

立法會
Legislative Council

LC Paper No. CB(1) 1620/07-08
(These minutes have been seen
by the Administration)

Ref : CB1/BC/4/07/2

Bills Committee on Product Eco-responsibility Bill

**Minutes of the sixth meeting
held on Tuesday, 29 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 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**

Environment Bureau

Mr Edward YAU, JP
Secretary for the Environment

Environmental Protection Department

Mr Albert LAM
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) 1353/07-08 -- Minutes of the meeting held on
26 March 2008)

The minutes of the meeting held on 26 March 2008 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1) 1391/07-08(01) -- List of follow-up actions
arising from the discussion on
15 April 2008

LC Paper No. CB(1) 1391/07-08(02) -- Administration's response to
item 4 of LC Paper No.
CB(1) 1391/07-08(01)

LC Paper No. CB(1) 1391/07-08(03) -- Joint submission from The
Conservancy Association,
Friends of the Earth (HK),
Green Power and Greeners
Action

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
- 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))

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

3. The Administration was requested to -

- (a) include in the speech to be delivered by the Secretary for the Environment (SEN) at the resumption of the Second Reading debate on the Bill that all new statutory producer responsibility schemes (PRS) in respect of other products would be implemented through amendment to the principal Ordinance, if enacted. To also include in the speech the Administration's plan to recycle used plastic shopping bags;
- (b) advise the timetable within which PRS for the remaining five products, namely vehicle tyres, electrical and electronic equipment, packaging materials, beverage containers and rechargeable batteries, would be implemented. To also include these timetable in SEN's speech;
- (c) advise the overseas legislation upon which the umbrella approach of the Bill was modelled. To also advise whether the use of jargons, such as PRS, was a common practice in overseas legislation;
- (d) consider the feasibility of defining PRS in the Bill; and
- (e) advise how the Administration could delineate the share of responsibility of manufacturers, importers, wholesalers, retailers, consumers or any other parties for the reduction in the use, recovery, recycling and proper disposal of specified products under the Bill.

4. Members agreed to continue with the clause-by-clause examination of the Bill at the next meeting scheduled for Tuesday, 13 May 2008, at 8:30 am.

III Any other business

5. There being no other business, the meeting ended at 10:37 am.

Council Business Division 1
Legislative Council Secretariat
21 May 2008

**Proceedings of the
Bills Committee on Product Eco-responsibility Bill
Meeting on Tuesday, 29 April 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000057	Chairman	Confirmation of minutes of the meeting held on 26 March 2008 (LC Paper No. CB(1) 1353/07-08)	
000058 - 001423	Chairman Administration	Administration's stance - (a) it was prepared to address any concerns which the Bills Committee might have on the Product Eco-responsibility Bill (the Bill); (b) it was hoped that the Bills Committee could continue to proceed with the scrutiny of the Bill so that it could be passed within the current legislative session; and (c) all new statutory producer responsibility schemes (PRS) in respect of other products would be implemented through amendments to the principal Ordinance, if enacted.	The Administration to include in the speech to be delivered by the Secretary for the Environment (SEN) at the resumption of the Second Reading debate on the Bill that all new statutory PRS in respect of other products would be implemented through amendment to the principal Ordinance, if enacted.
001424 - 002336	Mr Andrew LEUNG Chairman Administration	Mr Andrew LEUNG's views - (a) the Liberal Party and the business sector supported environmental protection and did not wish to procrastinate the passage of the Bill; and (b) apart from the environmental levy, the Bill failed to clearly delineate the share of eco-responsibility of manufacturers, importers, wholesalers, retailer, consumers as well as the Administration in the reduction and recycling of specified products Administration's explanation that apart from the imposition of environmental levy, PRS could take other forms, such as product take-back scheme, deposit-refund scheme etc, taking into	

Time Marker	Speaker	Subject(s)	Action Required
		account the unique nature of different products.	
002337 - 003037	Mr SIN Chung-kai Chairman Administration	<p>Mr SIN Chung-kai's views that more commitments on the part of the Administration should be made in respect of environmental protection. To this end, adequate powers should be provided for enforcement of the Bill</p> <p>Administration's explanation -</p> <p>(a) the Bill would provide the necessary legislative framework for the implementation of PRS; and</p> <p>(b) the Environment and Conservation Fund (ECF) would provide funding for implementing environmental projects</p>	
003038 - 003635	Mr LEE Wing-tat Chairman Administration	<p>Mr LEE Wing-tat's views -</p> <p>(a) adequate powers should be given to the Administration for the enforcement of the Bill; and</p> <p>(b) need for implementation timetable for PRS on other products</p> <p>Administration's response that consultation would need to be conducted on the introduction of PRS on other products</p>	
003636 - 004409	Ms Emily LAU Chairman Administration	Discussion on the joint submission from green groups urging for the early passage of the Bill (LC Paper No. CB(1) 1391/07-08(03))	
004410 - 005028	Ms Audrey EU Administration	<p>Ms Audrey EU's concerns -</p> <p>(a) need for comprehensive plan to recycle plastic shopping bags (PSB); and</p> <p>(b) consultation with supermarket chains on the mechanism on charging of levy on PSB should be held</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>Administration's response -</p> <ul style="list-style-type: none"> (a) the public should be encouraged to reuse PSB as far as practicable before recycling; (b) discussion with retailers on how to reduce and recover PSB was underway; and (c) the charging mechanism on the environmental levy on PSB would be worked out with prescribed retailers. 	
005029 - 005819	Ms Miriam LAU Administration	<p>Ms Miriam LAU's concerns -</p> <ul style="list-style-type: none"> (a) the focus of the Bill was on the environmental levy on PSB; and (b) whether reference to overseas legislation on PRS had been made <p>Administration's response -</p> <ul style="list-style-type: none"> (a) the purpose of Bill was to discourage the indiscriminate use of PSB; and (b) other PRS would be worked out in consultation with the trades 	
005820 - 010326	Mr WONG Ting-kwong Administration	<p>Mr WONG Ting-kwong's views -</p> <ul style="list-style-type: none"> (a) the Democratic Alliance for Betterment and Progress of Hong Kong was supportive of the Bill; and (b) the power delegated to the Administration under the Bill should be in line with other existing laws <p>Administration's response that publicity would be stepped up to discourage the indiscriminate use of PSBs and promote the reduction and recycling of waste</p>	

Time Marker	Speaker	Subject(s)	Action Required
010327 - 010940	Miss CHAN Yuen-han Administration Chairman	Miss CHAN Yuen-han's enquiries - (a) how new PRS on other products should be introduced; and (b) the enforcement powers conferred to the Administration under the Bill Administration's response - (a) new statutory PRS would be developed in consultation with the stakeholders and implemented through amendments to principal Ordinance, if enacted; and (b) an appropriate level of power would be needed for the enforcement of the Bill	
010941 - 011503	Mr Vincent FANG Administration	Mr Vincent FANG's concerns - (a) lack of commitment on the part of the Administration in waste reduction and recycling; and (b) lack of consultation with stakeholders on the implementation of other PRS Administration's explanation - (a) prescribed retailers had been consulted on the environmental levy; and (b) there would be more consultation with stakeholders on the implementation of other PRS	
011504 - 012102	Chairman Administration	Chairman's enquiry on whether the Appeal Board would deal with all appeals lodged under different PRS Administration's advice that the subject could be further deliberated during the clause-by-clause examination of the Bill	
012103 - 012253	Mr SIN Chung-kai Administration Chairman	Mr SIN Chung-kai's request for the provision of	

Time Marker	Speaker	Subject(s)	Action Required
		<p>(a) a list of commitments to be made by the Administration; and</p> <p>(b) the timetable for implementation of other PRS</p> <p>Administration's response that a time table for implementation of other PRS would not be meaningful at this stage as consultation with relevant stakeholders would be necessary.</p>	
012254 - 012630	Mr LEE Wing-tat Administration	Discussion on the need for a time table for implementation of other PRS	
012631 - 013117	Mr Andrew LEUNG Chairman	<p>Mr Andrew LEUNG's views -</p> <p>(a) need for inclusion of recycling measures in the Bill; and</p> <p>(b) the Administration should address concerns about its power of enforcement under the Bill</p> <p>Administration's response that a host of initiatives had been implemented to encourage waste recycling; and the powers under the Bill would be necessary to effectively enforce the levy scheme.</p>	
013118 - 013211	Ms Audrey EU Administration	<p>Ms Audrey EU's request that the Administration should include the following in SEN's speech to be delivered at the resumption of the Second Reading debate on the Bill -</p> <p>(a) the timetable for the implementation of other PRS; and</p> <p>(b) the plan to recycle used PSB</p>	<p>The Administration to advise the timetable within which PRS for the remaining five products, namely vehicle tyres, electrical and electronic equipment, packaging materials, beverage containers and rechargeable batteries, would be implemented. To also include these time frames and the plan to recycle used plastic shopping bags in SEN's speech</p>

Time Marker	Speaker	Subject(s)	Action Required
013212 - 013705	Miss CHAN Yuen-han Administration	Miss CHAN Yuen-han's support for the provision of timetable for the implementation of other PRS	
013706 - 014039	Mr Vincent FANG Administration	<p>Mr Vincent FANG's enquiries -</p> <p>(a) whether charging of domestic waste would be introduced in addition to the environmental levy;</p> <p>(b) whether used PSB could be recycled as raw materials for manufacturing of other plastic products; and</p> <p>(c) whether ECF had sufficient fund to support the recycling chain</p> <p>Administration's response -</p> <p>(a) the feasibility and propriety of introducing a charging scheme for domestic waste were still under consideration; and</p> <p>(b) with the recent injection of \$1 billion, ECF was well positioned to provide funding support to waste recovery and recycling initiatives.</p>	
014040 -014433	Ms Miriam LAU	<p>Ms Miriam LAU's enquiries on -</p> <p>(a) the Administration's measures to promote waste recycling; and</p> <p>(b) overseas legislation upon which the umbrella approach of the Bill was modelled</p>	The Administration to advise the overseas legislation upon which the umbrella approach of the Bill was modelled
014434 - 014645	Chairman Administration Ms Emily LAU	Clause-by-clause examination of the Bill (LC Papers Nos. CB(1) 1032/07-08(03) and 1223/07-08(01))	
014646 - 014935	Chairman Administration ALA5	Clause 1	
014936 -020304	Chairman Administration Ms Emily LAU	Clause 2 Discussion on the need to define PRS	The Administration to consider the feasibility of

Time Marker	Speaker	Subject(s)	Action Required
	ALA5 Miss CHAN Yuen-han	<p>in the Bill.</p> <p>Administration's explanation -</p> <p>(a) PRS was mentioned in the purpose clause because this term was commonly used in the arena of environmental protection and would help statute readers to understand the overall objectives of the Bill; and</p> <p>(b) it was not necessary to add a separate definition for PRS because its meaning was already spelt out in clause 2(1)(b) and this term was not used in the operative part of the Bill.</p>	defining PRS in the Bill. To also advise whether the use of jargons, such as PRS, was a common practice in overseas legislation
020305 - 020501	Mr Vincent FANG Chairman	Mr Vincent FANG's enquiry on how the Administration could delineate the share of responsibility of manufacturers, importers, wholesalers, retailers, consumers or any other parties for the reduction in the use, recovery, recycling and proper disposal of specified products under the Bill.	The Administration to advise how it could delineate the share of responsibility of manufacturers, importers, wholesalers, retailers, consumers or any other parties for the reduction in the use, recovery, recycling and proper disposal of specified products under the Bill
020502- 020927	Chairman	Date of next meeting	