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Legislative Council Secretariat
3rd Floor, Citibank Tower
3 Garden Road, Central
Hong Kong

By POST and E-MAIL

Attn: Miss. Mandy Poon
Clerk to the Bills Committee

Dear *Ms Poon,*

February 23rd Bills Committee Meeting:
Green Council Input Regarding the Product Eco-responsibility Bill

Thanks to the Bills Committee Chairman for inviting Green Council to participate in the Product Eco-responsibility Bill development and consideration process, and specifically at the upcoming Meeting. For the Committee's consideration, Green Council is very pleased to submit the following pre-meeting comments and recommendations:

General

- (a) Green Council applaud and support the HKSAR Government's advancement and implementation of the Product Eco-responsibility Bill (PER Bill). We recognize the PER Bill as an important piece of legislation, related to the adoption and application of the appropriate environmental consideration and management concept of "producer responsibility". Further, we are pleased to see Government exercising initiative in devising and launching legislation that advocates and facilitates environmentally responsible consumption along with waste avoidance and reduction.

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- (b) However, being the preeminent Hong Kong organization advocating and directing “green purchasing” in combination with the identification, design, provision and certification of environmentally preferable products, Green Council contends that broader and complementary Government initiatives are required. In fact, a more comprehensive and holistic product eco-responsibility approach is necessary to guide and enable a more substantial, sustainable means of dealing with the various major environmental degradation, resource depletion and waste problems currently faced and potentially worsening in the HKSAR.

We acknowledge that through full implementation of the proposed producer responsibility scheme (i.e. via take-back systems, deposit-refund systems, application of recycling fees, implementation and enforcement of environmental levies and/or disposal restrictions, etc.), waste generation and disposal levels should be reduced. We expect that certain formerly discarded products and component materials will be recovered or recycled rather than simply being treated as waste. This will be positive and environmentally beneficial, but only to a certain extent.

While product consumption and disposal levels should be somewhat restrained and reduced, major resource conservation, waste avoidance and waste elimination achievements are unlikely. The proposed producer responsibility scheme is focused mainly upon only the post-production/consumption product life cycle phases. We argue that an effective and appropriate product eco-responsibility strategy must be considered and addressed in all product life cycle phases. More specifically, we strongly contend that “eco-design” and “green purchasing” considerations are essential complementary elements for inclusion in a broader and more progressive and aggressive strategy. Such a more comprehensive approach would be especially appropriate and useful in targeting electrical and electronic equipment.

- (c) In certain other Asian countries and regions, including Mainland China, Japan, Korea, and Taiwan, public policies have been implemented and/or legislation enacted that mandates public sector to seek out and purchase high quality environmentally preferable products (e.g. those certified with eco-labels) as a means to reduce adverse environmental impacts including resource depletion and excessive waste generation. Monitoring results have indicated significant positive developments, achievements and impacts (e.g. a dramatically increasing number of manufacturers have been stimulated to switch, or are in the process of transitioning, from traditional product and waste production to the production of environmentally preferable product with corresponding resource conservation and product waste avoidance/reduction).

While Hong Kong government officials should pursue and implement a Hong Kong focused and customized legislative agenda, considerable guidance and inspiration could and should be taken from the experiences and successes of our regional neighbours.

Specific Comments

- (d) Part 1, Paragraph 2, (2) – income collected through deposit-refund schemes and the application of recycling fees and environmental levies should be allocated and used to subsidize the local infrastructure for resource and waste management .
- (e) Part 3, Division 4, Paragraph 26 – the definition of ‘due diligence’ is inadequate and should be refined and/or elaborated upon.
- (f) Schedule 2, Paragraph 1, (c) (ii) – the exemption of plastic shopping “*bags sealed before the goods are supplied*” might stimulate an inappropriate and undesired shift to and surge in the application of such packaging.

The above summarizes the position of Green Council on the mandatory implementation of the PER Bill. On behalf of Green Council, I look forward to the opportunity to personally further present and discuss relevant issues at the February 23rd Meeting.

Yours Sincerely,



Linda W P Ho
Chief Executive Officer