon HUI Chi-fung

Member absent : Dr Hon Junius HO Kwan-yiu, JP

Public Officers attending : **For item II**
Mrs Alice CHEUNG, JP
Deputy Director of Environmental Protection (3)
Environmental Protection Department

Mr Dave HO
Assistant Director of Environmental Protection
(Air Policy)
Environmental Protection Department

Mr Brian LAU
Principal Environmental Protection Officer (Air Policy)
Environmental Protection Department

Miss Christine WONG
Government Counsel
Department of Justice

Clerk in Attendance : Miss Cindy HO
Chief Council Secretary (1)1

Staff in attendance : Mr Alvin CHUI
Assistant Legal Adviser 3

Mr Jason KONG
Council Secretary (1)1

Miss Mandy POON
Legislative Assistant (1)1

Action

I. Election of Chairman

Mr YIU Si-wing, the member with the highest precedence among those who were present at the meeting, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Mr YIU Si-wing was nominated by Mr Jimmy NG and the nomination was seconded by Mr POON Siu-ping. Mr YIU accepted the nomination. As Mr YIU was nominated, Mr POON Siu-ping presided over the election and invited further nominations. There being no other nominations, Mr YIU was declared Chairman of the Subcommittee.

3. Members agreed that there was no need to elect a Deputy Chairman.

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II. Meeting with the Administration

- (L.N. 166 of 2017 — Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2017
- (issued by the Environmental Protection Department in October 2017)* — Legislative Council Brief
- LC Paper No. LS3/17-18 — Legal Service Division Report
- LC Paper No. CB(1)176/17-18(01) — Marked-up copy of relevant provisions to be amended by the subsidiary legislation prepared by the Legal Service Division (Restricted to members)
- LC Paper No. CB(1)176/17-18(02) — Background brief prepared by the Legislative Council Secretariat)

Discussion

4. Deputy Director of Environmental Protection (3) briefed members on the Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2017 ("Amendment Regulation").
5. The Subcommittee deliberated (index of proceedings attached at the **Annex**).

III. Any other business

Legislative timetable

6. The Chairman concluded that the Subcommittee had completed examination of the provisions of the Amendment Regulation. The Chairman said that he would move a motion at the Council meeting of 15 November 2017 to extend the scrutiny period of the Amendment Regulation to the Council meeting of 6 December 2017. No members raised objection. If the scrutiny

Action

period was extended, the deadline for giving notice of motion to amend the subsidiary legislation would be 29 November 2017. The Chairman would report the deliberations of the Subcommittee to the House Committee at its meeting on 24 November 2017.

(Post-meeting note: As the proposed resolution to extend the scrutiny period of the Amendment Regulation to the Council meeting of 6 December 2017 was not dealt with at the Council meeting of 15 November 2017, the scrutiny period of the Amendment Regulation had therefore expired at the said Council meeting.)

7. There being no other business, the meeting ended at 5:54 pm.

Council Business Division 1
Legislative Council Secretariat
23 November 2017

**Subcommittee on Air Pollution Control (Volatile Organic Compounds)
(Amendment) Regulation 2017**

**Proceedings of the first meeting
on Tuesday, 7 November 2017, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I — Election of Chairman</i>			
000432 - 000549	Mr YIU Si-wing Mr Jimmy NG Mr POON Siu-ping	Election of Chairman	
<i>Agenda Item II — Meeting with the Administration</i>			
000550 - 000653	Chairman	Opening remarks	
000654 - 001217	Administration	Briefing by the Administration on the Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2017 ("Amendment Regulation").	
001218 - 001820	Chairman Dr CHIANG Lai-wan Administration	<p>Dr CHIANG's questions on:</p> <p>(a) the number of companies potentially affected by the new measure to control the volatile organic compounds ("VOC") contents of regulated fountain solutions and regulated printing machine cleaning agents ("newly regulated products");</p> <p>(b) whether reference had been made to the standards in overseas jurisdictions when proposing to set the VOC content limits for fountain solutions and printing machine cleaning agents at 80 grams/litre ("g/l") and 500 g/l respectively; and</p> <p>(c) whether there were plans to review and further tighten the above prescribed limits (i.e. the VOC content limits for newly regulated products) in future, and/or extend the scope of application of the Air Pollution Control (Volatile Organic Compounds) Regulation (Cap. 311W) to other products to deal with VOC emissions from non-combustion sources.</p> <p>The Administration's response as follows:</p> <p>(a) there were about 60 to 70 importers of newly regulated products in Hong Kong, and no local manufacturer of these products had come to the Administration's knowledge;</p>	

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		<p>(b) there were about 4 000 printing companies in Hong Kong, and some of them might also be importers by definition of the Amendment Regulation if they brought into Hong Kong newly regulated products for their own use. However, not all printing companies used these products in their day-to-day operations;</p> <p>(c) the VOC content limits for fountain solutions and printing machine cleaning agents were proposed to be set at 80 g/l and 500 g/l respectively having regard to the findings of a feasibility study conducted in collaboration with the trade, and with reference to the VOC content limits of the South Coast Air Quality Management District ("SCAQMD"), California, USA. The VOC content limits set in the current proposal were less stringent than SCAQMD's standards, in which the VOC content limits for fountain solutions and printing machine cleaning agents had already been tightened to 50 g/l and 100 g/l respectively. The Administration explained that at the time when the feasibility study was conducted, reference was made to the then VOC content limit of SCAQMD for fountain solutions, which was 80 g/l. While using fountain solutions and printing machine cleaning agents with lower VOC contents was feasible for new printing machines, old printing machines remained in use in local printing factories and the trial results indicated that old printing machines could not produce satisfactory performance with such products; and</p> <p><i>[Post-meeting note: The Administration supplemented that trial results indicated that old printing machines could not produce satisfactory printing results when using fountain solutions with VOC contents below 50 g/l. As such, the proposed VOC limit for fountain solutions was set at 80 g/l. As for the trials of printing machine cleaning agents, it was found that the performance of three low-VOC printing machine cleaning agents (with VOC contents below 100g/l) was not acceptable given that stains could not be removed even after 10 swipes, compared to only 3 to 4 swipes that were needed when printing machine cleaning agents with VOC contents between 300 g/l and 500 g/l were used. The proposed VOC content limit for printing machine cleaning agents was set at 500 g/l after consulting the printing trade.]</i></p> <p>(d) after implementing the legislative proposal, the Environmental Protection Department could revisit the VOC content limits if and where necessary. The Administration advised that efforts to reduce local VOC emissions from non-combustion sources started in 2007. Meanwhile, the Administration was exploring the</p>	

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		possibility of bringing other VOC-containing products under the control of Cap. 311W with a view to strengthening the VOC emission control.	
001821 - 002256	Chairman Mr CHAN Hak-kan Administration	Discussion on (a) the implication of the Amendment Regulation on the production costs of the trade; and (b) the Administration's plan to tighten the VOC content limits of other regulated products currently under the existing framework of Cap. 311W. The Administration advised that the feasibility of further reducing the VOC content of architectural paints was being explored.	
002257 - 002654	Chairman Administration	Discussion on (a) the public consultation process in respect of the Amendment Regulation; and (b) whether and when the Administration would conduct a review of the prescribed limits for newly regulated products, with a view to aligning them with SCAQMD's standards.	
002655 - 004725	Chairman Mr CHU Hoi-dick Administration	<p>Mr CHU's enquiries about:</p> <ul style="list-style-type: none"> (a) the enhanced measures to foster cooperation with Guangdong and the Pearl River Delta ("PRD") region to improve air quality; (b) the compilation methodology of the data for VOC emissions, and method for measuring the benefits, in terms of air quality improvement, brought by reduction in VOC emissions; and (c) how the Administration would ensure compliance with the Amendment Regulation by sellers and users of newly regulated products. <p>The Administration's explanation as follows:</p> <ul style="list-style-type: none"> (a) VOCs could contribute to the formation of photochemical smog, which was a key regional air pollution problem in the PRD region. The combat against photochemical smog problems required both local efforts and regional cooperation. In 2012, the governments of Hong Kong and Guangdong agreed to an emission reduction plan for the PRD region up to 2020, which set specific emission reduction targets for 2015 and emission reduction ranges for 2020 for four major air pollutants, namely sulphur dioxide, nitrogen oxides, respirable suspended particulates and VOC. Currently, a mid-term review was being conducted jointly by both sides to ascertain the attainment of the emission reduction targets for 2015 and finalize the emission reduction targets for 2020. The mid-term review study was about to complete and the Administration expected to announce the results by end of 2017; 	

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		<p>(b) as regards the regulation of VOC emissions, in line with international standards, local VOC emissions were calculated based on the activity data of relevant pollution sources and the emission factors for VOCs. VOC emissions of regulated products were calculated according to the methods of calculating and determining their VOC contents under the current legislative framework. Secondary pollutants such as ozone were formed by VOCs and other primary pollutants (including nitrogen oxides) through complex photochemical reactions under variable weather conditions. Therefore, although reducing VOC emissions could lead to air quality improvement in the long run, its impact on ozone/photochemical smog concentration could be affected by the levels of other pollutants;</p> <p>(c) the Administration had already engaged the trade in the feasibility study and considered their operational needs as well as the supply of compliant products on the market when proposing the prescribed limits for newly regulated products. The above had sufficiently reduced the risks of non-compliance by the trade; and</p> <p>(d) as regards enforcement of Cap. 311W, the Administration would conduct inspections and obtain regulated products from retailers for sample tests. If a product was found to be non-compliant by the sample test, the Administration would trace the source of the product along the supply chain and carry out enforcement actions.</p>	
004726 - 005040	Chairman Administration	<p>Discussion on (a) whether a user of a non-compliant product would commit an offence; and (b) whether any mechanism was in place for sharing intelligence with other jurisdictions for enforcing against non-compliance with the Amendment Regulation.</p> <p>The Administration advised that:</p> <p>(a) importers and local manufacturers of non-compliant products would commit an offence while no liability would be imposed on the users under Cap. 311W; and</p> <p>(b) Cap. 311W had no extra-territorial application to manufacturers and suppliers of non-compliant products in overseas jurisdictions.</p>	

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<p><u>Examination of the provisions of the Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2017</u> <i>[The Amendment Regulation (L.N. 166 of 2017)]</i> <i>[Marked-up copy of relevant provisions to be amended by the Amendment Regulation prepared by the Legal Service Division (LC Paper No. CB(1)176/17-18(01)]</i></p>			
005041 - 010421	Chairman Administration	<p><u>Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2017</u></p> <p><i>Sections 1 – 3</i></p> <p>Members noted that the Chinese rendition of "maximum limit" under the definition of "prescribed limit" in Cap. 311W would be changed from "最高限制" to "最高限值" to better reflect its meaning, which referred to a numerical value. In response to the Chairman's enquiry, the Administration advised that the same would be adopted for other products brought under the control of Cap. 311W in future.</p> <p><i>Sections 4 – 5</i></p> <p>In response to the Chairman's enquiries, the Administration advised that:</p> <p>(a) the Amendment Regulation was applicable only to newly regulated products manufactured in and imported into Hong Kong on or after 1 January 2018;</p> <p>(b) no particular difficulties had been encountered in the enforcement of the information disclosure requirements under Cap. 311W. There were not suggestions of any general tendency for the trade to avoid compliance; and</p> <p>(c) the formulae for determining the VOC contents of newly regulated products were widely accepted internationally.</p>	
010422 - 010544	Chairman Dr Priscilla LEUNG Administration	<p><i>Section 6</i></p> <p>Dr LEUNG sought justifications for setting different levels of penalties for contravention of the new sections 16M, 16N and 16O to be added to Cap. 311W.</p> <p>The Administration explained that, in line with the penalties related to existing regulated products under Cap. 311W, the penalty for violation of the prohibition on manufacture and import of non-compliant products (section 16M) was set at a higher level than the penalties for violation of the requirements regarding information disclosure (section 16N) and submission of annual written reports to the air pollution control authority (section 16O).</p>	

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		<p>The Chairman asked whether warnings would be given to offenders before prosecutions. The Administration replied in the negative.</p> <p><i>Section 7</i></p> <p>Members did not raise any question on this section.</p>	
010545 - 012514	Chairman Administration Dr Priscilla LEUNG	<p><i>Section 8</i></p> <p>Noting that the test methods adopted by the United States Environmental Protection Agency and SCAQMD (i.e. Method 24 and Method 303) were prescribed in the Amendment Regulation for the determination of VOC contents of newly regulated products, the Chairman enquired whether Cap. 311W would need to be amended if the organizations concerned updated the test methods in future. The Administration advised that the names of the test methods would normally be maintained even if they were updated; and in that case, no amendments to Cap. 311W would be required.</p> <p>Dr LEUNG and the Chairman asked how the list of exempt compounds for newly regulated products was determined. The Administration explained that:</p> <p>(a) scientific researches carried out by overseas institutions over the years had confirmed that certain VOCs were non-reactive or of negligible reactivity in the formation of ozone. While some of these VOCs were found in newly regulated products as additives, they should be excluded from the calculation of VOC contents for the purpose of the Amendment Regulation; and</p> <p>(b) a list of exempt compounds had already been included in each schedule (which was related to a specific category of regulated products) to Cap. 311W.</p> <p>The Chairman and Dr LEUNG further enquired if the Administration would commission local researches with a view to adjusting the list of exempt compounds to Hong Kong's conditions. The Administration considered this unnecessary because laboratory tests conducted under common conditions should yield common results, regardless of the laboratories' locations.</p>	
012515 - 012635	Chairman Assistant Legal Adviser ("ALA")	<p>ALA advised that no discrepancies had been found between the English text and Chinese text of the Amendment Regulation, and no difficulties relating to the legal and drafting aspects of the Amendment Regulation had been identified.</p>	

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<i>Agenda Item III — Any other business</i>			
012636 - 012838	Chairman	Legislative timetable and concluding remarks	

Council Business Division 1
Legislative Council Secretariat
23 November 2017