

立法會
Legislative Council

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**Subcommittee on
Product Eco-responsibility (Plastic Shopping Bags) Regulation**

**Minutes of first meeting
held on Thursday, 19 February 2009, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon Albert CHAN Wai-yip
Hon Vincent FANG Kang, SBS, JP
Hon LEE Wing-tat
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon WONG Ting-kwong, BBS
Hon KAM Nai-wai, MH
Hon CHAN Hak-kan

Member absent : Hon Tanya CHAN

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

Mr Edward YAU, JP
Secretary for the Environment

Environmental Protection Department

Mr Albert LAM, JP
Deputy Director of Environmental Protection

Mr Alfred LEE
Assistant Director (Waste Management Policy)

Mr Kenneth CHAN
Principal Environmental Protection Officer (Territorial
Control)

Mr TE Chi-wang
Senior Administrative Officer (Waste Management Policy
Division)

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. Election of Chairman

Ms Audrey EU, the member who had the highest precedence among those present at the meeting, presided at the election of Chairman of the Subcommittee, and invited nominations for the chairmanship.

2. Mr Andrew LEUNG nominated Ms Audrey EU, and the nomination was seconded by Mr CHAN Hak-kan. Ms Audrey EU accepted the nomination.

3. There being no other nominations, Ms Audrey EU was declared Chairman of the Subcommittee.

II. Meeting with the Administration

4. The Subcommittee deliberated (Index of proceedings attached at **Annex**).

5. The Administration was requested to -

(a) advise the quantity of plastic bags, particularly those large black garbage bags, used by the Government and its contractors over the past few years as well as the measures being taken to reduce the use of such plastic bags;

(b) advise how the Administration could ascertain the effect of the proposed levy on the use of plastic shopping bags (PSB), paper bags and garbage bags, particularly the latter which are expected to rise as people could no longer reuse PSB as garbage bags;

(c) advise details of the public education and publicity campaigns to be launched to enhance public understanding on the Regulation. To also consider setting up a hotline for public enquiry on the Regulation; and

(d) provide the draft specified form and practice guidelines.

6. Members agreed to the following schedule of meetings -

Thursday, 5 March 2009 at 8:30 am;

Wednesday, 11 March 2009 at 8:30 am; and

Monday, 16 March 2009 at 8:30 am.

II. Any other business

7. There being no other business, the meeting ended at 4:15 pm.

Council Business Division 1
Legislative Council Secretariat
11 March 2009

**Subcommittee on
Product Eco-responsibility (Plastic Shopping Bags) Regulation**

**Proceedings of the meeting
on Thursday, 19 February 2009, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Election of Chairman</i>			
000001 - 000029	Ms Audrey EU Mr Andrew LEUNG Mr CHAN Hak-kan	Election of Chairman Ms Audrey EU was elected Chairman of the Subcommittee	
<i>Agenda Item II – Meeting with the Administration</i>			
000030 - 000658	Chairman Administration	<p>Discussion on the commencement arrangement for the Product Eco-responsibility (Plastic Shopping Bags) Regulation (the Regulation)</p> <p>Members' concern about insufficient time for scrutinizing the Regulation if the Subcommittee was to adhere to the Administration's proposed arrangement i.e. completion of scrutiny of the Regulation by mid-March 2009 so that the relevant resolution could be moved at the Council meeting on 22 April 2009, to be followed by gazettal on 24 April 2009 for commencement on 30 April 2009</p> <p>Administration's explanation -</p> <p>(a) the producer responsibility schemes (PRS) had been discussed for a long time and the environmental levy scheme for plastic shopping bags (PSB) was the first PRS to be taken forward;</p> <p>(b) there had been wide public acceptance for the environmental levy for PSB, which had been earlier studied by the Bills Committee on Product Eco-responsibility Bill;</p> <p>(c) adequate consultation with the affected trades had been conducted and their views had been taken into account as far as possible; and</p>	

Time marker	Speaker	Subject(s)	Action required
		(d) the proposed commencement arrangement would allow three months for initial registration by prescribed retailers before the environmental levy to take effect in July 2009	
000659 - 001352	Chairman Administration	Power-point presentation on the Regulation by the Administration	
001353 - 001945	Mr Albert CHAN Administration Chairman	<p>Mr Albert CHAN's concerns -</p> <p>(a) need for a more comprehensive plan in enhancing the recycling and recovery of municipal solid waste (MSW); and</p> <p>(b) need to stop the indiscriminate use of garbage bags by the Government and its contractors</p> <p>Administration's response -</p> <p>(a) the proposed environmental levy on PSB was the first PRS, and PRSs for other products would also be introduced , such as electrical and electronic equipment;</p> <p>(b) the number of garbage bags used by the Food and Environmental Hygiene Department had reduced from 5.3 million in 2006 to 4.5 million in 2007, and more environment-friendly garbage bags had been used; and</p> <p>(c) notice had been issued to remind Government departments the need to minimize the use of plastic bags</p>	<p>The Administration to advise the quantity of plastic bags, particularly those large black garbage bags, used by the Government and its contractors over the past few years as well as the measures being taken to reduce the use of such plastic bags</p>
001946 - 002509	Mr LEE Wing-tat Administration	<p>Mr LEE Wing-tat's views -</p> <p>(a) Members belonging to the Democratic Party supported early implementation of the environmental levy on PSB without further delay, and more efforts to be made to promote waste reduction and recycling; and</p>	

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		<p>(b) the "no plastic bag day" implemented by supermarket chains would be futile if PSB were given to shoppers free of charge upon request</p> <p>Administration's response -</p> <p>(a) the Government was committed to reducing and recycling MSW, and a lot of publicity efforts were made in this respect; and</p> <p>(b) it aimed at implementing the environmental levy on PSB as soon as possible</p>	
002510 - 003217	Mr Vincent FANG Administration	<p>Mr Vincent FANG's remarks/queries -</p> <p>(a) any allegation that he tried to delay the enactment of the Regulation was unfounded;</p> <p>(b) more needed to be done to promote the three Rs i.e. recycle, reduce and reuse;</p> <p>(c) whether recyclable materials were for export only; and</p> <p>(d) information should be provided on the increase in the use of garbage bags as a result of the expected decrease in the use of PSB as garbage bags after the coming into effect of the Regulation</p> <p>Administration's response -</p> <p>(a) there had been a marked increase in MSW recovery rate since the implementation of the waste management strategy; and</p> <p>(b) the environmental levy on PSB would be the first PRS aimed at discouraging the indiscriminate use of PSB, thereby reducing the amount of PSB to be disposed of at landfills</p>	
003218 - 003845	Mr CHAN Hak-kan Chairman Administration	<p>Mr CHAN Hak-kan's views -</p> <p>(a) Members belonging to the</p>	

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		<p>Democratic Alliance for Betterment and Progress of Hong Kong would support early implementation of the environmental levy scheme on PSB;</p> <p>(b) need to proceed further on other PRSs, such as plastic bottles and used batteries; and</p> <p>(c) concern about the short time allowed for scrutinizing the Regulation</p> <p>Administration's response -</p> <p>(a) the commencement arrangement as proposed was practicable and would allow a three-month period for initial registration by prescribed retailers; and</p> <p>(b) consultation with affected trades would continue with a view to streamlining the procedures in implementing the levy scheme</p>	
003846 - 004708	Mr WONG Ting-kwong Administration	<p>Mr WONG Ting-kwong's views -</p> <p>(a) unlike the general perception, the financial crisis would have little effect on the implementation of the levy scheme;</p> <p>(b) experience in the Mainland proved that shoppers were used to bring their own shopping bags since the implementation of levy on PSB;</p> <p>(c) consideration should be given to collecting the levy from manufacturers and importers of PSBs rather than prescribed retailers for the sake of fairness. This would also incur less administrative costs;</p> <p>(d) rationale for confining the levy to large supermarket chains/ convenience stores and PSB with handles;</p> <p>(e) the levy should not become part of Government revenue, but should be used to promote environmental protection; and</p>	

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		<p>(f) more paper bags might be used following the introduction of the levy on PSB</p> <p>Administration's response -</p> <p>(a) the environmental levy was meant to discourage the indiscriminate use of PSB by consumers and hence should not be applied to manufacturers/importers;</p> <p>(b) a phased approach had been agreed upon to first apply the environmental levy scheme to chain or large supermarkets, convenience stores and personal health and beauty stores. The scheme would be gradually extended to other retail sectors;</p> <p>(c) it was not the Government's intention to raise revenue through the environmental levy scheme. In fact, the scheme would deem to be successful if less revenue was raised; and</p> <p>(d) the use of the environmental levy to support environmental initiatives might send a wrong message to consumers that using PSB and paying the environmental levy would help protect the environment. Besides, the Government had injected \$1 billion to the Environment and Conservation Fund for funding environmental initiatives</p>	
004709 - 005245	Mr KAM Nai-wai Administration	<p>Mr KAM Nai-wai's views -</p> <p>(a) there was a price to pay for environmental protection;</p> <p>(b) implementation of the levy scheme should not be further delayed because of the financial turmoil; and</p> <p>(c) need for a review of the scheme after it had come into operation for some time</p>	

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		<p>Administration's response -</p> <p>(a) members' support was required in expediting the scrutiny of the Regulation in order to achieve the proposed commencement arrangement; and</p> <p>(b) the review, as requested by both members and the Hong Kong Retail Management Association (HKRMA) and pledged by the Administration, would be conducted after the levy scheme had been implemented for some time</p>	
005246 - 005759	Mr Andrew LEUNG Administration	<p>Mr Andrew LEUNG's views -</p> <p>(a) need for sufficient time to scrutinize the Regulation; and</p> <p>(b) need for the Administration to brief members on the outcome of its discussion with HKRMA on the implementation details of the scheme</p> <p>Administration's response -</p> <p>(a) the retail trade was closely consulted on the implementation details of the environmental levy scheme. The consultation with the trade would continue in the run-up to the launch of the environmental levy scheme; and</p> <p>(b) the "Every Day No Plastic Bag" campaign to be launched by HKRMA in March 2009 would help pave the way for the smooth implementation of the levy scheme</p>	
005800 - 010541	Chairman Administration	<p>Chairman's queries on the long lead time taken by the Administration to introduce the Regulation into the Legislative Council (LegCo) -</p> <p>(a) the Administration only gave notice on 31 December 2008 to move the resolution on the Regulation at the Council meeting on 4 February 2009, despite that the Panel on</p>	

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		<p>Environmental Affairs (EA Panel) was briefed on the Regulation at its meeting on 24 November 2008;</p> <p>(b) the time allowed for the Subcommittee to scrutinize the Regulation under the current positive vetting procedure was in fact much less than that under the negative vetting procedure if the Subcommittee had to adhere to the proposed commencement arrangement i.e. completion of scrutiny of the Regulation by mid-March for the relevant resolution to be passed at the Council meeting on 22 April 2009 to be followed by gazettal on 24 April 2009; and</p> <p>(c) the Subcommittee had to hold at least three meetings in March 2009 (including one meeting to receive deputations) in order to meet the legislative time table</p> <p>Administration's response -</p> <p>(a) the framework of the Regulation was discussed by the then Bills Committee on Product Eco-responsibility Bill;</p> <p>(b) following consultation with the EA Panel on 24 November 2008, the Administration proceeded according to the statutory requirement to consult the Advisory Council on the Environment (ACE), the process of which was completed in mid December 2008;</p> <p>(c) the notice to move the resolution on the Regulation and the full text of the Regulation were subsequently submitted to LegCo on 31 December 2008; and</p> <p>(d) with the concerted efforts of the Subcommittee, the proposed commencement arrangement could be adhered to for timely</p>	

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		implementation of the levy scheme in July 2009	
010542 - 011337	Chairman Mr Vincent FANG Administration	<p>Mr Vincent FANG's concerns -</p> <ul style="list-style-type: none"> (a) there was no urgency in implementing the levy scheme in July 2009; (b) sufficient time should be allowed for scrutinizing the Regulation; (c) retailers would need more time to adjust to the administrative procedures; and (d) the list of consultees did not include those smaller shop chains which might fall under the definition of prescribed retailers <p>Administration's response that the first phase of the environmental levy scheme would mostly cover chain or large supermarkets, convenience stores and personal health and beauty stores. HKRMA, as the representative organization of the retail trade, was closely consulted on the implementation details of the environmental levy scheme. Smaller shop chains were also welcomed to submit their individual views to the Subcommittee</p> <p>The following three meetings were scheduled to scrutinize the Regulation with a view to meeting the proposed commencement arrangement as far as possible -</p> <p>Thursday, 5 March 2009 at 8:30 am;</p> <p>Wednesday, 11 March 2009 at 8:30 am; and</p> <p>Monday, 16 March 2009 at 8:30 am,</p> <p>but there was no guarantee that the Subcommittee could complete its work as scheduled and if not, further meetings would be required</p>	

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011338 - 012009	Mr Vincent FANG Administration Chairman	<p>Mr Vincent FANG's enquiries -</p> <p>(a) whether there was a marked decrease in the use of PSB over the past year after the Administration had stepped up publicity to encourage the public to reduce indiscriminate use of PSB; and</p> <p>(b) the estimated amount of paper bags and garbage bags used/to be used before and after the implementation of the levy scheme on PSB</p> <p>Administration's response that an evaluation on the amount and types of MSW, including plastic bags, disposed of at landfills would be compiled annually. The one for 2008 was almost completed and the results would be reported to the EA Panel in due course</p> <p>Mr Vincent FANG's remark that the Administration should obtain such information from manufacturers or importers, which would be more accurate</p>	<p>The Administration to advise how it could ascertain the effect of the proposed levy on the use of plastic PSB, paper bags and garbage bags, particularly the latter which are expected to rise as people could no longer reuse PSB as garbage bags</p>
012010 - 012641	Mr KAM Nai-wai Chairman Administration	<p>Mr KAM Nai-wai's views -</p> <p>(a) support for early implementation of the levy scheme;</p> <p>(b) need to step up publicity on the implementation details of the levy scheme; and</p> <p>(c) consideration should be given to set up a hotline to facilitate public enquiries on the scheme</p>	<p>The Administration to advise details of the public education and publicity campaigns to be launched to enhance public understanding on the Regulation. To also consider setting up a hotline for public enquiry on the Regulation</p>
012642 - 013156	Chairman Administration	<p>Chairman's enquiries regarding specified forms and exemptions</p> <p>Administration's explanation that department stores with supermarkets could apply for exemption for certain parts of the premises, such as the fashion section. Criteria for exemption would be -</p>	<p>The Administration to provide the draft specified form and practice guidelines</p>

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		<p>(a) the total floor area of the retail outlet in which only non-specified goods were displayed or offered for sale was more than 50% of the retail floor area of the retail outlet; and</p> <p>(b) each part of the area to be exempted was a cashier's counter which accepted payment for non-specified goods only</p>	
013157 - 013430	Chairman ALA5	<p>ALA5 drew members attention to the following -</p> <p>(a) the Director might specify forms to be used under the Regulation, and this requirement had to be complied with as in the case of applications for registration, deregistration and exemption;</p> <p>(b) as specified forms would not be prescribed under the Regulation, any amendments to the forms would not be subject to the scrutiny of LegCo. The same applied to the practice guidelines which were meant to be made administratively; and</p> <p>(c) while section 29 of the Product Eco-responsibility Ordinance (PERO) empowered the Secretary for the Environment to make the Regulation in consultation with ACE, the Administration held the view that the specified forms and practice guidelines were not a part of the Regulation and further consultation with ACE would not be required</p>	
013431 - 013624	Chairman ALA5	<p>Chairman's concern that specified forms were not prescribed under the Regulation</p> <p>ALA5's response that specified forms were traditionally prescribed under the relevant legislation, however, section 16 of the Regulation sub-delegated the power to the Director to specify the forms administratively</p>	

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013625-014105	Chairman ALA5 Administration	Chairman's enquiry on whether the Director's decision to amend the specified forms would be subject to appeal under section 13 of PERO Administration's explanation - (a) specified forms were different from prescribed forms, the latter of which were usually included as part of the legislation; (b) it was a common administrative practice nowadays to allow the authority to determine specified forms; and (c) the Director was required to make available the specified forms for reference by the affected trades	
014106 - 014335	Mr Vincent FANG Chairman	Discussion on the agenda of the next meeting on 5 March 2009	