



Your Ref: EP351/V5/1

24 June 2008

Director of Environmental Protection
Environmental Protection Department
33/F, Revenue Tower
5 Gloucester Road
Wanchai
Hong Kong

BY FAX and BY POST
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Dear Sir

Proposal for Control of Volatile Organic Compound Emissions from Adhesives and Sealants

We generally support the proposed regulatory scheme to reduce emissions of Volatile Organic Compounds (VOCs) from adhesives and sealants used in Hong Kong with a view of building a green and healthier living environment in Hong Kong.

It is noted the new regulatory scheme would cover a wide range of materials and products commonly used in construction activities or very simple home fitting out works. In order to ensure the new scheme could be practically implemented, it would be vital to have sufficient replacement materials and products that can meet the new requirements available in the market. The government may need to work with manufacturers and suppliers of these products to confirm the same.

Meanwhile, we expect there will be cost difference between the conventional products and the new products which could meet the new requirements. It would be crucial for the government to consider whether the cost implication is within reasonable range to the ultimate users or the building industry without excessive disturbance to normal operation of the industry.

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From the building professionals' point of view, it would be practically difficult for the building professionals to exercise absolute monitoring or control over the use of these regulated products by contractors or material suppliers at "site level". It would be a potential pitfall to owners or building professionals involved in construction works if they would be subject to any legal liability for using any products not meeting the requirements in such works. We trust the government should make it clear on the demarcation of legal liability in this respect. We consider it would not be appropriate and fair to hold users or their appointed agents (e.g. buildings professionals or contractors) liable for utilisation of such "sub-standard" products.

On the other hand, we consider the government should also clarify what is the definition or scope of coverage about "importers" and the interpretation of "for use" under the proposed scheme. It is essential to identify whether a contractor or a building owner ordering relevant products outside Hong Kong for use in a particular building project in Hong Kong would be regarded as "importer for use" thus subject to the control.

There should also be sufficient logistic support and guidance to the general public, the construction industry and practitioners to assist them in detailed understanding of the new regulatory scheme. Sufficient technical guidelines should be published by the government in collaboration with manufacturers and suppliers to assist the public and building professionals in selecting and specifying the right products. To facilitate easy identification of products meeting the new requirements by the users at large, a simple labeling system with clear marking of "pass" of the VOC control should be adopted and made mandatory for printing on packing of these products.

We note that the government aims to enact the proposed amended regulation in mid 2009 with the VOC limits to be effective on 1 January 2010. In order to prepare for implementation of the new Regulation, the government has to ensure all replacement products that can satisfy the new regulation are readily available in the local market before mid 2009. Otherwise, it would create an obvious pitfall to the public at large exposing them the risk of contravening the new regulation. In this connection, the government may need to reconsider whether a longer grace period would be required so that the suppliers can have sufficient time to clear their existing stocks thus avoid confusing the market by the existence of "old" and "new" products at the same time.



In order to allow the industry to have a more thorough understanding of the new scheme, we urge the government to organise consultation forums with related stakeholders before finalising the proposed scheme. Meanwhile, we also suggest the government would conduct necessary talks or briefings to building professionals for any update on the latest development of regulated products after implementation of the proposed regulatory scheme.

We hope that the above views are useful to you. Should you require further elaboration, please feel free to contact our Institute at 2526 3679.

Yours sincerely,

YU Kam-hung
President