

立法會
Legislative Council

LC Paper No. CB(1) 1487/07-08
(These minutes have been seen
by the Administration)

Ref : CB1/BC/4/07/2

Bills Committee on Product Eco-responsibility Bill

**Minutes of the fifth meeting
held on Tuesday, 15 April 2008, at 8:30 am
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 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 Andrew LEUNG Kwan-yuen, SBS, JP
Hon WONG Ting-kwong, BBS

Members absent : Hon SIN Chung-kai, SBS, JP
Hon LEE Wing-tat

**Public officers
attending** : **For item II**

Environmental Protection Department

Mr Albert LAM, JP
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 Confirmation of minutes

(LC Paper No. CB(1) 1222/07-08 -- Minutes of the meeting held on
13 March 2008)

The minutes of the meeting held on 13 March 2008 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1) 1117/07-08(03) -- Assistant Legal Adviser's letter
dated 17 March 2008 to the
Administration

LC Paper No. CB(1) 1223/07-08(01) -- Administration's response to
LC Paper No.
CB(1) 1117/07-08(03)

LC Paper No. CB(1) 1223/07-08(02) -- List of follow-up actions
arising from the discussion on
26 March 2008

LC Paper No. CB(1) 1223/07-08(03) -- Administration's response to
LC Paper No.
CB(1) 1223/07-08(02)

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(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 Bills Committee deliberated (Index of proceedings attached in the **Annex A**).

3. The Administration was requested to -

- (a) advise whether there were “green” specifications for plastic products, such as plastic bags, under the green procurement policy as well as the amount and cost of plastic bags purchased over the past five years. To also provide the percentage of “green” alternatives procured on a year-by-year basis for the past five years;
- (b) advise the basis upon which the increase in recovery rate of municipal solid waste to 45% by 2009 and 50% by 2014 was arrived at and the measures to be taken to further boost the recovery rate;
- (c) advise how best the proposed environmental levy could be used to facilitate recycling of used plastic shopping bags, given that recycling was an integral part of producer responsibility scheme (PRS); and
- (d) review the umbrella approach of the Bill, particularly the need for the extensive power which aimed at facilitating the Secretary for the Environment to introduce new PRS for products other than plastic shopping bags. To also review the scope of the Bill which mainly focused on the charging mechanism of the environmental levy rather than the true concept of PRS. Consideration should be given to introducing a separate bill for each PRS to allow sufficient time for scrutiny by the Legislature.

4. Members agreed that the Chairman should discuss with the Secretary for the Environment on the way forward before consideration could be given to examining the Bill clause by clause.

III Any other business

5. There being no other business, the meeting ended at 10:33 am.

**Proceedings of the
Bills Committee on Product Eco-responsibility Bill
Meeting on Tuesday, 15 April 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000425	Chairman	Confirmation of minutes of the meeting held on 13 March 2008 (LC Paper No. CB(1) 1222/07-08)	
000426 - 001238	Chairman Administration	Administration's response to the list of follow-up actions to the meeting on 26 March 2008 (LC Paper No. CB(1) 1223/07-08(03) On green procurement, Chairman's request for information on the percentage of green products procured	The Administration to provide the percentage of "green" alternatives procured on a year-by-year basis for the past five years
001239 - 001600	Mr Andrew LEUNG Chairman Administration	Mr Andrew LEUNG's question on whether cost was a major consideration in Government procurement Administration's confirmation that while cost was a consideration, the environmental performance of products would also be taken into account	
001601 - 001859	Ms Miriam LAU Administration Chairman	Ms Miriam LAU's enquiries on - green specifications on plastic products; and guidelines on the procurement of Government vehicles	The Administration to advise whether there were "green" specifications for plastic products, such as plastic bags, under the green procurement policy
001900 - 002403	Ms Emily LAU Administration	Ms Emily LAU's view that priority for green alternatives should be clearly set out in the green procurement policy Administration's explanation - (a) the Stores and Procurement Regulations provided guidelines on green procurement that all bureaux and departments had to follow; and (b) for products with mandatory "green" specifications, cost would only be considered after the "green"	

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		specifications had been fully met	
002404 - 003223	Mrs Selina CHOW Administration Chairman Ms Emily LAU	Mrs Selina CHOW's enquiry on whether effort had been made by the Administration to identify green alternatives for plastic shopping bags (PSBs) Administration's explanation that PSBs were mainly distributed by retailers, and the Government only procured PSBs prescribed under the Bill in very limited circumstances	
003224 - 003522	Mr Vincent FANG Administration Chairman	Mr Vincent FANG's enquiries on - (a) the number of plastic bags used by Government and whether these were made from recyclable materials; and (b) measures to recycle used PSBs	The Administration to advise the amount and cost of plastic bags purchased over the past five years
003523 - 003557	Chairman Administration	Discussion on the recovery rate of municipal solid waste (MSW)	
003558 - 004020	Mr Vincent FANG Administration Chairman	Mr Vincent FANG's enquiry on the percentage of waste materials which were recycled locally and the measures to encourage local recycling Administration's explanation - (a) about 90% of recyclables were exported; and (b) a series of measures, such as EcoPark, was meant to encourage local recycling	
004021 - 004859	Ms Audrey EU Chairman Administration	Ms Audrey EU's enquiry on the recovery rate of MSW and the means to increase the rate Administration's explanation on its progress in the recovery of MSW	The Administration to advise the basis upon which the increase in recovery rate of MSW to 45% by 2009 and 50% by 2014 was arrived at and the measures to be taken to further boost the recovery rate

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004900 - 005237	Chairman Administration	Discussion on the collection of used PSBs	
005238 - 005829	Miss CHAN Yuen-han Administration Chairman	<p>Miss CHAN Yuen-han's views -</p> <p>(a) more efforts were required to promote recycling of PSBs, which included the adoption of a partnering approach with non-governmental organizations (NGOs); and</p> <p>(b) the proposed environmental levy should be used to fund publicity and education programmes to promote waste recycling</p> <p>Administration's explanation -</p> <p>(a) it was working closely with green groups to promote waste reduction, recovery and recycling; and</p> <p>(b) the objective of the environmental levy was to induce behavioral changes, not to raise revenue. In any case, environmental levy might not be able to provide a stable source of funding for publicity campaigns. With the support of the Legislature, \$1 billion had already been injected into the Environment and Conservation Fund to fund environmental projects</p>	
005830 - 010737	Mr WONG Ting-kwong Chairman Administration	<p>Mr WONG Ting-kwong's concerns -</p> <p>(a) there was a lack of vision on the part of the Administration as evidenced by the narrow scope of the producer responsibility schemes (PRS) on PSBs which did not cover packaging materials;</p> <p>(b) incentives needed to encourage waste recycling; and</p> <p>(c) care should be taken to deal with any hygienic problems associated with the recycling of used PSBs</p>	

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		<p>Administration's response -</p> <ul style="list-style-type: none"> (a) the Bill was meant to provide a legal framework to implement PRS, with the environmental levy on PSBs as the first scheme; (b) PRS for other products, such as computers, fluorescent lamps, etc., had been implemented on a voluntary basis; and (c) discussion with the trade on the feasibility of placing recycling bins at bigger retail outlets for the collection of used PSBs on a trial basis was underway 	
010738 - 011411	Ms Emily LAU Administration Chairman	<p>Ms Emily LAU's views -</p> <ul style="list-style-type: none"> (a) the proposal for the Government to establish partnership with NGOs in implementing environmental initiatives might not be appropriate as the latter should monitor rather than implementing these initiatives; (b) need for addressing retail associations' concern that PRS should be implemented on a voluntary basis; and (c) measures should be put in place to facilitate recycling of used PSBs <p>Administration's response -</p> <ul style="list-style-type: none"> (a) outcome of the public consultation revealed that there was general public support for the environmental levy for PSBs; and (b) the trade was amenable to putting in place recycling bins at their outlets for the collection of used PSBs on a trial basis rather than offering refund for the return of used PSBs lest this would create undue administrative burden and might not be effective 	

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011412 - 012103	Ms Audrey EU Administration Chairman	<p>Ms Audrey EU's concerns -</p> <p>(a) the Bill as drafted seemed to focus on the environmental levy on PSBs rather than the intended purpose of imposing responsibility on producers; and</p> <p>(b) the environmental levy collected should be used to promote producer responsibility and to facilitate recycling</p> <p>Administration's response -</p> <p>(a) environmental levy was a form of PRS to discourage the indiscriminate use of certain products; and</p> <p>(b) cooperation was being sought from the trade to collect used PSBs through placing of recycling bins in their outlets, but there was a need to resolve space constraints and hygiene problems</p>	<p>The Administration to advise how best the proposed environmental levy could be used to facilitate recycling of used PSBs, given that recycling was an integral part of PRS</p>
012104 - 012724	Miss CHAN Yuen-han Administration Chairman	<p>Miss CHAN Yuen-han's views on the need to expedite recycling measures to ensure adequate supply of recyclable materials to facilitate the development of local recycling industry</p> <p>Administration's explanation that its liaison with the trade did not reveal problem with the supply of recyclable materials for manufacturing of PSBs in Hong Kong. In fact, most of the manufacturing of PSBs had been relocated to the Mainland</p>	
012725 - 013213	Mr Vincent FANG Chairman Administration	<p>Mr Vincent FANG's views on the need for separate recycling bins for the collection of used PSBs so that these could be used as recyclable materials for the re-manufacturing of PSBs, which could then be provided free of charge to consumers by retailers. Re-use of PSBs as advocated by the Administration should be carefully be dealt with in view of the possible hygienic problems associated with the</p>	

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		<p>re-use</p> <p>Administration's explanation -</p> <p>(a) the Bill aimed at discouraging the indiscriminate use of PSBs at source; and</p> <p>(b) consumers were encouraged to reuse PSBs as many times as possible before these were disposed of in recycling bins.</p>	
013214 - 014617	Ms Miriam LAU Chairman Administration	<p>Ms Miriam LAU's views -</p> <p>(a) members had reservations about the umbrella approach of the Bill which had provided extensive power to the Secretary for Environment (SEN);</p> <p>(b) the focus of the Bill was more on the charging mechanism of the environmental levy rather than the true concept of PRS;</p> <p>(c) PRS would require coordinated efforts from both producers and consumers. While recycling and re-use of products formed an integral part of PRS, the Bill as presently drafted was mainly focused on the collection of levy without any element on producer responsibility;</p> <p>(d) there was a need to devise a proper mechanism to encourage and facilitate recycling of used PSBs for re-manufacturing; and</p> <p>(e) if the object of the Bill merely aimed at collecting environmental levy, it would be simpler to do so by including the levy in the Financial Secretary's budget for the year</p> <p>Administration's explanation -</p> <p>(a) members had earlier requested that the Bill should be accompanied by</p>	

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		<p>at least one PRS to facilitate understanding of the proposed regulatory control. The environmental levy on PSBs now formed Part 3 of the Bill itself; and</p> <p>(b) the environment levy on PSBs was introduced as the first PRS under the Bill as there was an urgent need to discourage the indiscriminate use of PSBs which had a broad-based public consensus. PRS on other products would be introduced as and when appropriate</p>	
014618 - 014937	Miss CHAN Yuen-han	Miss CHAN Yuen-han's request that consideration should be given to re-drafting the Bill to reflect the true concept of PRS	
014938 - 015006	Mr Vincent FANG	Mr Vincent FANG's concerns about the umbrella approach of the Bill and the need for positive vetting for new PRS to be introduced under the Bill	
015007 -015634	Ms Emily LAU Chairman	<p>Ms Emily LAU's views that a simple bill would suffice if it was the Administration's mere intention to introduce a levy on PBS. Otherwise, the concept of PRS should be truly reflected in the Bill</p> <p>Administration's explanation that the current legislative approach underlined its commitment to introduce PRS for various products in Hong Kong. While the environmental levy on PSBs was the first scheme under the Bill, PRS for other products would be introduced as necessary through amendment to the primary legislation</p>	The Administration to review the scope of the Bill which mainly focused on the charging mechanism of the environmental levy rather than the true concept of PRS
015635 - 015915	Ms Miriam LAU Administration Chairman	<p>Ms Miriam LAU's concerns about the need for the extensive power under the Bill which aimed at facilitating SEN to introduce new PRS for products other than plastic shopping bags</p> <p>Administration's explanation that it did not have power to introduce new PRS for other products through subsidiary legislation; new PRS had to be</p>	The Administration to review the umbrella approach of the Bill, particularly the need for the extensive power which aimed at facilitating SEN to introduce new PRS

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		introduced through amendments to the primary legislation; the enforcement powers conferred upon the Director of Environmental Protection were for the effective implementation of the environmental levy on PSBs	for products other than plastic shopping bags
015916 -020524	Chairman Administration Ms Miriam LAU Miss CHAN Yuen-han Mr Vincent FANG	Members' views - (a) extensive amendments to the Bill might be required in order to address members' concerns; (b) the Bills Committee might discontinue with the scrutiny of the Bill if the Administration failed to take into account members' views; (c) the Administration should rethink the approach of the Bill and SEN should be invited to attend the next meeting of the Bills Committee. Consideration should also be given to introducing a separate bill for each PRS to allow sufficient time for scrutiny by the Legislature; and (d) the Chairman should discuss with SEN on the way forward before consideration be given to examining the Bill clause-by-clause	Consideration should be given to introducing a separate bill for each PRS to allow sufficient time for scrutiny by the Legislature