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22 January 2008

Ms. Kitty Cheng
Assistant Legal Adviser
Legal Service Division
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road, Central
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[Fax : 2877 5029]

Dear Ms. Cheng,

Product Eco-responsibility Bill

Thank you for your letter of 15 January on the captioned.

2. We herewith enclose a bilingual information note on "Umbrella Legislative Approach", where some examples of overseas and local umbrella legislation are quoted. We have also provided internet links to the overseas legislation quoted, in lieu of printed copies.
3. Please feel free to contact us if we could be of further assistance.

Yours sincerely,

(Alfred Lee)
for Director of Environmental Protection

Encl.

Bills Committee on Product Eco-responsibility Bill

Umbrella Legislative Approach

This paper provides supplementary information on overseas legislation that adopts an umbrella legislative approach to implement producer responsibility schemes (PRS), as well as some local examples of umbrella laws.

Overseas Environment-related Legislation

2. The Product Eco-responsibility Bill is intended to encompass the PRS and other measures introduced for a variety of products to minimize their environmental impact under a common legislative framework. A number of overseas environment-related legislation has adopted a similar approach. Some examples in common law jurisdictions are -

Country/ Region	Umbrella Legislation	Product-specific Regulations
South Australia, Australia	Environment Protection Act 1993 ¹ (see provisions on PRS for beverage containers in sections 65 to 73)	Environment Protection (Beverage Container) Regulations 1995 ²
Manitoba, Canada	Waste Reduction and Prevention Act ³	Tire Stewardship Regulation ⁴ Used Oil, Oil Filters and Containers Stewardship Regulation ⁵
Ireland	Waste Management Act, 1996 ⁶ as amended by Waste Management (Amendment) Act, 2001 ⁷ (see provisions relating to the	Waste Management (Environmental Levy) (Plastic Bag) Regulations, 2001 ⁸

¹<http://www.legislation.sa.gov.au/LZ/C/A/ENVIRONMENT%20PROTECTION%20ACT%201993/CURRENT/1993.76.UN.PDF>

²[http://www.legislation.sa.gov.au/LZ/C/R/ENVIRONMENT%20PROTECTION%20\(BEVERAGE%20CONTAINER\)%20REGULATION%201995/CURRENT/1995.41.UN.PDF](http://www.legislation.sa.gov.au/LZ/C/R/ENVIRONMENT%20PROTECTION%20(BEVERAGE%20CONTAINER)%20REGULATION%201995/CURRENT/1995.41.UN.PDF)

³<http://web2.gov.mb.ca/laws/statutes/ccsm/w040e.php>

⁴<http://web2.gov.mb.ca/laws/regs/pdf/w040-033.95.pdf>

⁵<http://web2.gov.mb.ca/laws/regs/pdf/w040-086.97.pdf>

⁶<http://www.irishstatutebook.ie/1996/en/act/pub/0010/index.html>

⁷<http://www.irishstatutebook.ie/2001/en/act/pub/0036/index.html>

⁸<http://www.irishstatutebook.ie/2001/en/si/0605.html>

	environmental levy on plastic bags in section 72)	
The United Kingdom	Environment Act 1995 ⁹ (see provisions on producer responsibility in sections 93 to 95)	The Producer Responsibility Obligations (Packaging Waste) Regulations 2007 ¹⁰

Hong Kong Legislation

3. Aside from overseas legislation, some Hong Kong Ordinances also adopt an umbrella legislative approach. For instance, the Waste Disposal Ordinance (Cap. 354) is a piece of parent legislation regulating the disposal of different classes of waste. Further regulations were made under that Ordinance on livestock waste (sub. leg. A), chemical waste (sub. leg. C) and construction waste (sub. leg. N). Similarly, the Air Pollution Control Ordinance (Cap. 311) controls air pollution from industry, commercial operations and construction work, and empowers further regulations to be made on motor vehicle fuel (sub. leg. L), open burning (sub. leg. O), asbestos (sub. leg. P) and construction dust (sub. leg. R).

Environmental Protection Department
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⁹http://www.opsi.gov.uk/acts/acts1995/plain/ukpga_19950025_en

¹⁰http://www.opsi.gov.uk/si/si2007/uksi_20070871_en_1