

立法會 *Legislative Council*

LC Paper No. CB(1) 223/08-09(04)

Ref. : CB1/PL/EA

Panel on Environmental Affairs

Meeting on 24 November 2008

Background brief on implementation details of environmental levy scheme on plastic shopping bags under the proposed Product Eco-responsibility (Plastic Shopping Bags) Regulation

Purpose

The paper gives a brief account of previous discussions relating to the environmental levy scheme on plastic shopping bags.

Background

2. In December 2005, the Administration published “A Policy Framework for the Management of Municipal Solid Waste (2005-2014)” (Policy Framework) setting out its strategy to tackle the imminent waste problem. Enshrining the principle of “polluter pays” and the element of “eco-responsibility”, the producer responsibility scheme (PRS) is a key policy tool in the Policy Framework for waste reduction, recovery and recycling. It is proposed that PRS will be introduced for six types of products, namely, vehicle tyres, plastic shopping bags (PSB), electrical and electronic equipment, packaging materials, beverage containers and rechargeable batteries. Under a PRS, manufacturers, importers, wholesalers, retailers or consumers are required to share the responsibility for reduction at source, collection, recycling, treatment or disposal of end-of-life products, with a view to avoiding and reducing the environmental impacts caused by such wastes.

3. In December 2007, the Product Eco-responsibility Bill was introduced to provide a legal framework for implementing PRS in Hong Kong, with the environmental levy on PSB as the first PRS under the Bill. In gist, the Bill is an enabling legislation to provide for the shared core elements of PRS with detailed regulatory requirements in respect of individual types or products to be set out in subsidiary legislation when the opportunity is ripe. The environmental levy on PSB is the first PRS to be introduced. Under the Bill, an environmental levy of 50 cents on each PSB distributed by retailers will be implemented by phases. Chain or large supermarkets, convenience stores as well as personal health and beauty stores will be covered in the first phase.

Previous discussions by the Bills Committee on Product Eco-responsibility Bill

4. The Bills Committee noted that the Secretary for the Environment (SEN) might, after consultation with the Advisory Council on the Environment, make regulations in respect of PSB. The regulations to be made by SEN would be subject to the negative vetting procedure. Given the extensive scope of the regulations to be made, members considered it necessary that such regulations should be subject to the positive vetting procedure to allow sufficient time for the Legislative Council (LegCo) to consult the stakeholders and scrutinize the regulations. According to the Administration, the substantive regulatory provisions for the environmental levy on PSB had already been incorporated into the Bill itself, the regulation to be made by SEN would only deal with operational details, such as application for registration, submission of returns and payments, as well as records and documents to be kept. In line with the usual practice in other environmental legislation, negative vetting of subsidiary legislation on such procedural matters should suffice. Members were not convinced of the Administration's explanation. They pointed out that implementation and operational details indeed were subject to contentions, and hence would need more time for discussion. At members' repeated requests, the Administration eventually agreed to move Committee Stage amendments to specify that regulations to be made by SEN were subject to the approval of LegCo.

Latest development

5. The Administration intends to brief the Panel on the implementation details of environmental levy scheme on plastic bags under the proposed Product Eco-responsibility (Plastic Shopping Bags) Regulation. The subject has been scheduled for discussion at the Panel meeting on 24 November 2008.

Relevant papers

House Committee Report of the Bills Committee on Product Eco-responsibility Bill on 27 June 2008

<http://www.legco.gov.hk/yr07-08/english/hc/papers/hc0627cb1-2022-e.pdf>

Council Business Division 1
Legislative Council Secretariat
18 November 2008