

立法會
Legislative Council

LC Paper No. CB(1) 835/07-08
(These minutes have been seen
by the Administration)

Ref : CB1/BC/4/07/2

Bills Committee on Product Eco-responsibility Bill

Minutes of the first meeting
held on Thursday, 24 January 2008, at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon CHOY So-yuk, JP (Chairman)
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, SBS, JP
Hon SIN Chung-kai, SBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon LEE Wing-tat
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon WONG Ting-kwong, BBS

Public officers attending : **For item II**

Environmental Protection Department

Mr Raymond FAN
Deputy Director of Environmental Protection

Mr Alfred LEE
Assistant Director (Waste Management Policy)

Mr TE Chi-wang
Senior Administrative Officer
(Waste Management Policy Division)

Mr Patrick LIU
Senior Environmental Protection Officer
(Regional South)

Department of Justice

Miss Shandy LIU
Senior Government Counsel
Law Drafting Division

Mr Alan CHONG
Senior Government Counsel (Acting)
Law Drafting Division

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Mrs Mary TANG
Senior Council Secretary (1)2

I Election of Chairman

Nominated by Mr Andrew LEUNG and seconded by Ms Emily LAU,
Miss CHOY So-yuk was elected Chairman of the Bills Committee.

II Meeting with the Administration

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| (LC Paper No. CB(1) 657/07-08(01) | -- Background brief on Product Eco-responsibility Bill |
| LC Paper No. CB(1) 657/07-08(02) | -- Assistant Legal Adviser's letter dated 15 January 2008 to the Administration |
| LC Paper No. CB(1) 657/07-08(03) | -- Administration's response to CB(1) 657/07-08(02) |
| LC Paper No. CB(3) 251/07-08 | -- The Bill |
| Ref: EP 381/11/03 | -- The Legislative Council Brief |
| LC Paper No. LS33/07-08 | -- Legal Service Division Report) |

2. The Committee deliberated (Index of proceedings attached at **Annex A**).

3. The Administration was requested to -
- (a) Provide a paper setting out the Administration's plan to promote and enhance public education on the reuse and recycling of plastic shopping bags, including the feasibility of introducing an incentive scheme for the return of used plastic shopping bags; and
 - (b) Advise overseas experience on measures to encourage the recycling of plastic shopping bags, particularly in respect of Ireland and Taiwan.

4. Members agreed to the following schedule of meetings -

<u>Date</u>	<u>Time</u>
Saturday, 23 February 2008	9:00 am
Friday, 7 March 2008	3:00 pm or immediately after the House Committee meeting
Wednesday, 26 March 2008	10:45 am
Tuesday, 15 April 2008	8:30 am
Tuesday, 29 April 2008	8:30 am

5. Members agreed that deputations would be invited to give views at the meeting on 23 February 2008.

III Any other business

6. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 1
Legislative Council Secretariat
18 February 2008

**Proceedings of the
Bills Committee on Product Eco-responsibility Bill
Meeting on Thursday, 24 January 2008, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000122	Mrs Selina CHOW Mr Andrew LEUNG Miss CHOY So-yuk Ms Emily LAU	Election of Chairman Miss CHOY So-yuk was elected Chairman of the Bills Committee	
000123 - 001157	Chairman Administration	Briefing on the Bill, particularly the adoption of an “umbrella” approach, by the Administration	
001158 - 002141	Chairman Administration	Chairman's enquiry on whether the Bill would only be fully implemented after the environmental levies for all the six products in clause 2 took effect Administration's explanation – (a) the Bill provided a legal framework for implementing producer responsibility schemes (PRS) in Hong Kong, with environment levy on plastic shopping bags as the first PRS under the Bill; and (b) examples of PRS for other products mentioned in clause 2, if introduced in the future, would require new provisions to be added through an amendment bill	
002142 - 003129	Mr Andrew LEUNG Administration	Mr Andrew LEUNG's concern that the focus of the Bill was on PRS involving environmental levies. It was pointed out that the Bill could not achieve the Administration's policy intent without any measures to reuse and recycle plastic bags Administration's explanation – (a) one of the ways to achieve the objectives of the Bill was	

Time Marker	Speaker	Subject(s)	Action Required
		<p>to reduce the use of certain products at source through economic disincentives for consumers;</p> <p>(b) the public recognized that there was a need to reduce the indiscriminate use of plastic shopping bags;</p> <p>(c) efforts would also be made to educate the public on the need to reuse and recycle products; and</p> <p>(d) further measures would be made to facilitate the development of recycling industries</p>	
003200 - 003520	Chairman Administration	Chairman's enquiry on the efforts made in recycling of plastic bags	The Administration to provide a paper setting out its plan to promote and enhance public education on the reuse and recycling of plastic shopping bags.
003521 - 004501	Ms Emily LAU Chairman Administration	<p>Ms Emily LAU's enquiries on the reaction of the trades towards the Bill and the use of biodegradable plastic bags</p> <p>Administration's explanation –</p> <p>(a) while reluctant to accept the environmental levy in principle, the trades had been very supportive in the past in reducing the distribution of plastic shopping bags albeit the voluntary efforts had not been considered enough by the public;</p> <p>(b) the Bill would provide the legal framework for implementing PRS and there would be close liaison with the trades on the implementation of the Bill;</p> <p>(c) the so-called “biodegradable” bags might not degrade as</p>	

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		<p>effectively as claimed under our landfill conditions; and mixing them with conventional plastic bags would make the recovery and recycling process much more difficult; and</p> <p>(d) publicity would be stepped up to avoid the indiscriminate use of plastic shopping bags</p>	
004502 - 004917	<p>Chairman Administration ALA5 Ms Audrey EU</p>	<p>Administration's explanation on how the Bill, if enacted, would be amended in future –</p> <p>(a) PRS on other types of products, if introduced in future, would require new provisions to be added through an amendment bill;</p> <p>(b) implementation details of PRS, such as registration procedures, would be set out in subsidiary legislation subject to negative vetting; and</p> <p>(c) the Secretary for the Environment might revise the levy set out in Schedule 3 by way of an order published in the gazette subject to negative vetting</p>	
004918 - 005229	<p>Administration Chairman</p>	<p>Briefing by the Administration on Part 3 of the Bill on plastic shopping bags</p>	
005230 - 005853	<p>Ms Audrey EU Administration Chairman</p>	<p>Ms Audrey EU's enquiry about the penalty for prescribed retailers who failed to register as required under the Bill</p> <p>Administration's explanation that clause 19(4) stipulated that a prescribed retailer should ensure that no plastic shopping bags would be provided to a customer from a qualified retail outlet unless it was registered. Failure to comply with clause 19(4) would be an offence</p>	

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005854 - 010041	Mr LEE Wing-tat Administration	<p>Mr LEE Wing-tat's question on whether the distribution of free plastic bags by a stranger outside retail outlets would constitute an offence</p> <p>Administration's explanation that the restriction on the distribution of free plastic bags would only apply to prescribed retailers that were proposed to be regulated under the Bill. Yet, public education would be strengthened to reduce the indiscriminate use of plastic shopping bags.</p>	
010042 - 010831	Administration Ms Audrey EU Administration Chairman	<p>Discussion on Schedule 1 regarding the meaning of plastic shopping bags</p> <p>Administration's explanation that the levy was targeted at plastic shopping bags which was made wholly or partly of plastic with a hole, perforation, handle or string attached. The levy would not apply to plastic bags without perforation as these were commonly used for packing wet food items.</p>	
010832 - 011813	Administration Miss CHAN Yuen-han Ms Miriam LAU	<p>Discussion on Schedule 2 regarding plastic shopping bags to which the Ordinance does not apply</p> <p>Ms Miriam LAU's concerns about the procurement of large amounts of plastic bags by consumers and the over-supply of so-called environmental bags</p> <p>Administration's explanation that the Bill was meant to discourage the indiscriminate use of plastic shopping bags and not to ban their use. The so-called environmental bags would be an environmentally friendly alternative if they were reused as many times as possible.</p>	

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011814 - 012556	Administration Miss CHAN Yuen-han	<p>Discussion on Schedule 3 regarding the levy on plastic shopping bags</p> <p>Miss CHAN Yuen-han's request for the use of environmental levy to fund environmental initiatives</p> <p>Administration's explanation on the reasons for not using the levy for funding environmental initiatives –</p> <p>(a) environmental initiatives were supported by the Environment and Conservation Fund; and</p> <p>(b) consumers should not be under the impression that by paying the levy, they would be supporting environment measures, which was contrary to the objective of the levy scheme</p>	
012657 - 012942	Mr Vincent FANG Administration	<p>Mr Vincent FANG's enquiry on whether there were specifications on the size and thickness of plastic shopping bags to which the levy applied</p> <p>Administration's explanation that the Bill did not propose to set such specifications</p>	
012943 - 013455	Ms Emily LAU Administration Chairman	<p>Ms Emily LAU's enquiry about the expected percentage reduction in the use of plastic shopping bags after implementation of the Bill</p> <p>Administration's response –</p> <p>(a) it was estimated that the use of plastic shopping bags would be reduced by about 50%; and</p> <p>(b) the effectiveness of the scheme would be reviewed in one year's time.</p>	

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013456 - 014131	Mrs Selina CHOW Chairman Administration	Mrs Selina CHOW's view on the need to instill the concept of recycling in daily practices of the public. Consideration should be given to providing incentives to encourage recycling, such as the provision of refund for used plastic shopping bags as in the case of the deposit schemes for used glass bottles in the past	The Administration to consider the feasibility of introducing an incentive scheme for the return of used plastic shopping bags
014132 - 014742	Mr WONG Ting-kwong Administration Chairman	<p>Mr WONG Ting-kwong's request for –</p> <p>(a) uniformity in the treatment of recyclable products under the Energy Efficiency (Labelling of Products) Bill and the Product Eco-responsibility Bill, with particular reference to the recycling of used compact fluorescent lamps (CFLs); and</p> <p>(b) transparency in the implementation of the environmental levy to prevent abuse</p> <p>Administration's explanation –</p> <p>(a) the proposed recycling scheme for used CFLs was voluntary in nature; and</p> <p>(b) under the Bill, a registered retailer would be required to display a certificate of registration in a prominent position of each of its registered retail outlets to indicate that it was registered under the proposed levy scheme.</p>	
014743 - 015228	Ms Miriam LAU Administration	<p>Ms Miriam LAU's request that the plastic shopping bags distributed by registered retail outlets should be biodegradable</p> <p>Administration's explanation –</p>	

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		<p>(a) there were different kinds of biodegradable plastic bags, some of which would degrade into finer particles after some time, while others would require moisture and sunlight for degradation with carbon dioxide and odour emitted as the byproducts. The disposal of these biodegradable bags had its own environmental impact and they might not degrade as effectively as claimed under our landfill conditions; and</p> <p>(b) there were difficulties in separating biodegradable bags from non-biodegradable ones if they were to be recycled</p>	
015229 - 015331	Ms Audrey EU Administration	<p>Ms Audrey EU's enquiry on –</p> <p>(a) whether product take-back schemes could be put in place to encourage the recycling of plastic shopping bags;</p> <p>(b) overseas experience in the recycling of plastic shopping bags</p>	The Administration to advise overseas experience on measures to encourage the recycling of plastic shopping bags, particularly in respect of Ireland and Taiwan
015432 - 015807	Chairman Ms Emily LAU Mr Andrew LEUNG Mr Vincent FANG	Schedule of meetings	
015808 - 015906	Ms Miriam LAU Chairman Administration	Ms Miriam LAU's request that District Councils be included in the consultation process	