

立法會
Legislative Council

LC Paper No. CB(1) 2101/08-09
(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 sixth meeting
held on Thursday, 19 March 2009, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon Vincent FANG Kang, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon WONG Ting-kwong, BBS
Hon KAM Nai-wai, MH
Hon CHAN Hak-kan
Hon Tanya CHAN
- Members absent** : Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
- Public officers attending** : Mr Edward YAU
Secretary for the Environment
- Mr Albert LAM
Deputy Director of Environmental Protection
Environmental Protection Department
- Mr Alfred LEE
Assistant Director (Waste Management Policy)
Environmental Protection Department
- Mr Kenneth CHAN
Principal Environmental Protection Officer (Territorial
Control)
Environmental Protection Department
- Mr TE Chi-wang
Senior Administrative Officer (Waste Management Policy
Division)
Environmental Protection Department

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

- (LC Paper No. CB(1) 1026/08-09(01) — List of follow-up actions arising from the discussion at the meeting on 11 March 2009
- LC Paper No. CB(1) 1063/08-09(01) — List of follow-up actions arising from the discussion at the meeting on 13 March 2009
- LC Paper No. CB(1) 1063/08-09(03) — List of follow-up actions arising from the discussion at the meeting on 16 March 2009
- LC Paper No. CB(1) 1036/08-09(03) — Administration's response to CB(1) 1026/08-09(01)
- LC Paper No. CB(1) 1088/08-09(01) — Administration's response to CB(1) 1063/08-09(01)
- LC Paper No. CB(1) 1088/08-09(02) — Administration's response to item 1 of CB(1) 1063/08-09(03)
- LC Paper No. CB(1) 1088/08-09(03) — Further submission from Green.Recycling)

Other relevant papers

- (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
- LC Paper No. CB(1) 1002/08-09(01) — Administration's response to CB(1) 966/08-09(20) and (21)
- LC Paper No. CB(1) 1002/08-09(02) — List of follow-up actions arising from the discussion at the

- LC Paper No. CB(1) 1036/08-09(01) — meeting on 5 March 2009
Administration's response to
item 1 of CB(1) 1002/08-09(02)
- LC Paper No. CB(1) 1036/08-09(02) — Administration's response to
item 2 of CB(1) 1002/08-09(02))

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

2. The Administration was requested to -
- (a) in addition to the performance pledge in respect of applications for registration of registered retailers/retail outlets, also include in the speech to be delivered by the Secretary for Environment at the moving of the resolution on the Regulation that the Environmental Protection Department would accommodate the special needs of an applicant in unforeseen circumstances as far as possible;
 - (b) review proposed section 8(5) in the light of the Administration's agreement to accept certified true copy of the business registration of the headquarters of a third party operator as a criterion to establish the fact that a certain area was indeed occupied by a third party operation in a host registered retail outlet ; and
 - (c) provide a paper to the Panel on Environmental Affairs setting out details of the dedicated survey on plastic shopping bags (PSB) conducted in 2005, including the number of PSB collected from the 140 waste samples, the statistical approach/factor adopted in arriving at disposal figures for PSB from various types of retailers. To also include in the paper the methodology to be adopted for the dedicated survey on the disposal of PSB before the commencement of the scheme and annually thereafter. Consideration should be given to inviting the retail trade to observe how the survey would be conducted. A more accurate way to ascertain the total number of PSB used in Hong Kong would be to obtain such figures from manufacturers/importers/Customs and Excise Department.
3. Members agreed that the Chairman would make a verbal report to the House Committee on the deliberation of the Subcommittee on Friday, 20 March 2009. They also noted that the deadline for giving notice of motion to amend the Regulation was 15 April 2009.

II. Any other business

4. There being no other business, the meeting ended at 10:37 am.

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

**Proceedings of the meeting
on Thursday, 19 March 2009, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000119 - 000200	Chairman	Opening remarks	
<i>Agenda Item I - Meeting with the Administration</i>			
000201 - 004203	Chairman Mr Andrew LEUNG Administration Mr WONG Ting-kwong Mr KAM Nai-wai	<p>Discussion on the inclusion of a Type 2 exemption for third party operation under proposed sections 8 and 9 of the Regulation</p> <p>Members' requests -</p> <p>(a) certified true copy of business registration certificate (BRC) of headquarters should be accepted as proof of third party operation;</p> <p>(b) Type 2 exemption should be processed expeditiously to facilitate third party operations, many of which had to start business within a short notice</p> <p>Administration's agreement to -</p> <p>(a) accept certified true copy of BRC of headquarters as a criterion to establish that a certain area was indeed occupied by the third party operator;</p> <p>(b) accommodate special needs of retailers in unforeseen circumstances as far as possible;</p> <p>(c) further revise section 8(5)(a) to exempt the part of the area of an registered retail outlet used for the purpose of a business of a third party registered under Business Registration Ordinance (Cap.310); and</p> <p>(d) delete proposed section 8(5)(b) to dispense with the need for</p>	<p>The Administration to -</p> <p>(a) include in the speech to be delivered by the Secretary for Environment at the moving of the resolution on the Regulation that the Environmental Protection Department would accommodate the special needs of an applicant in unforeseen circumstances as far as possible; and</p> <p>(b) review proposed section 8(5) in the light of the Administration's agreement to accept certified true copy of the business registration of the headquarters of a third party</p>

Time marker	Speaker	Subject(s)	Action required
		third party operator to display BRC	operator as a criterion to establish the fact that a certain area was indeed occupied by a third party operation in a host registered retail outlet
004204 - 005125	Chairman Administration Mr Vincent FANG	Examination of the proposed amendments to the Regulation as set out in LC Paper No. CB(1) 1088/08-09	
005126 - 005720	Chairman Mr Vincent FANG Mr WONG Ting-kwong Administration	Discussion on the meaning of "the number of bags so provided is not more than necessary for carrying those goods" under proposed section 9(4)(b)	
005721 - 011452	Chairman Mr Vincent FANG Administration Mr WONG Ting-kwong	<p>Proposed section 12 - Submission of quarterly returns</p> <p>Mr Vincent FANG's concern on the need for department stores to submit quarterly returns on plastic shopping bags (PSB) distributed at exempted areas selling non-specified goods</p> <p>Administration's explanation -</p> <p>(a) need to account for PSB used by the whole department store to facilitate cross-checking; and</p> <p>(b) the reporting arrangement for PSB provided at exempted counters would be reviewed in the light of actual experience gained following implementation of the levy scheme</p>	
011453 - 011552	Chairman Mr Vincent FANG Administration	Mr Vincent FANG's proposal to amend the Regulation to dispense with the need to submit quarterly returns on the number of PSB distributed from an exempted area	

Time marker	Speaker	Subject(s)	Action required
011553 -013405	Chairman Mr WONG Ting-kwong Administration Mr Vincent FANG Mr KAM Nai-wai	<p>Discussion on Mr Vincent FANG's suggestion of allowing department stores to use different PSB for exempted and non-exempted counters such that PSB distributed by the latter could be exempted from the requirement on quarterly returns</p> <p>Mr WONG Ting-kwong's view that the retail trades would support Mr Vincent FANG's proposal which would reduce the administrative cost associated with the filing of quarterly returns</p> <p>Administration's response that it would need to further consult the trades</p>	
013406 - 013602	Chairman Administration	<p>The Secretary for the Environment (SEN) joined the meeting at this juncture and made the following points -</p> <p>(a) the Administration appreciated very much members' effort in adhering to the proposed legislative time table;</p> <p>(b) efforts would be made to assist the trades in complying with the levy scheme on PSB as far as possible; and</p> <p>(c) the incentive for newspaper vendors to provide plastic bags was expected to be reduced following the implementation of the levy scheme, which would likely change people's habit of using plastic bags</p>	
013603 - 014445	Chairman Mr WONG Ting-kwong	<p>Mr WONG Ting-kwong's views -</p> <p>(a) need to review the levy scheme taking into account actual experience gained; and</p> <p>(b) welcomed the Administration's amendments with regard to third party operation</p>	

Time marker	Speaker	Subject(s)	Action required
014446 - 015512	Chairman Mr Vincent FANG Administration	<p>Mr Vincent FANG's views -</p> <p>(a) consultation with the trade should not be confined to the Hong Kong Retail Management Association. Views of retailers should be adequately reflected;</p> <p>(b) the methodology adopted in the dedicated survey on PSB was questionable and assistance from the trades should be sought when conducting the survey;</p> <p>(c) need to dispense with the need for submission of quarterly returns on PSB distributed at exempted counters in department stores; and</p> <p>(d) reduction in the number of PSB might be offset by the increase in paper bags, garbage bags and re-usable bags, and hence a need to conduct surveys on PSB before and after implementation of the levy scheme</p>	
015513 - 020202	Chairman Administration Miss Tanya CHAN Mr Vincent FANG	<p>Discussion on the dedicated survey of PSB as set out in LC Paper No. CB(1)1088/08-09(01)</p> <p>Administration's explanation -</p> <p>(a) the survey was based on some 140 waste samples involving about 10 tonnes of domestic, commercial and industrial waste randomly selected at refuse transfer stations and landfills; and</p> <p>(b) PSB in the waste samples were manually picked out and sorted by a team of 10 workers and an inspectorate staff as supervisor</p> <p>Miss Tanya CHAN's views -</p> <p>(a) non-perforated plastic bags used in the garment industry should also be included in the survey;</p>	<p>The Administration to provide a paper to the Panel on Environmental Affairs setting out details of the dedicated survey on PSBs conducted in 2005, including the number of PSB collected from the 140 waste samples, the statistical approach/factor adopted in arriving at disposal figures for PSB from various types of retailers. To also include in the paper the methodology to be adopted for the dedicated survey on the disposal of PSB</p>

Time marker	Speaker	Subject(s)	Action required
		<p>and</p> <p>(b) need for early review of the levy scheme taking into account the experience gained</p> <p>Mr Vincent FANG and Mr WONG Ting-kwong pointed out that a more accurate way to ascertain the total number of PSB used in Hong Kong would be to obtain such figures from manufacturers/importers/Customs and Excise Department</p>	<p>before the commencement of the scheme and annually thereafter. Consideration should be given to inviting the retail trade to observe how the survey would be conducted</p>
020203 - 020416	Chairman Mr CHAN Hak-kan Administration	<p>Mr CHAN Hak-kan's views -</p> <p>(a) the levy scheme on PSBs involved very cumbersome procedures at the retailing end; and</p> <p>(b) consideration should be given to regulate the manufacturing end in implementing other product eco-responsibility schemes</p> <p>Administration's explanation that the objective of the levy scheme was to discourage the indiscriminate use of PSB by consumers at the retail end through direct economic disincentive; question of whether the retailing or manufacturing end should be subject to control would depend on the problems in relation to specific products</p>	
020417 - 020706	Chairman Mr KAM Nai-wai Administration	<p>Members noted that the Chairman would deliver a verbal report on the deliberation of the Subcommittee at the House Committee meeting on Friday, 20 March 2009. The deadline for giving notice of motion to amend the Regulation was 15 April 2009</p> <p>Mr KAM Nai-wai indicated that he was still considering the need to amend the Regulation to include a fixed time frame within which the Director should approve/disapprove</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>applications for registration of "prescribed retailers" and "qualified retail outlet"</p> <p>The Administration indicated that it would consult the trades on the commencement date of the levy scheme, which would probably be a weekday within the month of July 2009</p>	

Council Business Division 1
Legislative Council Secretariat
29 June 2009