

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

**Commencement Arrangement for the
Product Eco-responsibility Ordinance and the
Product Eco-responsibility (Plastic Shopping Bags) Regulation**

Purpose

This paper consults Members on the commencement arrangement for the Product Eco-responsibility Ordinance (Cap. 603) and the Product Eco-responsibility (Plastic Shopping Bags) Regulation.

Background

2. The Product Eco-responsibility Ordinance was enacted by the Legislative Council (LegCo) in July 2008. The environmental levy scheme on plastic shopping bags is the first producer responsibility scheme to be implemented under the Ordinance, which aims to address the problem of indiscriminate use of plastic shopping bags through a direct economic disincentive. The Product Eco-responsibility (Plastic Shopping Bags) Regulation, which sets out the operational details of the levy scheme, was made by the Secretary for the Environment in December 2008 for the approval of the LegCo. As stated in the 2008-09 Policy Address, we aim to launch the levy scheme this year.

Commencement Arrangement

3. Section 1(2) of the Product Eco-responsibility Ordinance provides that the Ordinance shall come into operation on a day to be appointed by the Secretary for the Environment by notice published in the Gazette. Similarly, section 1 of the Product Eco-responsibility (Plastic Shopping Bags) Regulation provides that the Regulation is to come into operation on a day to be appointed by the Secretary for the Environment by notice published in the Gazette.

4. The indiscriminate use of plastic shopping bags is a prominent problem in Hong Kong. Over eight billion plastic shopping bags are disposed of at our landfills every year. This translates into more than three plastic shopping bags per person per day, which is much higher than

the figures of developed economies overseas. According to our landfill survey, while chain or large supermarkets, convenience stores and personal health and beauty stores make up less than 4% of our retail outlets, more than 20% of plastic shopping bags disposed of are originated from these retailers. To ensure a successful introduction of the environmental levy scheme and its effective administration and enforcement, the levy scheme will be introduced through a phased approach by first covering chain or large supermarkets, convenience stores and personal health and beauty stores. This is supported by the public and the LegCo. Given the environmental problem arising from the indiscriminate use of plastic shopping bags, and the broad-based public support for the environmental levy scheme, the scheme should be implemented as early as practicable. In this regard, our target is to bring the environmental levy scheme into operation in July 2009. Three months would be allowed beforehand for the initial registration of prescribed retailers under the environmental levy scheme, and the actual charging on plastic shopping bags would commence afterwards.

5. According to this target, we hope that the Subcommittee would assist to complete its scrutiny of the Product Eco-responsibility (Plastic Shopping Bags) Regulation by mid-March 2009, in order that the LegCo may give its approval to the Regulation by 22 April 2009. This would enable the Administration to gazette the Regulation on **24 April 2009** and the commencement notices for both the Product Eco-responsibility Ordinance and the Product Eco-responsibility (Plastic Shopping Bags) Regulation on **30 April 2009**.

6. Subject to Members' agreement to the schedule suggested above, the Administration proposes that under the commencement notices, provisions relating to the initial registration of prescribed retailer under the environmental levy scheme be brought into force *immediately* upon gazettal of the commencement notices, and provisions relating to the actual charging of plastic shopping bags three months after the date of gazette.

Advice sought

7. Members are invited to comment on the proposed commencement arrangement for the Product Eco-responsibility Ordinance (Cap. 603) and the Product Eco-responsibility (Plastic Shopping Bags) Regulation.

Environmental Protection Department
February 2009