

立法會
Legislative Council

LC Paper No. CB(1) 1353/07-08
(These minutes have been seen
by the Administration)

Ref : CB1/BC/4/07/2

Bills Committee on Product Eco-responsibility Bill

**Minutes of the fourth meeting
held on Wednesday, 26 March 2008, at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Hon CHOY So-yuk, JP (Chairman)
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, SBS, JP
Hon SIN Chung-kai, SBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon WONG Ting-kwong, BBS

Member absent : Hon LEE Wing-tat

Public officers attending : **For item I**

Environmental Protection Department

Mr Albert LAM, JP
Deputy Director of Environmental Protection

Mr Alfred LEE
Assistant Director (Waste Management Policy)

Mr TE Chi-wang
Senior Administrative Officer
(Waste Management Policy Division)

Mr Patrick LIU
Senior Environmental Protection Officer
(Regional South)

Department of Justice

Miss Shandy LIU
Senior Government Counsel
Law Drafting Division

Mr Alan CHONG
Senior Government Counsel (Acting)
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) 1117/07-08(01) -- List of follow-up actions arising from the discussion on 13 March 2008
- LC Paper No. CB(1) 1117/07-08(02) -- Administration's response to LC Paper No. CB(1) 1117/07-08(01)
- LC Paper No. CB(1) 1117/07-08(03) -- Assistant Legal Adviser's letter dated 17 March 2008 to the Administration)

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

2. The Administration was requested to –

(a) provide a paper explaining the following –

- (i) the green procurement policy adopted by the Administration and the percentage of green products procured on a year-by-year basis for the past five years; and
- (ii) the basis upon which the increase in recovery rate of municipal solid waste to 45% by 2009 and 50% by 2014 was arrived at.

- (b) relay to the Secretary for the Environment members' request for his presence at a forthcoming Bills Committee meeting to address their concerns on measures to facilitate recycling of used plastic shopping bags, including the suggestion of using part of the levy collected to provide financial incentives to both consumers and prescribed retailers for the return and collection of used plastic shopping bags respectively; and
 - (c) re-consider reviewing the Bill such that subsidiary legislation made under the Bill and future amendments to Schedules 1, 2, 3 and 4 of the Bill would be subject to the positive vetting procedure.
3. The next meeting will be held on 15 April 2008 at 8:30 am. Members also agreed to the following schedule of meetings in May 2008 -

<u>Date</u>	<u>Time</u>
Tuesday, 13 May 2008	8:30 am
Tuesday, 27 May 2008	8:30 am

II Any other business

4. There being no other business, the meeting ended at 12:30 pm.

Council Business Division 1
Legislative Council Secretariat
23 April 2008

**Proceedings of the
Bills Committee on Product Eco-responsibility Bill
Meeting on Wednesday, 26 March 2008, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000757	Chairman Administration	Discussion on the Administration's response to the list of follow-up actions arising from the meeting on 13 March 2008 (LC Paper No. CB(1) 1117/07-08(02))	
000758 - 001631	Chairman Administration Ms Audrey EU Miss CHAN Yuen-han	<p>Discussion on the recycling of plastic shopping bags (PSBs)</p> <p>Ms Audrey EU's views –</p> <p>(a) few housing estates were recycling used PSBs;</p> <p>(b) part of the levy collected should be refunded to consumers for the return of used PSBs</p> <p>Administration's explanation –</p> <p>(a) the primary objective of the Bill was to discourage the indiscriminate use of PSBs at source and the proposed environmental levy was meant to provide a direct economic disincentive to discourage the use of PSBs;</p> <p>(b) continuing efforts would be made to enhance the Source Separation of Domestic Waste Programme to facilitate the recovery of used PSBs; and</p> <p>(c) the Administration was liaising with major retail chains on possible measures to promote reuse and recycling of PSBs</p>	
001632 - 002040	Mr Vincent FANG Administration Chairman	Mr Vincent FANG's enquiry on whether consideration would be given to specifying in the Bill the size and thickness of PSBs for which a levy would be charged	

Time Marker	Speaker	Subject(s)	Action Required
		<p>Administration's explanation –</p> <p>(a) the meaning of PSB was set out in Schedule 1, which did not include specifications on the size and thickness; and</p> <p>(b) the purpose of the Bill was meant to discourage the indiscriminate use of PSBs</p>	
002041 - 002439	Mr Andrew LEUNG Chairman Administration	<p>Mr Andrew LEUNG's views –</p> <p>(a) the Bill only focused on waste reduction and not recycling; and</p> <p>(b) PSBs had become necessities and there was a need to make the best use of them through recycling</p> <p>Administration's response –</p> <p>(a) the best solution to the waste problem was to avoid and reduce waste at source; and</p> <p>(b) recycling was also supported through a series of measures.</p>	
002440 - 002742	Chairman Administration	Discussion on measures to support recycling industries	
002743 - 003718	Miss CHAN Yuen-han Administration Chairman	<p>Miss CHAN Yuen-han's concern about the planned closure of Kwun Tong public cargo working areas (PCWA) and its impact on waste recycling operations</p> <p>Ms Miriam LAU's view that the proposed closure of Kwun Tong PCWA was meant to make way for the redevelopment of Kwun Tong rather than promoting synergy and economy of scale in the operation of recyclers</p> <p>Administration's response –</p> <p>(a) recyclers concerned could be relocated to Cha Kwo Ling PCWA upon the closure of Kwun Tong PCWA; and</p>	

Time Marker	Speaker	Subject(s)	Action Required
		(b) there would be consultation with the affected districts and trades on the proposed relocation	
003719 - 004710	Ms Miriam LAU Chairman Administration	<p>Ms Miriam LAU's enquiry on –</p> <p>(a) the percentage of the 2.75 million tonnes of municipal solid waste (MSW) which was recovered through the three-coloured waste separation bins;</p> <p>(b) progress of recovery from waste separation bins at public places and schools under collection contracts; and</p> <p>(c) effectiveness of waste separation bins in the collection of recyclables from public and private housing estates</p> <p>Administration's explanation –</p> <p>(a) over 2 million tonnes of domestic and commercial/industrial wastes were recovered ;</p> <p>(b) some 600 tonnes of recyclables were collected through the 9 000 waste separation bins at public places and schools; and</p> <p>(c) the recovery rate of MSW in 2006 had reached 45%, three years ahead of the target in “Policy Framework for the Management of Municipal Solid Waste (2005-2014)”, and the target recovery rate was 50% by 2014.</p>	
004711 - 005812	Mr Andrew LEUNG Administration Chairman	<p>Mr Andrew LEUNG's enquiry on –</p> <p>(a) the green procurement policy adopted by the Administration and the percentage of green products procured;</p> <p>(b) the basis upon which the increase in recovery rate of MSW to 45%</p>	<p>The Administration to provide a paper explaining the following -</p> <p>(a) its green procurement policy and the percentage of</p>

Time Marker	Speaker	Subject(s)	Action Required
		<p>by 2009 and 50% by 2014 was arrived at; and</p> <p>(c) whether it would be more cost-effective to encourage recycling of PSBs at the prescribed retailers rather than relying solely on waste separation bins</p> <p>Administration's response –</p> <p>(a) Hong Kong had been making good progress in waste recovery as compared to other advanced economies;</p> <p>(b) information on waste recovery rate was made available to the public via the website of the Environmental Protection Department;</p> <p>(c) PSBs should be most conveniently recycled through the Source Separation of Domestic Waste Programme, and there were over 800 housing estates participating in the Programme; and</p> <p>(d) waste separation bins would collect all types of plastic recyclables, including PSBs</p>	<p>green products procured on a year-by-year basis for the past five years; and</p> <p>(b) the basis upon which the increase in recovery rate of MSW to 45% by 2009 and 50% by 2014 was arrived at.</p>
005813 - 010619	Mr Vincent FANG Chairman Administration	<p>Mr Vincent FANG's enquiry –</p> <p>(a) the percentage of recovered waste which had been exported and whether waste exportation was sustainable;</p> <p>(b) whether assistance would be provided to waste recycling operations to achieve a circular economy; and</p> <p>(c) the use of the Environment and Conservation Fund (ECF) in facilitating waste recycling</p> <p>Administration's response –</p> <p>(a) about 90% of waste recovered</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>were exported in 2006;</p> <p>(b) recyclables should not be regarded as “waste”; trading of recyclables was an internationally accepted practice and hence there would not be any ban on the import/export of recyclables;</p> <p>(c) EcoPark was one of the Government initiatives to facilitate the recycling industry; and</p> <p>(d) additional fund of \$1 billion had recently been injected into ECF to further promote environmental protection and conservation</p>	
010620 - 011346	Miss CHAN Yuen-han Administration	<p>Miss CHAN Yuen-han's support for encouraging recycling of PSBs at prescribed retailers</p> <p>Administration's response –</p> <p>(a) the proposed provision of a refund for the return of used PSBs for recycling might run contrary to the policy objective of discouraging the indiscriminate use of PSBs in the first place;</p> <p>(b) efforts were being made with major retail chains to work out possible measures to promote reuse and recycling of PSBs; and</p> <p>(c) a deposit-and-refund scheme for reusable shopping bags was recently launched by a major retail chain</p>	
011347 - 011708	Ms Emily LAU Administration	<p>Ms Emily LAU's views –</p> <p>(a) measures should be worked out to facilitate recycling of PSBs and assist waste recycling industries; and</p> <p>(b) there should be transparency on how the recovery rate of MSW was arrived at</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>Administration's explanation –</p> <p>(a) while there might be difficulties in distinguishing whether the waste recovered was from domestic, construction or industrial source, efforts had been made to ensure the accuracy of recovery figures; and</p> <p>(b) the waste recovery rate for 2007 was under compilation</p>	
011709 - 012154	Ms Audrey EU Chairman	<p>Ms Audrey EU's view that the Bill should aim at encouraging waste reduction as well as recycling. As such, consideration should be given to –</p> <p>(a) using part of the levy collected to provide financial incentives to consumers for the return of used PSBs; and</p> <p>(b) inviting the Secretary for the Environment (SEN) to attend a forthcoming Bills Committee meeting to address members' concerns on measures to facilitate recycling of used PSBs</p> <p>Chairman's views that the proposed refund for consumers might reduce the disincentive to discourage the indiscriminate use of PSBs. Instead, part of the levy should be used as subsidy for the administrative cost incurred by prescribed retailers to earmark certain areas within their outlets for the collection of clean used PSBs returned by consumers</p>	<p>The Administration to relay to SEN members' request for his presence at a forthcoming Bills Committee meeting to address their concerns on measures to facilitate recycling of used PSBs, including the suggestion of using part of the levy collected to provide financial incentives to both consumers and prescribed retailers for the return and collection of used PSBs respectively</p>
012155 - 012332	Chairman Ms Miriam LAU	<p>Ms Miriam LAU's views that SEN should be invited to the relevant Panel meeting to discuss measures to assist waste recycling industries</p>	
012333 - 012959	Chairman Administration	<p>Discussion on the legislative procedures for making of subsidiary legislation under the Bill and amending Schedules 1, 2, 3 and 4 of</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>the Bill</p> <p>Administration's explanation –</p> <p>(a) producer responsibility schemes (PRS) on other types of products, if introduced in future, would require the addition of new provisions through amendment bills;</p> <p>(b) SEN would be empowered to amend the contents of the Schedules, after consultation with the Advisory Council on the Environment (ACE), by order published in the Gazette, and such amendments would be subject to the negative vetting procedure; and</p> <p>(c) other implementation details, such as registration procedures and records to be kept, would be set out in regulations subject to the negative vetting procedure</p>	
013000 - 013349	ALA5	<p>Members' attention was drawn by ALA5 to the following –</p> <p>(a) there would be time constraint in the scrutiny of the amendments to Schedules if these were subject to negative vetting procedure; and</p> <p>(b) SEN would be empowered under clauses 5 and 27 to introduce regulations on the implementation details, which might have far-reaching implications on stakeholders, but these would also be subject to the negative vetting procedure</p>	
013350 - 013606	Ms Audrey EU	<p>Ms Audrey EU's view that since the Bill was new and the relevant regulations had yet to be introduced, the use of the negative vetting procedure might not be appropriate. The same also applied to amendments to Schedules as these might require extensive scrutiny and further consultation with the trades</p>	

Time Marker	Speaker	Subject(s)	Action Required
013607 - 013722	Ms Miriam LAU	Ms Miriam LAU's concerns about the insufficient time allowed for the scrutiny of regulations and amendments to Schedules if these were subject to the negative vetting procedure, given that the amendments/regulations might have serious impact on the affected trades	
013723 - 014415	Chairman Administration Ms Miriam LAU	<p>Chairman's concerns about the complications associated with the introduction of other PRSs and the associated regulations if these were subject to the negative vetting procedure</p> <p>Administration's explanation –</p> <ul style="list-style-type: none"> (a) the introduction of new PRSs would necessitate amendment to the primary legislation; (b) the negative vetting procedure proposed in the Bill was commonly adopted in other environmental legislation; and (c) there would be adequate consultation with ACE and the Panel on Environmental Affairs before introduction of the amendments/regulations <p>Ms Miriam LAU's request for the justifications for adopting the negative vetting procedure for subsidiary legislation under and amendments to Schedules of the Bill</p>	The Administration to re-consider reviewing the Bill such that subsidiary legislation made under the Bill and future amendments to Schedules 1, 2, 3 and 4 of the Bill would be subject to the positive vetting procedure.
014416 - 014535	Chairman	Schedule of meetings in May 2008	