

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) 643/08-09(02)

19 January 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 15 January 2009.

2. We very much appreciate your views and would like to offer our responses as follows:

(a) Third Party Operation

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. As such, 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).

If the business of a third party is clearly *not* carried on by a registered retailer, such business may not be regarded as part of the

retail business of the registered retailer. We consider that the area occupied by a third party operator should *not* be regarded as part of the retail outlet of a registered retailer *only if* the five criteria set out in paragraph 6 of the LegCo Brief are fulfilled. These five criteria would clearly establish the fact that the retail business concerned is indeed *not* carried on by the registered retailer.

(b) Exemption at Trade Fair

The Product Eco-responsibility Ordinance requires the registration of a prescribed retailer in respect of its qualified retail outlets and the charging of an amount of not less than the levy for each plastic shopping bag provided to a customer. Whether a retail outlet is “temporary” in nature is *not* a consideration under the Ordinance.

(c) Exemption of Part of Area of Registered Retail Outlet

Section 9(3) of the Product Eco-responsibility (Plastic Shopping Bags) Regulation provides that one of the criteria for exemption is that the total floor area of the retail outlet in which only non-specified goods are displayed or offered for sale is more than 50% of the retail floor area of the retail outlet. We would consider a department store as one retail outlet. Section 8(2) of the Regulation provides that the floor plan submitted for application for exemption should indicate which part of the area of the retail outlet is intended to be exempted.

(d) Implementation

Please refer to item (a) above.

(e) Implementation Date

As conveyed in our letter dated 31 December 2008, we are planning to launch the environmental levy scheme on the basis that the initial registration for prescribed retailers and the actual charging on plastic shopping bags would commence in April 2009 and July 2009 respectively. Retailers are encouraged to plan on the same basis.

(f) Environmental and Sustainability Implications

Based on our waste survey, it is estimated 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.

4. 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: 2869 6794)

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