

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 1222/07-08  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/4/07/2

**Bills Committee on Product Eco-responsibility Bill**

**Minutes of the third meeting  
held on Thursday, 13 March 2008, at 4:30 pm  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon CHOY So-yuk, JP (Chairman)  
Hon CHAN Yuen-han, SBS, JP  
Hon SIN Chung-kai, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon LEE Wing-tat  
Hon WONG Ting-kwong, BBS

**Members absent** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon Vincent FANG Kang, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP

**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

**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

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**I Confirmation of minutes**

(LC Paper No. CB(1) 1010/07-08 -- Minutes of the meeting held on  
23 February 2008)

The minutes of the meeting held on 23 February 2008 were confirmed.

**II Meeting with the Administration**

(LC Paper No. CB(1) 837/07-08(13) -- List of follow-up actions arising  
from the discussion on  
24 January 2008

LC Paper No. CB(1) 837/07-08(14) -- Administration's response to LC  
Paper No. CB(1) 837/07-08(13)

LC Paper No. CB(1) 1032/07-08(01) -- Assistant Legal Adviser's letter  
dated 3 March 2008 to the  
Administration

LC Paper No. CB(1) 1032/07-08(02) -- Administration's response to  
CB(1) 1032/07-08(01)

LC Paper No. CB(1) 1032/07-08(03) -- Summary of deputations' views on  
individual clauses of the Bill)

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

3. The Administration was requested to -

- (a) consider using part of the levy collected to provide financial incentives for both prescribed retailers and consumers to facilitate the recycling of used plastic shopping bags. These might be in the forms of refund for consumers for every specified clean used plastic

shopping bag returned, and subsidy for administrative cost incurred by prescribed retailers to earmark certain areas within their outlets for the collection of clean used plastic shopping bags returned by consumers;

- (b) advise the impact of the anticipated removal of certain public cargo working areas on local recyclers, and the measures which would be taken to address the problem and to facilitate the development of recycling industry in Hong Kong;
- (c) advise the cost and locations of the some 28,000 three-coloured recycling bins, the management cost for collection of recyclables from these bins as well as the revenue from the sales of these recyclables;
- (d) advise the measures, in addition to the proposed levy on plastic shopping bag and the three-coloured recycling bin, which could/would be taken to substantially increase the amount of used plastic bags for recycling; and
- (e) review the Bill, including clauses 18(4) and 19(2), such that future amendments to subsidiary legislation and Schedules 1, 2, 3 and 4 to the Bill would be subject to the positive vetting procedure.

### **III Any other business**

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

Council Business Division 1  
Legislative Council Secretariat  
11 April 2008

**Proceedings of the  
Bills Committee on Product Eco-responsibility Bill  
Meeting on Thursday, 13 March 2008, at 4:30 pm  
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000157	Chairman	Confirmation of minutes of the meeting held on 23 February 2008 (LC Paper No. CB(1) 1010/07-08)	
000158 - 001108	Chairman Administration	Administration's explanation on the reuse and recycling of plastic shopping bags (PSBs) as set out in the supplementary information paper (LC Paper No. CB(1) 837/07-08(14))	
001109 - 002619	Ms Audrey EU Chairman Administration	<p>Discussion on measures to facilitate reuse and recycling of PSBs</p> <p>Ms Audrey EU's views -</p> <p>(a) the Administration's emphasis was on the collection, not recycling, of PSBs;</p> <p>(b) there was a need for more publicity on the types of used PSBs which could be recycled; and</p> <p>(c) part of the levy should be earmarked for prescribed retailers to refund consumers for the return of used PSBs</p> <p>Administration's response -</p> <p>(a) most of the plastic recyclables were exported to the Mainland and/or overseas countries for recycling;</p> <p>(b) the three-coloured recycling bins would facilitate the collection of plastic recyclables, including used PSBs;</p> <p>(c) the levy should not be used to fund environmental initiatives to avoid giving consumers the impression that they would be supporting environmental protection by paying the levy, which was contrary to the</p>	

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		<p>objective of the levy to discourage the indiscriminate use of PSBs; and</p> <p>(d) efforts would be made to facilitate recycling of used PSBs but this would be dealt with separately from the levy scheme</p>	
002620 - 003642	Mr SIN Chung-kai Administration Chairman	Mr SIN Chung-kai's concern about the relocation of the public cargo working areas (PCWA) and its impact on the operation of local recyclers	The Administration to advise the impact of the anticipated removal of certain PCWA on local recyclers, and the measures which would be taken to address the problem and to facilitate the development of recycling industry in Hong Kong.
003643 - 004307	Ms Emily LAU Chairman Administration	<p>Ms Emily LAU's enquiry on -</p> <p>(a) progress of EcoPark; and</p> <p>(b) details of the "No Plastic Bag Day"</p> <p>Administration's explanation -</p> <p>(a) retailers had been encouraged to continue with and increase the frequency of the "No Plastic Bag Day" before the introduction of the levy scheme; and</p> <p>(b) fees collected on "No Plastic Bag Day" were donated to the charitable organizations chosen by individual retailers, including the Environmental Campaign Committee, the Community Chest, and green groups</p>	The Panel on Environmental Affairs to follow up on the latest development of the EcoPark
004308 - 005921	Miss CHAN Yuen-han Chairman Administration	<p>Miss CHAN Yuen-han's view that supporting measures, such as provision of PCWA, were needed to facilitate waste recycling</p> <p>Administration's explanation -</p>	

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		<p>(a) efforts were made to encourage the recycling of marketable recyclables, such as metals and used electric and electronic equipment, and;</p> <p>(b) three-coloured recycling bins served as an useful means to segregate wastes; and</p> <p>(c) EcoPark was meant to provide the needed space for environmental industries</p>	
005922 - 012230	Chairman Administration Ms Audrey EU	<p>Discussion on the EcoPark</p> <p>Chairman's concerns -</p> <p>(a) EcoPark was too small to cater for recycling operations of a larger scale;</p> <p>(b) the location of EcoPark was too remote and the road leading to it was too narrow making it not easily accessible by large trucks;</p> <p>(c) the cost of transport to and fro EcoPark was too high; and</p> <p>(d) EcoPark would become a waste transfer centre</p>	
012231 - 012454	Chairman Administration	<p>Discussion on source separation and recycling of PSBs</p> <p>Chairman's concerns -</p> <p>(a) few estates had made use of the three-coloured separation bins to recycle PSBs;</p> <p>(b) recycling of PSBs was considered not cost-effective given the high cost of transport;</p> <p>(c) need for measures to substantially increase the amount of used PSBs to facilitate recycling; and</p> <p>(d) separation of dry and wet waste was more cost-effective than</p>	<p>The Administration to advise -</p> <p>(a) the cost and locations of the some 28,000 three-coloured recycling bins, the management cost for collection of recyclables from these bins as well as the revenue from the sales of these recyclables; and</p> <p>(b) the measures, in addition to the proposed levy on PSBs and the</p>

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		<p>the three-coloured recycling bins because the former could be collected by waste trucks with separate compartments for sorting at the refuse transfer stations, thus creating more job opportunities for the low skilled workers, while contractors had to be employed to collect the recyclables from three-coloured recycling bins; and</p> <p>(e) removing plastics from the waste load can alleviate the concern about emission of dioxin from incineration</p> <p>Administration's explanation -</p> <p>(a) efforts would be stepped up to educate the public on proper segregation of waste using three-coloured recycling bins to facilitate recycling;</p> <p>(b) in addition to plastic bottles, all plastic materials, including PSBs, could be collected by the three-coloured recycling bins for recycling purposes;</p> <p>(c) the suggested separation of dry and wet waste would incur additional cost in waste segregation; and</p> <p>(d) the Advisory Council on the Environment was looking at ways to facilitate waste recycling</p>	<p>three-coloured recycling bin, which could/would be taken to substantially increase the amount of used plastic bags for recycling</p>
012455 -013743	Ms Audrey EU Administration Chairman	<p>Discussion on overseas practices on waste recycling</p> <p>Ms Audrey EU's request for using part of the levy for refund for consumers for every specified clean used PSBs returned</p> <p>The Chairman's request for using part of the levy as subsidy for the administrative cost incurred by prescribed retailers to earmark</p>	<p>The Administration to consider using part of the levy collected to provide financial incentives for both prescribed retailers and consumers to facilitate the recycling of used plastic shopping bags. These might be in the forms of refund for</p>

Time Marker	Speaker	Subject(s)	Action Required
		<p>certain areas within their outlets for the collection of clean used PSBs returned by consumers.</p> <p>Ms Emily LAU's agreement to the need for financial incentives, including those for retailers, to encourage the recycling of PSBs</p> <p>Administration's explanation -</p> <p>(a) the levy scheme and the financial incentives for waste recycling should be separated from each other;</p> <p>(b) consideration would be given to introducing measures to encourage waste recycling at retail outlets, subject to support of retailers and availability of space; and</p> <p>(c) green groups were welcomed to apply funding from the Environment and Conservation Fund to undertake waste recycling projects</p>	<p>consumers for every specified clean used plastic shopping bag returned, and subsidy for administrative cost incurred by prescribed retailers to earmark certain areas within their outlets for the collection of clean used plastic shopping bags returned by consumers.</p>
013744 - 014235	Chairman Administration	<p>Discussion on the Administration's response to ALA5's letter (LC Paper No. CB(1) 1032/07-08(02))</p> <p>Administration's explanation on the modified umbrella legislative approach -</p> <p>(a) additional producer responsibility schemes (PRS) on other types of products, if introduced in future, would require new provisions to be added through an amendment bill;</p> <p>(b) while main provisions on individual PRS would be set out in the Ordinance, if enacted, implementation details, such as registration procedures and records to be kept, would be set out in subsidiary legislation subject to negative vetting; and</p>	<p>The Administration to review the Bill, including clauses 18(4) and 19(2), such that future amendments to subsidiary legislation and Schedules 1, 2, 3 and 4 to the Bill would be subject to the positive vetting procedure.</p>



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		<p>(c) the Secretary for the Environment would be empowered to amend Schedules 1, 2, 3 and 4 to the Bill by way of an order published in the Gazette and subject to the negative vetting procedure; and</p> <p>(d) there would be proper consultation with the affected trades on the proposed amendments</p> <p>Members' concerns -</p> <p>(a) amendments to the Schedules might carry serious implications but members might not have sufficient time to scrutinize the amendments if these were subject to the negative vetting procedure; and</p> <p>(b) consideration should be given to requiring amendments to Schedules 1, 2, 3 and 4 to undergo the positive vetting procedure</p> <p>ALA5's advice -</p> <p>(a) members' amendments to subsidiary legislation which was subject to negative vetting might be questionable if these carried a charging effect;</p> <p>(b) members would have more time to scrutinize the amendments if these were subject to the positive vetting procedure; and</p> <p>(c) the scope of clause 5 on the power to make regulations was quite wide</p>	
014236 -015845	<p>Ms Audrey EU Chairman Administration ALA5 Ms Emily LAU</p>	<p>Ms Audrey EU's view that the positive vetting procedure would be more desirable, particularly if PRS on PSBs would be further extended to cover more retailers, as this would allow more time to consult the affected trades and to scrutinize the amendments</p>	

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
015846 - 015944	Chairman	Date of next meeting	

Council Business Division 1  
Legislative Council Secretariat  
11 April 2008