

立法會
Legislative Council

LC Paper No. CB(1) 1461/08-09
(These minutes have been seen
by the Administration)

Ref : CB1/SS/4/08/1

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

**Minutes of second meeting
held on Thursday, 5 March 2009, at 8:30 am
in the Chamber 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 WONG Ting-kwong, BBS
Hon KAM Nai-wai, MH
Hon CHAN Hak-kan
Hon Tanya CHAN

Member absent : Hon Andrew LEUNG Kwan-yuen, SBS, JP

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

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

Attendance by invitation : For item II

Greeners Action

Ms KWOK Ying-ying
Project Officer

Green.Recycling

Mr WONG Chor-ming
Chairman

Green Sense

Ms Gabrielle HO
Project Manager

Green Council

Ms Linda HO
Chief Executive Officer

Green Manufacturing Alliance

Mr Robert YAN
Chairman

Hong Kong Plastic Bags Manufacturers' Association

Mr Rickly WONG
Executive Vice-President

Greenpeace

Mr CHAN Yue-fai
Campaign Manager

Imperial Bird's Nest Co Ltd

Ms Kitty YU
Assistant Operations Manager

Advisory Council on the Environment

Mr TSANG Kam-lam
Member

Democratic Alliance for Betterment and Progress of Hong Kong

Mr Ricky WONG
Deputy Spokesman on Environmental Policies

Coalition of Hong Kong Newspaper and Magazine Merchants

Mr LIU Sair-ching
Chairman

Hong Kong Retail Management Association

Ms Caroline MAK
Chairman

The Hong Kong & Kowloon General Merchandise Merchants' Association

Ms TSANG Lai-ying

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

Miss Mandy POON
Legislative Assistant (1)4

I. Meeting with deputations and the Administration

Meeting with deputations

The Chairman invited views from the following deputations -

- (a) Greeners Action
LC Paper No. CB(1) 966/08-09(01) (Chinese version only)
- (b) Green.Recycling
LC Paper No. CB(1) 966/08-09(02) (Chinese version only)
- (c) Green Sense
LC Paper No. CB(1) 966/08-09(03) (Chinese version only)
- (d) Green Council
LC Paper No. CB(1) 966/08-09(04) (English version only)
- (f) Green Manufacturing Alliance
LC Paper No. CB(1) 966/08-09(05) (Chinese version only)
- (g) Hong Kong Plastic Bags Manufacturers' Association
LC Paper No. CB(1) 966/08-09(06) (Chinese version only)
- (h) Greenpeace
LC Paper No. CB(1) 966/08-09(07) (Chinese version only)
- (i) Imperial Bird's Nest Co Ltd
- (j) Advisory Council on the Environment
LC Paper No. CB(1) 966/08-09(08)
- (k) Democratic Alliance for Betterment and Progress of Hong Kong
LC Paper No. CB(1) 966/08-09(09) (Chinese version only)
- (l) Coalition of Hong Kong Newspaper and Magazine Merchants
LC Paper No. CB(1) 966/08-09(11) (Chinese version only)
- (m) Hong Kong Retail Management Association
LC Paper No. CB(1) 966/08-09(14) (English version only)
- (n) The Hong Kong and Kowloon General Merchandise Merchants' Association

Submissions from deputations not attending the meeting

- LC Paper No. CB(1) 966/08-09(12) — Submission from Momentum 107
- LC Paper No. CB(1) 966/08-09(15) — Submission from Retail Task Force, Business Facilitation Advisory Committee
- LC Paper No. CB(1) 966/08-09(16) — Submission from Consumer Council
- LC Paper No. CB(1) 966/08-09(17) — Submission from Hong Kong Institution of Engineers
- LC Paper No. CB(1) 985/08-09(01) — Submission from Friends of the Earth (HK)

Meeting with the Administration

- (LC Paper No. CB(1) 966/08-09(18) — List of follow-up actions arising from the discussion at the meeting on 19 February 2009
- LC Paper No. CB(1) 966/08-09(19) — Administration's response to CB(1) 966/08-09(18)
- LC Paper No. CB(1) 966/08-09(20) — Assistant Legal Adviser's letter dated 25 February 2009 to the Administration
- LC Paper No. CB(1) 966/08-09(21) — Assistant Legal Adviser's letter dated 27 February 2009 to the Administration)

2. The Subcommittee deliberated (Index of proceedings attached at **Annex**).
3. The Administration was requested to -
 - (a) advise the basis upon which the estimate that each person in Hong Kong use three plastic bags per day was arrived at. To also advise the statistics on the use of paper bags and garbage bags in Hong Kong; and
 - (b) explain in detail the declaration requirement in respect of third party operator in the draft application form for registration as registered retailer/retail outlet. To also provide a consolidated written response to the submissions from deputations.
4. Members agreed to hold the following additional meetings in March 2009 -
 - (a) Friday, 13 March 2009, at 8:30am; and
 - (b) Tuesday, 17 March 2009, at 4:30pm

II. Any other business

5. There being no other business, the meeting ended at 10:40 am.

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

**Proceedings of the meeting
on Thursday, 5 March 2009, at 8:30 am
in the Chamber of the Legislative Council Building**

| Time marker | Speaker | Subject(s) | Action required |
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| 000105 - 000119 | Chairman | Opening remarks | |
| <i>Agenda Item I - Meeting with deputations and the Administration</i> | | | |
| 000120 - 000511 | Ms KWOK Ying-ying Greeners Action | Expression of views as set out in LC Paper No. CB(1) 966/08-09(01) - (a) supported the implementation of the environmental levy scheme (the scheme) in July 2009; (b) the scheme should be reviewed four months after implementation; (c) implementation plans for the second phase of the scheme should be finalized by end of 2009; and (d) publicity on the reduction in the use of plastic shopping bags (PSBs) should be stepped up | |
| 000512 - 000758 | Mr WONG Chor-ming Green.Recycling | Expression of views as set out in LC Paper No. CB(1) 966/08-09(02) - (a) did not support the use of legislative means to reduce PSBs; (b) consumers should <i>not</i> be discouraged from using PSBs which were environment-friendly and re-usable; (c) supported the introduction of waste tax to facilitate waste recycling and reduction; and (d) there should be more education and publicity efforts on waste reduction and recycling | |
| 000759 - 001109 | Ms Gabrielle HO Green Sense | Expression of views as set out in LC Paper No. CB(1) 966/08-09(03) - | |

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| | | <p>(a) supported the introduction of the scheme which should be reviewed after four months of implementation;</p> <p>(b) plans for the second phase of the scheme should be finalized by end of 2009;</p> <p>(c) voluntary schemes introduced by retailers to reduce PSBs were not effective;</p> <p>(d) there should be more education and publicity efforts on waste reduction and recycling; and</p> <p>(e) supported the implementation of producer responsibility schemes (PRSs) on other products such as plastics and packaging materials</p> | |
| 001110 - 001330 | Ms Linda HO Green Council | <p>Expression of views as set out in LC Paper No. CB(1) 966/08-09(04) -</p> <p>(a) supported the implementation of the levy scheme in principle;</p> <p>(b) need to promote waste recycling and reuse and not only waste reduction; and</p> <p>(c) the use of biodegradable plastic bags should be promoted as a desirable and green alternative to conventional non-biodegradable bags</p> | |
| 001331 - 001646 | Mr Robert YAN Green Manufacturing Alliance | <p>Expression of views as set out in LC Paper No. CB(1) 966/08-09(05) -</p> <p>(a) the levy collected should not become a part of Government revenue but should be used to finance environmental initiatives and recycling industries; and</p> <p>(b) green procurement should be promoted</p> | |

| Time marker | Speaker | Subject(s) | Action required |
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| 001647 - 002001 | Mr Rickly WONG Hong Kong Plastic Bags Manufacturers' Association | Expression of views as set out in LC Paper No. CB(1) 966/08-09(06) - (a) the levy collected should be used to develop environmental industries, in particular, the manufacture of more environment-friendly PSBs; (b) green procurement should be promoted; and (c) more environment-friendly packaging should be used | |
| 002002 - 002144 | Mr CHAN Yue-fai Greenpeace | Expression of views as set out in LC Paper No. CB(1) 966/08-09(07) - (a) supported the early implementation of the levy scheme which was widely accepted and already implemented in the Mainland; (b) there should be plans for the early implementation of the second phase of the scheme; and (c) other PRSs on electrical and electronic equipment should be implemented as well | |
| 002145 - 002454 | Ms Kitty YU Imperial Bird's Nest Co Ltd | Expression of views - (a) publicity on the scheme should be stepped up to alert customers, including tourists, of the levy. This would avoid unnecessary disputes over the collection of levy; and (b) guidelines should be provided to frontline sales staff on the collection of levy, for example, whether the same levy would apply to different sizes of PSBs | |
| 002455 - 002807 | Mr TSANG Kam-lam Advisory Council on the Environment | Expression of views as set out in LC Paper No. CB(1) 966/08-09(08) - (a) fully supported the early implementation of the environmental levy scheme under the Product Eco-responsibility | |

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| | | <p>(Plastic Shopping Bags) Regulation (the Regulation);</p> <p>(b) the scope of PRSs should be extended to other products as soon as possible;</p> <p>(c) the administrative requirements under the levy scheme should not impose undue burden on prescribed retailers;</p> <p>(d) the scheme should not be used as a means to raise public revenue and opportunity should be taken to promote "eco-responsibility";</p> <p>(e) the scheme should be reviewed after one year and consideration should be given to extending its scope to cover other retail outlets; and</p> <p>(f) the Administration should continue to encourage voluntary reduction in the use of PSB reduction, especially at retail outlets not yet covered by the scheme</p> | |
| 002808 - 003100 | <p>Chairman Mr Ricky WONG Democratic Alliance for Betterment and Progress of Hong Kong</p> | <p>Expression of views as set out in LC Paper No. CB(1) 966/08-09(09) -</p> <p>(a) supported the early implementation of the levy scheme which had gained wide public acceptance;</p> <p>(b) the levy collected should be injected into the Environment and Conservation Fund (ECF) to support environmental initiatives; and</p> <p>(c) need to establish a recycling mechanism for PSBs and promote the use of biodegradable plastic bags</p> | |
| 003101 - 003222 | <p>Chairman Mr LIU Sair-ching Coalition of Hong Kong Newspaper and Magazine Merchants</p> | <p>Expression of views as set out in LC Paper No. CB(1) 966/08-09(11) -</p> <p>(a) fully supported the implementation of the levy scheme; and</p> | |

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| | | <p>(b) the scheme should be extended to cover newspaper and magazine vendors as soon as possible as the use of plastic bags for newspapers and magazines was not only environment-unfriendly but also resulted in a lot of wastage as these bags could not be reused for other purposes</p> | |
| 003223 - 003548 | <p>Chairman Ms Caroline MAK Hong Kong Retail Management Association</p> | <p>Expression of views as set out in LC Paper No. CB(1) 966/08-09(14) -</p> <p>(a) effective reduction in the use of PSB could be achieved through voluntary initiatives;</p> <p>(b) if levy was to be introduced, it should be applied across the board rather than on selected retailers;</p> <p>(c) a task force should be set up to review the objectives and targets of the scheme, determine the methodology in assessing the amount of PSB used and reused, assess the administrative cost to be incurred by affected retailers, and formulate a comprehensive roadmap on extension of the scheme to all retail outlets in Hong Kong;</p> <p>(d) payment of the levy through credit card/EPS/Octopus card might incur extra handling charges on the part of retailers, which should be reimbursed by the Government;</p> <p>(e) as third party operators usually operated under their own business registrations with head office addresses, a certified true copy of the business registration certificate of the head office should suffice for the purpose of exemption applications; and</p> <p>(f) publicity should be stepped up to educate the public on the implementation details of the levy scheme to avoid misunderstanding and disputes</p> | |

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| 003549 - 003655 | Chairman Ms TSANG Lai-Ying The Hong Kong & Kowloon General Merchandise Merchants' Association Ltd | Expression of views - (a) publicity on the implementation details of the levy scheme should be stepped up; (b) supported deferment of the levy scheme pending the recovery of the economy; and (c) administrative procedures of the levy scheme should be streamlined as far as possible | |
| 003656 - 004219 | Chairman Administration | Administration's response - (a) there had been general public support for the early implementation of the Regulation; (b) would continue to maintain dialogue with affected trades on the implementation of the levy scheme; (c) levy was not meant to raise revenue but to reduce the indiscriminate use of PSB; (d) \$1 billion had been injected into ECF to finance environmental initiatives; and (e) review of the levy scheme would be conducted after the quarterly returns from registered retailers were received about three to four months after the implementation of the levy scheme | |
| 004220 - 005128 | Chairman Mr KAM Nai-wai Administration | Mr KAM Nai-wai's enquiries - (a) whether the use of garbage bags would increase as people could no longer reuse PSB as garbage bags; (b) whether PSB were more environment-friendly than paper bags; (c) how the public could distinguish which retailers were eligible for collection of the levy; and | |

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| | | <p>(d) whether the implementation details had been sorted out with the affected retailers; and</p> <p>(e) the means through which the Administration could assess the effectiveness of the scheme</p> <p>Administration's response -</p> <p>(a) the levy scheme was meant to discourage the indiscriminate use of PSB, as statistics showed that each person in Hong Kong disposed of more than three plastic shopping bags per day;</p> <p>(b) most retailers covered by the first phase of the environmental levy scheme provided PSB not paper bags;</p> <p>(c) a hotline and a website would be set up to provide information on registered retailers. Signage would also be posted at registered retail outlets advising customers of the requirement of charging the levy on PSB; and</p> <p>(d) consultation had been conducted with prescribed retailers on the implementation details</p> | |
| 005129 - 005758 | Chairman Mr WONG Ting-kwong Administration | <p>Mr WONG Ting-kwong's concerns -</p> <p>(a) problems relating to consignment and charges associated with payment using credit card; and</p> <p>(b) customers requested for PSB larger than necessary after payment of the levy</p> <p>Administration's response -</p> <p>(a) signage providing information on levy collection would be posted in large registered outlets with third party operators;</p> | |

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| | | <p>(b) publicity, including the setting of a hotline, would be stepped up to enhance understanding of the levy scheme; and</p> <p>(c) administrative costs associated with the collection of levy by prescribed retailers had to be dealt with in the main Ordinance rather than the Regulation</p> | |
| 005759 - 010323 | Chairman Mr Vincent FANG Administration | <p>Mr Vincent FANG's concerns -</p> <p>(a) there were practical difficulties in implementing the levy scheme, particularly for small and medium prescribed retailers who had few retail outlets;</p> <p>(b) the basis upon which the estimate that each person in Hong Kong use three plastic bags per day was arrived at;</p> <p>(c) how the number of PSB disposed of at landfills was arrived at</p> <p>Administration's response -</p> <p>(a) the amount of PSB disposed of at landfills was worked out based on a waste study conducted at waste facilities in 2005; and</p> <p>(b) a study on the amount of PSB and garbage bags used before and after the implementation of the scheme would be conducted</p> | The Administration to advise the basis upon which the estimate that each person in Hong Kong used three plastic bags per day was arrived at. To also advise the statistics on the use of paper bags and garbage bags in Hong Kong |
| 010324 - 011013 | Chairman Mr CHAN Hak-kan Administration | <p>Mr CHAN Hak-kan's concerns -</p> <p>(a) need to streamline the procedures for registration by prescribed retailers;</p> <p>(b) the lead time for processing registration was too long; and</p> <p>(c) whether each and every branch of the same registered retailer would need to apply for registration</p> | |

| Time marker | Speaker | Subject(s) | Action required |
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| | | <p>Administration's response -</p> <p>(a) a prescribed retailer could register all its branches in one application by providing the names and addresses of these branches;</p> <p>(b) the lead time for registration might be shortened after the commencement of the levy scheme when more operational experience was acquired; and</p> <p>(c) information on third party operators would need to be provided if they alleged that the areas they occupied within qualified retail outlets did not form part of those outlets</p> | |
| 011014 - 011509 | <p>Chairman Mr LEE Wing-tat Administration</p> <p>Ms Caroline MAK/Hong Kong Retail Management Association</p> | <p>Mr LEE Wing-tat's enquiries/concerns -</p> <p>(a) the "everyday no plastic bag day" campaign launched by the trades were not effective as retailers would still provide PSB upon request by customers; and</p> <p>(b) schedule for introduction of other PRSs</p> <p>Ms Caroline MAK's explanation that the "everyday no plastic bag day" campaign launched on 3 March 2009 was meant to reduce the use of PSB</p> <p>Administration's response that consultation on other PRSs, such as electrical and electronic equipment, would be held within this year</p> | |
| 011510 - 012016 | <p>Chairman Miss Tanya CHAN Administration</p> | <p>Miss Tanya CHAN's requests -</p> <p>(a) a definite timeframe for the review of the levy scheme;</p> <p>(b) need to facilitate registration by prescribed retailers; and</p> <p>(c) need to encourage the general public to bring their own shopping bags</p> | |

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| | | <p>Administration's response-</p> <p>(a) review would be conducted when statistics on the levy scheme were available three to four months after its implementation;</p> <p>(b) measures to facilitate implementation of the scheme, including the registration process, had been worked out in consultation with the affected retailers; and</p> <p>(c) publicity would be stepped up to encourage the general public to bring their own shopping bags</p> | |
| 012017 - 012642 | <p>Chairman Mr Albert CHAN Administration</p> | <p>Mr Albert CHAN's views -</p> <p>(a) need to stop the indiscriminate use of garbage bags by the Government and its contractors;</p> <p>(b) a breakdown on the amount of garbage bags used by departments and contractors should be provided; and</p> <p>(c) Members belonging to the League of Social Democrats would object to the levy scheme if the Government failed to reduce the use of garbage bags by its departments and contractors</p> <p>Administration's response -</p> <p>(a) all government departments, including the Food and Environmental Hygiene Department, had been advised to reduce the use of garbage bags; and</p> <p>(b) efforts would be made to identify other environment-friendly alternative materials for garbage bags</p> | |
| 012643 - 013234 | <p>Chairman Mr LIU Sair-ching/Coalition</p> | <p>Chairman's enquiries -</p> <p>(a) whether retailers had any difficulties in complying with the</p> | |

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| | <p>of Hong Kong Newspaper and Magazine Merchants</p> <p>Ms Caroline MAK/Hong Kong Retail Management Association</p> | <p>registration requirements under the levy scheme; and</p> <p>(b) whether newspaper vendors could jointly cease providing plastic bags to customers</p> <p>Ms Caroline MAK's response -</p> <p>(a) the draft specified form for registration were only made available to retailers about 10 days ago;</p> <p>(b) there might not be sufficient time for some 2 000 prescribed retailers to apply for registration before July 2009; and</p> <p>(c) certified true copies of business registration certificates should be sufficient for the purpose of applying exemption for third party operators</p> <p>Mr LIU Sair-ching's response -</p> <p>(a) newspaper vendors had participated in the "no plastic bag" day;</p> <p>(b) some customers would prefer to have plastic bags for their newspapers despite that these bags could not be reused; and</p> <p>(c) it was hoped that the Government could take the initiative to encourage the public not to ask for plastic bags when buying newspapers</p> <p>Administration's response -</p> <p>(a) the area occupied by a third party operator within a qualified retail outlet would only be considered not forming part of that outlet for the purposes of the levy scheme if the third party operator could prove that he was operating independently from that outlet; and</p> | |

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| | | (b) the types of proof to substantiate such a claim by the third party operator had yet to be agreed upon | |
| 013235 - 014359 | Chairman Mr WONG Ting-kwong Administration ALA5 | <p>Mr WONG Ting-kwong's views -</p> <p>(a) there were a lot of grey areas regarding the implementation of the levy scheme which needed to be resolved; and</p> <p>(b) whether PSB provided at exhibitions would also be subject to the environmental levy</p> <p>Administration's response -</p> <p>(a) the implementation framework of the levy scheme had already been set out in the main Ordinance;</p> <p>(b) retail outlets would be regarded as qualified retail outlets if the goods offered for sale included all of the following -</p> <p>(i) any food or drink;</p> <p>(ii) any medicine or first-aid item; and</p> <p>(iii) any personal hygiene or beauty product</p> <p>(c) retail outlets not selling all the abovementioned goods at exhibitions would not be regarded as qualified retail outlets and hence not subject to the levy scheme</p> | |
| 014400 - 014807 | Chairman Mr Vincent FANG Ms Caroline MAK/Hong Kong Retail Management Association Administration | <p>Mr Vincent FANG's concerns -</p> <p>(a) the general public might not know which retailers were eligible for collection of the levy scheme;</p> <p>(b) a hotline should be set up to provide readily available information on registered retailers;</p> <p>(c) sufficient time should be allowed for prescribed retailers to set up separate computer systems for the</p> | |

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| | | <p>collection of levy; and</p> <p>(d) there were cost implications in the setting up of computer systems for the collection of levy, particularly on small and medium enterprises</p> <p>Ms Caroline MAK's concerns that prescribed retailers would be exposed to much pressure if they had to complete registration and adjust their computer and operational systems in time for the scheme to be implemented by 1 July 2009, failing which would result in non-compliance with the Regulation</p> <p>Administration's response -</p> <p>(a) information on registered retailers could be obtained from the hotline and website; and</p> <p>(b) signage about the collection of levy would be posted within registered retail outlets</p> | |
| 014808 - 015017 | Mr Vincent FANG Administration | <p>Mr Vincent FANG's query whether registration of over 2 000 prescribed retailers could be completed by July 2009</p> <p>Administration's response that with the timely approval of the Regulation and finalization of the specified forms, it was optimistic that registration of prescribed retailers could commence in April 2009 for implementation of the levy scheme in July 2009</p> | |
| 015018 - 015715 | Chairman Administration | <p>Discussion on declaration requirement in respect of third party operators</p> <p>Chairman's enquiry on the need for separate business registration in order for a third party operator to operate at a registered retail outlet</p> <p>Administration's explanation -</p> <p>(a) third party operation could be in various forms depending on the</p> | <p>The Administration to explain in detail the declaration requirement in respect of third party operator in the draft application form for registration as registered retailer /retail outlet.</p> |

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| | | <p>business arrangements between the third party operator and the registered retailers; and</p> <p>(b) a declaration that the third party operated under a separate business registration at the address of the host retail outlet would be required in the host retailer's application for registration if the third party proposed to continue to provide free PSB from the area he occupied within the host retail outlet</p> | |
| 015716 - 015823 | <p>Chairman Ms Caroline MAK/Hong Kong Retail Management Association</p> | <p>Ms Caroline MAK's reiteration of the trades' request that a certified true copy of business registration certificate of the third party's main office would suffice for third party operation within a registered retail outlet</p> | |
| 015824 - 020153 | <p>Chairman Mr WONG Ting-kwong Administration</p> | <p>Mr WONG Ting-kwong's request for a review of the levy scheme as soon as possible to ensure that it could discourage the indiscriminate use of PSB without causing undue inconvenience to the trades and the public</p> <p>Administration's response -</p> <p>(a) there was wide public acceptance for implementation of the levy scheme by phases; and</p> <p>(b) the review of the levy scheme would begin soon after statistics for the first three months of operation of the scheme were available</p> | |
| 020154 - 020707 | <p>Chairman Mr Vincent FANG Administration</p> | <p>Mr Vincent FANG's concerns that the Administration was not prepared to implement the levy scheme on plastic bags at newspaper stands when the trades were ready and willing to do so, while insisting in pushing forward the scheme at retail outlets which were not ready to do so</p> <p>Administration's response that ECF had supported some voluntary schemes on the reduction of PSB in certain trades</p> | |

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| 020708 - 021030 | Chairman | Members agreed to hold the following additional meetings in March 2009 - (a) Friday, 13 March 2009, at 8:30am; and (b) Tuesday, 17 March 2009, at 4:30pm | |

Council Business Division 1
Legislative Council Secretariat
29 April 2009