

立法會
Legislative Council

LC Paper No. CB(1) 2180/07-08
(These minutes have been seen
by the Administration)

Ref : CB1/BC/4/07/2

Bills Committee on Product Eco-responsibility Bill

**Minutes of the fourteenth meeting
held on Thursday, 12 June 2008, at 4:30 pm
in Conference Room B 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 WONG Ting-kwong, BBS
- Members absent** : Hon LEE Wing-tat
Hon Andrew LEUNG Kwan-yuen, SBS, JP
- Public officers attending** : 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

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 Meeting with the Administration

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

2. The Administration was requested to provide written responses to the follow-up actions arising from discussion at the earlier meetings, and a finalized set of Committee Stage amendments (CSAs) to be moved by the Administration, taking into account concerns raised by members.

3. The Chairman requested that CSAs to be moved by members, if any, should be submitted for discussion at the next meeting scheduled for Monday, 16 June 2008, at 10:45 am.

II Any other business

4. There being no other business, the meeting ended at 6:00 pm.

Council Business Division 1
Legislative Council Secretariat
16 July 2008

**Proceedings of the
Bills Committee on Product Eco-responsibility Bill
Meeting on Thursday, 12 June 2008, at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000309	Chairman Administration	Continuation of examination of the third batch of Committee Stage amendments (CSAs) (LC Paper No. CB(1) 1878/07-08(01))	
000310 - 001511	Ms Miriam LAU Administration Chairman	<p>Discussion on CSAs to clause 25 - Assessment notice</p> <p>Ms Miriam LAU's view that -</p> <p>(a) section 13A of the Irish Waste Management Act provided that assessment notice would only be served if the retailer failed to file a return and /or pay the full amount of levy; and</p> <p>(b) similar provisions should be adopted for clause 25 such that an assessment notice would only be served if there was reason to believe that there was non-payment or underpayment of levy</p> <p>Administration's explanation that CSAs to clause 25(1A) (a) to (d) would be moved to require that an assessment notice would only be served upon completion of criminal proceedings in respect of offences under clause 23(1) for failing to file returns or clause 9 for providing false information, resulting in non-payment or underpayment of levy</p>	
001512 - 001907	Mrs Selina CHOW Administration Chairman	<p>Mrs Selina CHOW's enquiry on the means to assess the amount of levy payable for plastic shopping bags (PSBs) provided by retailers</p> <p>Administration's explanation -</p> <p>(a) authorized officers were empowered under clauses 7 and 8 to obtain information and to conduct search; and</p> <p>(b) the calculation method on the levy payable would be set out in the assessment notice in accordance with clause 25(3)</p>	

Time Marker	Speaker	Subject(s)	Action Required
001908 - 002203	Ms Miriam LAU Administration	Discussion on non-payment of levy and how such offence compared with that of the Irish environmental legislation	
002204 - 003436	Chairman Administration Ms Miriam LAU Mr Vincent FANG	Discussion on CSAs to clauses 26, 26A, 27, and Schedule 1	
003437 - 005723	Ms Miriam LAU Chairman Administration Ms Audrey EU Mr WONG Ting-kwong Mr Vincent FANG ALA5	Discussion on new section 1(2) to Schedule 2 regarding PSBs to which the Bill did not apply	
005724 - 005859	Chairman Administration Ms Miriam LAU Mr Vincent FANG	Discussion on CSAs to Schedule 4	
010210 - 010401	Chairman Ms Emily LAU	Legislative timetable	
010402 - 010646	Mr Vincent FANG Administration Chairman	Mr Vincent FANG's request for the Administration to further lower the fines under the Bill to level 3	
010647 - 010947	Ms Emily LAU Administration Chairman	Discussion on the penalties under the Irish Waste Management Act	
010948 - 011123	Ms Miriam LAU Chairman	Ms Miriam LAU's concerns about - (a) the high level of penalties under the Bill, particularly in relation to omission of material particulars and late provision of information; (b) the only defence available was due diligence; and (c) the need to set appropriate levels of penalty to take account of the severity of offences	
011124 - 011217	Ms Emily LAU Chairman	Ms Emily LAU's views that in setting the penalty levels, there was a need to maintain a deterrent effect, given that the actual penalty determined by the courts would usually be a fraction of the maximum penalty set out in the legislation	

Time Marker	Speaker	Subject(s)	Action Required
011218 - 011554	Chairman Ms Miriam LAU Mr Vincent FANG Mr WONG Ting-kwong	Chairman's recap on the follow-up actions to be taken by the Administration, and her request for CSAs to be moved by members to be submitted for discussion at the next meeting scheduled for Monday, 16 June 2008, at 10:45 am	

Council Business Division 1
Legislative Council Secretariat
16 July 2008