

Product Eco-responsibility Bill

The Administration's Response to Views and Questions Raised at the Bills Committee Meeting on 10 June 2008 at 1:00 pm

Penalties under the Bill

As stated in LC Paper No. CB(1)1789/07-08(01), the penalty of an offence should be commensurate with the nature of the offence. In the light of Members' views, the Administration agrees to review the penalty provisions under the Bill in a holistic manner, and to propose committee stage amendments (CSAs) for this purpose.

Definition of Plastic Shopping Bags

2. The Administration agrees to refine the wording in section 1(1)(b) of Schedule 1 to make it clear that the Bill will apply to plastic shopping bags with handle holes or other carrying devices. The Administration will propose CSAs for this purpose.

Schedule 2

3. For the sake of clarity, the Administration accept Members' suggestion to change "more than one item of goods" in section 1(c)(i) of Schedule 2 to "more than one piece of goods". The Administration will propose CSAs for this purpose.

Definition of Prescribed Retailers

4. In the light of Members' views that small and medium enterprises which happen to have more than one outlet should not be subject to the levy scheme proposed by the Bill, the Administration accepts Members' suggestion to amend section 1(1)(a) and (b) of Schedule 4 to the effect that a person will be a "prescribed retailer" regulated by the Bill if he carries on a retail business at -

- (a) *5 or more* qualified retail outlets in Hong Kong; or
- (b) at least one qualified retail outlet in Hong Kong that has a retail floor area of not less than 200 square metres.

The Administration will propose CSAs for this purpose.

Section 1(2) of Schedule 4

5. The Administration agrees to refine the wording in section 1(2) of Schedule 4 to make it clear that a retail outlet is a qualified retail outlet if the goods offered for sale in the outlet include *all* of the three categories of goods specified in section 1(2)(a), (b) and (c). The Administration will propose CSAs for this purpose.

Environmental Protection Department
June 2008