

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

**The Administration's Response to the Follow-up Actions  
Arising from the Meeting on 5 March 2009 (Part I)**

**Statistics on disposal of plastic shopping bags and other types of bags**

In order to monitor the waste situation in Hong Kong, the Environmental Protection Department (EPD) conducts waste surveys at refuse transfer stations and landfills on an annual basis. In view of the increasing public concerns on the abuse of plastic shopping bags, a dedicated survey was conducted in 2005 as part of the annual waste survey to estimate the number and identify the sources of plastic shopping bags disposed of at landfills. The methodology of the dedicated survey is the same as that of the annual waste survey. Specifically, waste samples from domestic, commercial and industrial sources were randomly selected at refuse transfer stations and landfills, and plastic shopping bags therein were manually sorted, counted and sources tabulated. The dedicated survey indicated that more than eight billion plastic shopping bags are disposed of every year, hence the disposal figure of more than three plastic shopping bags per person per day.

2. With the forthcoming implementation of the environmental levy scheme on plastic shopping bags, the EPD will conduct a dedicated survey on the disposal of plastic shopping bags before the commencement of the scheme and annually thereafter. The disposal figures and the disposal trend so obtained would serve as a reference for the review on the effectiveness of the environmental levy scheme.

3. The EPD currently does not have the disposal figures of paper bags and garbage bags. In the light of Members' suggestion, the EPD is prepared to include assessment on the disposal of paper bags, garbage bags and non-woven bags as part of the annual dedicated surveys on plastic shopping bags if technically feasible. It should, however, be noted that paper bags could have been damaged in the course of waste collection and disposal due to their physical nature. Furthermore, in the absence of any specific identification, it may be difficult to distinguish garbage bags from other types of plastic bags.

4. With respect to the use of plastic garbage bags by the Government, aside from the Food and Environmental Hygiene Department as the agent for providing public street cleansing and domestic waste collection service, the Agriculture, Fishery and Conservation Department and the Leisure and Cultural Services Department also use certain amount of plastic garbage bags as part of their service provision. The total usage figure is estimated to be in the order of one million a year. These Departments have been advised to minimize the use of plastic garbage bags as far as practicable. The number of plastic garbage bags used by other Departments is being collated and will be made available to the Subcommittee as soon as possible.

### **Third Party Operation**

5. At our site visits to retail outlets that will be subject to the levy scheme, we observe that there could be business arrangements within such retail outlets which are operated by third parties (e.g. sub-tenancies and consignment counters managed by staff members engaged by the sub-tenants or consignors). Based on the requirements of sections 19(3) and 23(1) of the Ordinance, we take the view that a third party may provide free plastic shopping bags from an area located within a qualified retail outlet only if the area occupied by the third party operation is clearly *not* part of that retail outlet. Otherwise, the regulatory regime could be undermined and customers confused.

6. In order to indicate clearly that such an area does not form part of the retail outlet, we consider it prudent and necessary for the applicant to demonstrate that (i) the third party operates under a separate business registration (which could be either a business registration certificate or a branch registration certificate) at the location in question; (ii) the operation occupies a clearly defined area (e.g. a physical sales counter); (iii) the brand name of that third party is conspicuously displayed within that area; (iv) the operation is staffed by an employee of that third party; and (v) that third party operator provides its own plastic shopping bags that bear its own brand name or logo. These criteria are set out in part B3 of the draft application form for registration (see Paper CB(1) 966/08-09(19), Annex A).

7. In view of Members' comments about the inclusion of the declaration of third party operations in the specified form without any apparent linkage to the Regulation, we now propose to clarify this issue

by setting out in the Regulation a second category of exemption criteria for third parties in registered retail outlets. If Members of the Subcommittee agree, we will propose amendments to the Regulation for this purpose.

Environmental Protection Department  
March 2009