

本署檔案
OUR REF : EP CR 9/150/20
來函檔案
YOUR REF :
電話
TEL NO : 2594 6032
圖文傳真
FAX NO : 2511 3658
電子郵件
E-MAIL : alfredlee@epd.gov.hk
網址
HOMEPAGE : <http://www.epd.gov.hk/>

**Environmental Protection Department
Headquarters**

46/F Revenue Tower
5 Gloucester Road
Wanchai, Hong Kong



環境保護署總部

香港
灣仔告士打道五號
稅務大樓四十六樓

CB(1) 879/08-09(01)

18 February 2009

Mr. Peter Johnston
Chairman
Task Force on Plastic Shopping Bags Levy Implementation
Hong Kong Retail Management Association
10/F., First Commercial Building
33-35 Leighton Road
Causeway Bay
Hong Kong
[Fax No.: 2866 8380]

Dear Mr. Johnston,

Product Eco-responsibility (Plastic Shopping Bags) Regulation

Thank you for your letter of 6 February 2009. We would like to express our gratitude to the Hong Kong Retail Management Association and its Members for the invaluable advice and suggestions offered at the inaugural meeting of the Working Group. We would like to assure you that your advice and suggestions would be given due consideration.

2. With respect to your specific concerns, we have the following responses:

(a) Third Party Operation

We would like to reiterate that the objective of the environmental levy scheme on plastic shopping bags is to address the indiscriminate use of plastic shopping bags through a direct economic disincentive. Henceforth, the Product Eco-responsibility Ordinance (Cap. 603) provides that a registered retailer shall charge a customer an amount of not less than the levy for each plastic shopping bag provided directly or indirectly to the customer from a “registered retail outlet of that retailer” (section 23).

We appreciate that there might be goods offered for sale by third parties within a retail outlet of a host retailer under various commercial arrangements. That notwithstanding, as far as the statutory requirement in section 23 of the Ordinance is concerned, the registered retailer must charge a customer for a plastic shopping bag unless the bag is provided from an area that clearly does *not* form part of the “registered retail outlet of that retailer”.

To facilitate compliance with the Ordinance, we set out the five criteria in paragraph 6 of the Legislative Council Brief which, if fulfilled, would clearly establish the fact that a third-party operation is indeed *not* carried on by a registered retailer, and that the area occupied by the third party does *not* in fact form part of the registered retail outlet in question. In particular, we consider that in the absence of a separate business registration at the location in question, there is little justification for a “third-party” operation physically situated within a retail outlet of a host retailer to argue that the area it occupies does not in fact form part of that outlet.

(b) Implementation Date

Our public consultation indicates that the environmental levy scheme commands broad-based public support and consensus. To positively respond to this public aspiration, and given the indiscriminate use of plastic shopping bags in Hong Kong, there is a need to implement the levy scheme as soon as practicable. To this end, we started our consultation with the retail trade on the implementation details of the scheme immediately after the enactment of the Product Eco-responsibility Ordinance in July 2008. Taking into account the views of the trade, we submitted the Product Eco-responsibility (Plastic Shopping Bags) Regulation to the Legislative Council on 31 December 2008. To facilitate the trade’s preparation for the scheme, a copy of the Regulation was furnished to your Association via our letter of the same date, in which we also conveyed to you our plan to bring it into operation in July 2009. We would therefore very much encourage retailers to prepare accordingly in the first half of 2009.

(c) Environmental and Sustainability Implications

As conveyed in our letter dated 19 January 2009 and explained at our Working Group meeting on 20 January 2009, our waste survey suggests that some 1,800 million plastic shopping bags disposed of at landfills come from supermarkets, convenience stores and

personal health and beauty stores¹. Based on the assessment of our consultant, a 50% reduction in the number of plastic shopping bags issued by prescribed retailers could be achieved. For the purpose of assessing financial implications, we further assume that 50% of the remaining bags are not subject to the levy.

3. We hope the above helps provide useful clarification. Should you have any further queries, please feel free to contact the undersigned at 2594 6032 or Mr. Chi-wang Te at 2594 6113.

Yours sincerely,

(Alfred Lee)
for Director of Environmental Protection

c.c. LegCo Panel on Environmental Affairs
fax: 2845 2444

Retail Task Force under the Business Facilitation Advisory Committee
fax: 2537 7566

¹ http://www.epd.gov.hk/epd/english/environmentinhk/waste/prob_solutions/files/Survey_Result_eng.pdf