

立法會
Legislative Council

LC Paper No. CB(1)1792/12-13
(These minutes have been seen
by the Administration)

Ref : CB1/BC/9/12/1

Bills Committee on Product Eco-responsibility (Amendment) Bill 2013

Minutes of second meeting
held on Tuesday, 18 June 2013, at 9:00 am
in Conference Room 1 of the Legislative Council Complex

Members present : Dr Hon Kenneth CHAN Ka-lok (Chairman)
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon Paul TSE Wai-chun, JP
Hon WU Chi-wai, MH
Hon Gary FAN Kwok-wai
Hon CHAN Han-pan
Hon KWOK Wai-keung
Dr Hon Helena WONG Pik-wan
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon Tony TSE Wai-chuen

Member absent : Hon Vincent FANG Kang, SBS, JP

Public Officers attending : **For item II**

Mr Albert LAM, JP
Deputy Director of Environmental Protection (2)
Environmental Protection Department

Mr Samson LAI
Assistant Director of Environmental Protection
(Waste Management Policy)
Environmental Protection Department

Mr Lawrence PENG
Senior Assistant Law Draftsman
Department of Justice

Miss Selina LAU
Senior Government Counsel
Department of Justice

Miss Libera CHENG
Senior Administrative Officer
(Waste Management Policy Division)
Environmental Protection Department

**Attendance by
invitation**

: For item II

Greeners Action

Ms KWOK Ying-ying
Senior Project Officer

Hong Kong Doctors Union

Dr Henry YEUNG
President

Coalition of Hong Kong Newspaper Magazine Merchants

Mr LIU Sair-ching
Chairman

New People's Party

Ms Judy CHAN
New People's Party Youth Committee member

Labour Party

Mr MAK Tak-ching
Representative

Green. Recycling

Mr WONG Chor-ming
Chairman

西九龍環保協會

Mr Harris YEUNG
主席

Liberal Party

Mr Dominic LEE
Chairperson
Liberal Party Youth Committee

Hong Kong Environmental Protection Association

Mr Ricky FAN
Chairman

Hong Kong Retail Management Association

Mr Louis TING
Working Committee Member

Hong Kong Recycle Materials & Re-production Business
General Association Ltd

Dr Jacky LAU
President

Individual

Ms Mabel LAU

Individual

Mr Anthony YIU

The Lion Rock Institute

Ms Sarah PEMBERTON

Hong Kong Plastic Bags Manufacturers' Association

Mr Rickly WONG
Executive Vice-President

The General Chamber of Hong Kong Ceramic Sanitary
Wares Ltd

Mr WONG Kin-sun
President

Momentum 107

Mr HO Man-kit
Convener

Clerk in Attendance : Ms Miranda HON
Chief Council Secretary (1)1

Staff in attendance : Miss Evelyn LEE
Assistant Legal Adviser 10

Mrs Mary TANG
Senior Council Secretary (1)1

Miss Mandy POON
Legislative Assistant (1)1

Action

I. Confirmation of minutes

(LC Paper No. CB(1)1315/12-13 — Minutes of the meeting held on
31 May 2013)

The minutes of the meeting held on 31 May 2013 were confirmed.

II. Meeting with deputations and the Administration

(LC Paper No. CB(1)1291/12-13(01) — List of follow-up actions
arising from the discussion at
the meeting on 31 May 2013

Action

LC Paper No. CB(1)1291/12-13(02) — Administration's response to CB(1)1291/12-13(01)

Relevant papers

LC Paper No. CB(3)540/12-13 — The Bill

File Ref: EP CR 9/150/20 Pt.24 — Legislative Council Brief

LC Paper No. LS47/12-13 — Legal Service Division Report

LC Paper No. CB(1)1171/12-13(01) — Marked-up copy of the Bill prepared by the Legal Service Division (Restricted to Members)

LC Paper No. CB(1)1171/12-13(02) — Assistant Legal Adviser's letter dated 3 May 2013 to the Administration

LC Paper No. CB(1)1171/12-13(03) — Assistant Legal Adviser's letter dated 7 May 2013 to the Administration

LC Paper No. CB(1)1171/12-13(04) — Background brief prepared by the Legislative Council Secretariat)

Meeting with deputations

2. The Chairman invited views from the following organizations/individuals -

(a) Greeners Action
(LC Paper No. CB(1)1330/12-13(01))

(b) Hong Kong Doctors Union
(LC Paper No. CB(1)1291/12-13(03))

(c) Coalition of Hong Kong Newspaper Magazine Merchants

(d) New People's Party

(e) Labour Party

Action

- (f) Green. Recycling
(LC Paper No. CB(1)1310/12-13(01))
- (g) 西九龍環保協會
- (h) Liberal Party
- (i) Hong Kong Environmental Protection Association
- (j) Hong Kong Retail Management Association
(LC Paper No. CB(1)1310/12-13(02))
- (k) Hong Kong Recycle Materials & Re-production Business General Association Ltd
- (l) Ms Mabel LAU
- (m) Mr Anthony YIU
- (n) The Lion Rock Institute
- (o) Hong Kong Plastic Bags Manufacturers' Association
(LC Paper No. CB(1)1310/12-13(03))
- (p) The General Chamber of Hong Kong Ceramic Sanitary Wares Ltd
- (q) Momentum 107

3. Members also noted the following submissions from deputations not attending the meeting -

(LC Paper No. CB(1)1291/12-13(04) — Submission from Friends of the Earth (HK)

LC Paper No. CB(1)1291/12-13(05) — Submission from Mr LI Ka-leung, Sai Kung District Council member

LC Paper No. CB(1)1291/12-13(06) — Submission from Ms Connor LAURIE

LC Paper No. CB(1)1291/12-13(07) — Submission from Plastic Free Seas

Action

LC Paper No. CB(1)1291/12-13(08) — Submission from Wholesale and Retail Task Force of the Business Facilitation Advisory Committee

LC Paper No. CB(1)1310/12-13(04) — Submission from The Hong Kong Institution of Engineers

LC Paper No. CB(1)1310/12-13(05) — Submission from Federation of Hong Kong Industries)

4. The Bills Committee deliberated (index of proceedings attached at the **Annex**).

5. The Administration was requested to provide the following –

(a) a written response to the views expressed by the deputations/individuals at the meeting and in the written submissions;

Excessive use of non-woven bags

(b) to facilitate members' understanding of whether the excessive use of non-woven bags had aggravated as a result of the implementation of the Environmental Levy Scheme on Plastic Shopping Bags ("PSB Levy Scheme"), the following statistics **before and after** the introduction of the PSB Levy Scheme in July 2009 –

(i) the total number of non-woven bags which were disposed of at the landfills;

(ii) the total number of non-woven bags manufactured and the total amount of plastic materials consumed in Hong Kong;

Exemption under the Product Eco-responsibility (Amendment) Bill 2013 ("the Bill")

(c) members opined that as the purpose of the PSB Levy Scheme was to change consumer behaviour towards "Bring Your Own Bag", the legislation should be lenient and should avoid creating conflicts between customers and sellers over whether the PSB charge should apply to certain food items and avoid causing difficulties to frontline staff in deciding if a charge should apply. As such, whether the Administration would consider stating clearly in the Bill that "fruits" would be exempted;

Action

- (d) whether exemption would be granted to PSBs that were used for carrying food items which might still leak from the packaging despite that they were fully enclosed in the packaging, such as ice-cream;
- (e) information on the complaint cases and enquiries received by the Administration during the first phase of the PSB Levy Scheme concerning whether a plastic bag should be subject to charge or be exempted, including contents of the complaint cases and enquiries as well as the Administration's response;

Implementation of the extended PSB Levy Scheme

- (f) to ensure that the public would have knowledge of the details of the extended PSB Levy Scheme, whether the Administration would consider mandating the fixing of a label by the sellers, say on the cash register in a retail outlet, to inform customers of the details of the scheme;

Implication of inclusive pricing

- (g) in relation to the Administration's response in paragraph 9 of LC Paper No. CB(1)1291/12-13(02) –
 - (i) regarding the suggestion that a seller might sell goods at prices inclusive of the PSB charge (i.e. the PSB charge was included in the marked price of every item of goods which was, say, above a certain price) and hence would provide PSBs for the goods in any event but without any refund even if the customer did not want the PSB provided, clarification of the legal basis on which the Administration considered that the customer had a right to seek a refund and the seller a corresponding obligation to provide the refund, as it would appear that the buyer only had the choice to proceed with the purchase on the seller's terms or shop elsewhere;
 - (ii) clarification as to how the seller's refusal to provide the refund when so requested "may serve as an evidence for contravening the new Section 18A(2)"; and
- (h) if inclusive pricing was introduced as suggested in (g)(i) above by sellers, customers might lose the incentive to give up their PSBs and the objective of the PSB Levy Scheme to reduce the usage of PSBs by the public might thereby be frustrated. Please clarify whether, under these circumstances and given also that sellers were allowed

Action

to keep the charges collected without any requirement to submit any return to the Government, there might be a re-emergence of the pre-PSB Levy Scheme mode of distribution of PSBs.

6. In addition, the Administration was also requested to provide a paper to set out its stance on the views given in the written submissions concerning the problem of Micro-Beads (LC Paper No. CB(1)1291/12-13(06)) and other plastic containers not covered by the extended PSB Levy Scheme (LC Paper No. CB(1)1291/12-13(07)).

(Post-meeting note: The Administration's response to the requests set out in paragraphs 5 and 6 above was circulated to members vide LC Papers Nos. CB(1)1470/12-13(02) and CB(1)1563/12-13(01) on 8 and 17 July 2013 respectively.)

7. Members agreed to continue discussion on the Bill at the next meeting on Tuesday, 9 July 2013, at 10:45 am.

III. Any other business

8. There being no other business, the meeting ended at 12:00 noon.

Council Business Division 1
Legislative Council Secretariat
12 September 2013

Bills Committee on Product Eco-responsibility (Amendment) Bill 2013

**Proceedings of the second meeting
on Tuesday, 18 June 2013, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Confirmation of minutes</i>			
001006 - 001402	Chairman	The minutes of the meeting held on 31 May 2013 (LC Paper No. CB(1)1315/12-13) were confirmed.	
<i>Agenda Item II - Meeting with deputations and the Administration</i>			
001403 - 001701	Ms KWOK Ying-ying, Greeners Action	<p>Expression of views – (LC Paper No. CB(1)1330/12-13(01))</p> <p>(a) supported the extension of the Environmental Levy Scheme on Plastic Shopping Bags ("PSB Levy Scheme") and the retention approach;</p> <p>(b) need for more publicity and public education on the extended PSB Levy Scheme ("the extended Scheme");</p> <p>(c) major chain stores should continue to keep records on distribution of PSBs and should be encouraged to use PSB charges to set up funds for environmental purposes; and</p> <p>(d) need to step up enforcement and to increase penalties for non-compliance.</p>	
001702 - 002023	Dr Henry YEUNG, Hong Kong Doctors Union ("HKDU")	<p>Expression of views – (LC Paper No. CB(1)1291/12-13(03))</p> <p>(a) HKDU supported the PSB Levy Scheme and efforts had been made to reduce reliance on the use of PSBs;</p> <p>(b) medical clinics should be exempted from the extended Scheme as medications prescribed to patients should not be regarded as retail sales of goods; and</p> <p>(c) as a safety measure, separate bags had to be provided to prevent the mixing up of drugs.</p>	

Time marker	Speaker	Subject(s)	Action required
002024 - 002253	Mr LIU Sair-ching, Coalition of Hong Kong Newspaper Magazine Merchants ("the Coalition")	<p>Expression of views –</p> <p>(a) supported the extended Scheme and the retention approach;</p> <p>(b) the use of PSBs to carry newspapers was not necessary but would increase operating cost for newspaper vendors and generate more waste; and</p> <p>(c) more publicity efforts should be made to promote awareness on the avoidance of using PSBs to carry newspapers.</p>	
002254 - 002530	Ms Judy CHAN, New People's Party	<p>Expression of views –</p> <p>(a) supported the principles of the extended Scheme but was concerned about non-compliance by retailers under the retention approach;</p> <p>(b) need for clarity on food hygiene exemption;</p> <p>(c) supported the provision of a trial period on the extended Scheme and the use of biodegradable bags; and</p> <p>(d) need for waste reduction measures to reduce pressure on landfills.</p>	
002531 - 002837	Mr MAK Tak-ching, Labour Party	<p>Expression of views –</p> <p>(a) supported that the PSB Levy Scheme be extended to all retailers;</p> <p>(b) concerned about the difficulties in enforcement with the adoption of the retention approach and the removal of record keeping requirements;</p> <p>(c) suggested adopting a threshold similar to that of the Competition Ordinance (being business turnover of \$11 million) whereby the remittance approach would apply to retailers with business turnover above the threshold while the retention approach would apply to those below the threshold; and</p> <p>(d) the PSB charges collected should be used for environmental purposes.</p>	

Time marker	Speaker	Subject(s)	Action required
002838 - 003129	Mr WONG Chor-ming, Green. Recycling("GR")	Expression of views – (LC Paper No. CB(1)1310/12-13(01)) (a) GR would strongly object to the extended Scheme and support the abolition of the levy on PSBs; (b) concerned about the switching effect from PSBs to other types of bags; and (c) supported the recycling and re-use of PSBs in an attempt to reduce pressure on landfills.	
003130 - 003430	Mr Harris YEUNG, 西九龍環保協會	Expression of views – (a) urged for the abolition of the PSB Levy Scheme; and (b) concerned about the switching effect from PSBs to other types of bags, in particular, garbage bags and non-woven bags.	
003431 - 003740	Mr Dominic LEE, Liberal Party ("LP")	Expression of views – (a) LP would not support the extended Scheme; (b) concerned about the switching effect from PSBs to other types of bags; (c) landfill disposal statistics had revealed increased disposal of PSBs and non-woven bags; and (d) need to step up public awareness on waste reduction and recycling.	
003741 - 003959	Mr Ricky FAN, Hong Kong Environmental Protection Association ("HKEPA")	Expression of views – (a) HKEPA did not support the PSB Levy Scheme on account of the switching effect from PSBs to other types of bags; (b) if the extended Scheme was to be implemented, the remittance approach should continue to apply to registered retailers under the current PSB Levy Scheme while the retention approach should apply to small and medium enterprises ("SMEs"); and	

Time marker	Speaker	Subject(s)	Action required
		(c) more publicity and education on the details of the extended Scheme as well as other producer responsibility schemes ("PRSs") was needed.	
004000 - 004235	Mr Louis TING, Hong Kong Retail Management Association	Expression of views – (LC Paper No. CB(1)1310/12-13(02)) (a) clear explanation should be provided on the food hygiene exemption; (b) concerned about condensation from temperature-controlled food and supported that food hygiene exemption be granted to allow free distribution of flat-top bags for carrying temperature-controlled food; and (c) need to clarify whether loyalty programmes operated by supermarkets or other schemes would lead to contravention of the new section 18A(3) of the Product Eco-responsibility Ordinance (Cap. 603) which forbade the offering of discount or rebate that would have the effect of offsetting the PSB charges.	
004236 - 004442	Dr Jacky LAU, Hong Kong Recycle Materials & Re- production Business General Association Ltd	Expression of views – (a) supported the extended Scheme and the early implementation of other PRSs; (b) the PSB charges collected should be used to assist recycling industries and promote the recycling of waste plastics; and (c) reference should be made to the experience of Taipei and Seoul on waste reduction and recycling.	
004443 - 004740	Ms Mabel LAU	Expression of views – (a) concerned about the switching effect from PSBs to other types of bags; (b) need to inculcate behavioral changes on waste avoidance and reduction; and (c) instead of extending the PSB Levy Scheme, more efforts should be made to promote public awareness on waste reduction and to assist the recycling industries.	

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004741 - 005016	Mr Anthony YIU	<p>Expression of views –</p> <p>(a) concerned about the switching effect from PSBs to other types of bags;</p> <p>(b) doubted the merits of adopting the retention approach given the difficulties in enforcement; and</p> <p>(c) more public education should be provided to promote environmental practices and behaviour.</p>	
005017 - 005311	Ms Sarah PEMBERTON, The Lion Rock Institute	<p>Expression of views –</p> <p>(a) the PSB Levy Scheme had not been effective in reducing the volume of plastic waste;</p> <p>(b) apart from PSBs, plastic cutlery, polystyrene boxes and plastic bottles etc should also be targeted at; and</p> <p>(c) a ban should be introduced against the use of non-biodegradable bags.</p>	
005312 - 005617	Mr Rickly WONG, Hong Kong Plastic Bags Manufacturers' Association	<p>Expression of views – (LC Paper No. CB(1)1310/12-13(03))</p> <p>(a) supported that charges should be imposed on other types of bags;</p> <p>(b) carbon footprints should be conducted on the use of different types of bags; and</p> <p>(c) efforts should be made to promote the use of bags made from biodegradable materials which could be recycled as compost.</p>	
005618 - 005630	Mr WONG Kin-sun, The General Chamber of Hong Kong Ceramic Sanitary Wares Ltd	Mr WONG Kin-sun said that he had no comments to make.	
005631 - 005943	Mr HO Man-kit, Momentum 107	<p>Expression of views –</p> <p>(a) as the PSB Levy Scheme had already brought about much inconvenience to the</p>	

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		<p>public, its extension would worsen the situation;</p> <p>(b) PSBs were very useful carrying devices and could be recycled for use as garbage bags; and</p> <p>(c) landfill statistics had revealed a switching effect from the use of PSBs to other types of bags.</p>	
005944 - 010904	Chairman Administration	<p>Administration's response to deputations' views –</p> <p>(a) the extended Scheme was part of the Blueprint for Sustainable Use of Resources ("the Blueprint") which targeted at the "Use Less, Waste Less" lifestyle;</p> <p>(b) the PSB Levy Scheme and its extension were meant to inculcate behavioural changes to avoid excessive use of PSBs;</p> <p>(c) publicity and education efforts had been made to promote waste reduction and recycling;</p> <p>(d) more public education would be provided on the details of the extended Scheme, in particular, the food hygiene exemption; and</p> <p>(e) under the Product Eco-responsibility (Amendment) Bill 2013 ("the Bill"), a bag was a PSB if it was "made wholly or partly of plastic" and as such, the use of flat-top bags and non-woven bags would also be regulated under the extended Scheme.</p>	The Administration to provide a written response to the views expressed by the deputations/individuals at the meeting and in the written submissions.
010905 - 011530	Chairman Mr WONG Ting-kwong Mr WONG Chor-ming/GR	<p>Mr WONG Ting-kwong's views/enquiries that –</p> <p>(a) doubted the purposes of the PSB Levy Scheme;</p> <p>(b) for ease of implementation and prevention of conflicts between sellers and consumers, PSB charges should be imposed upon import of PSBs rather than at the point of retail;</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(c) whether consideration would be given to providing exemption for biodegradable bags in an attempt to encourage their manufacture; and</p> <p>(d) the PSB charges collected should be used for environmental purposes.</p> <p>Mr WONG Chor-ming/GR indicated that as PSBs were not biodegradable, they were more durable and could be recycled for use.</p>	
011531 - 012630	<p>Chairman Ir Dr LO Wai- kwok Administration</p>	<p>Ir Dr LO Wai-kwok's views/requests that –</p> <p>(a) the PSB Levy Scheme had been effective in inculcating behavioural changes in avoiding the excessive use of PSBs;</p> <p>(b) relevant statistics on the manufacture and disposal of non-woven bags should be provided to facilitate members' understanding of whether excessive use of non-woven bags had aggravated as a result of the implementation of the PSB Levy Scheme; and</p> <p>(c) clear explanation should be provided on food hygiene exemption.</p> <p>The Administration's response that –</p> <p>(a) common food packaging methods had been illustrated in the Annex to the information paper for the meeting; and</p> <p>(b) landfill disposal of PSBs distributed by retail categories registered over 75% decrease in mid-2010 when compared with the same in mid-2009 when the PSB Levy Scheme was first implemented.</p>	<p>The Administration to provide –</p> <p>(a) the total number of non-woven bags which were disposed of at the landfills; and</p> <p>(b) the total number of non-woven bags manufactured and the total amount of plastic materials consumed in Hong Kong.</p>
012631 - 014535	<p>Chairman Dr Helena WONG Mr LIU Sair- ching/the Coalition Mr WONG Chor-ming/GR Administration</p>	<p>Dr Helena WONG's views that –</p> <p>(a) concerned that the PSB Levy Scheme and its extension had been targeted at consumers and not producers, and no action had been taken against producers for excessive packaging;</p> <p>(b) it was unfair to hold consumers solely responsible for payment of PSB charges when all retailers, irrespective of the scale</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>of operation, would be able to retain the PSB charges under the extended Scheme;</p> <p>(c) consideration should be given to providing incentives to producers/manufacturers for using less packaging for consumer products;</p> <p>(d) more efforts should be made to promote the recycling of waste plastics; and</p> <p>(e) need for fine-tuning the extended Scheme before implementation.</p> <p>The Administration's response that –</p> <p>(a) the purpose of the PSB Levy Scheme was to inculcate behavioural changes on the part of consumers. It was expected that the extended Scheme could further address the problem of excessive use of PSBs;</p> <p>(b) PSB levy was not a form of tax and could be avoided if consumers brought their own bags. Hence, the levy would not pose a financial burden on consumers;</p> <p>(c) there were complexities in legislating against over-packaging. Voluntary schemes had been introduced to encourage producers to reduce packaging as in the case of packaging for moon cakes; and</p> <p>(d) assistance had been given to non-government organizations in the recycling of waste plastics.</p> <p>Mr LIU Sair-ching/the Coalition said that the PSB Levy Scheme had been effective in inducing behavioral changes to avoid using PSBs to carry newspapers.</p> <p>Mr WONG Chor-ming/GR said that Government should set aside space within landfills for storage of recyclable wastes such as waste plastics and tyres to facilitate their recycling.</p>	
014536 - 015752	Chairman Mr WU Chi-wai Administration	Mr WU Chi-wai – (a) was concerned that retailers might revert	

Time marker	Speaker	Subject(s)	Action required
		<p>to free distribution of PSBs with the adoption of the retention approach under the extended Scheme;</p> <p>(b) supported a dual system whereby the remittance approach would apply to major chain stores while the retention approach would apply to SMEs; and</p> <p>(c) supported the provision of space within landfills for sorting and storage of recyclable wastes.</p> <p>The Administration's response that –</p> <p>(a) the outcome of the consultation on the extended Scheme had indicated general support for the retention approach as the remittance approach would be too burdensome for SME retailers;</p> <p>(b) the dual system under which the remittance approach should remain status quo for existing registered retailers which were mostly chain operators, while the retention approach should apply to the newly covered retailers which were mostly SMEs was not practicable as it could lead to concerns on the wider issues, such as the level-playing field in the retail industry and equality among retailers before the law. The differential treatment would also confuse the public; and</p> <p>(c) it would not be practical to provide space within landfills for sorting and storage of recyclable wastes. Separation of waste at source should be carried out instead.</p>	
015753 - 020603	Chairman Dr Priscilla LEUNG Administration	<p>Dr Priscilla LEUNG's views that –</p> <p>(a) more incentives should be provided to encourage green procurement;</p> <p>(b) she did not support the retention approach and considered that measures should be adopted to monitor the effectiveness of the extended Scheme;</p> <p>(c) charges/levies collected from PRSs should be used for environmental</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>purposes; and</p> <p>(d) measures should be taken to reach out to the 25% of people who claimed PSBs when shopping at a registered outlet to understand their difficulties and to provide assistance to them.</p> <p>The Administration's response that –</p> <p>(a) to reach out to the 25% of people, extensive publicity and education would be launched on the extended Scheme upon its implementation; and</p> <p>(b) green procurement was an integral part of the Blueprint.</p>	
020604 - 021305	<p>Chairman Mr Paul TSE Mr WONG Chor-ming/GR . Administration</p>	<p>Mr Paul TSE's views that –</p> <p>(a) the dual system under which the remittance approach would apply to chain stores and the retention approach to SMEs would be discriminatory; and</p> <p>(b) he supported source separation of waste rather than sorting of waste at landfills.</p> <p>Mr WONG Chor-ming/GR said that recyclable wastes should be separately placed at landfills to facilitate collection by recyclers.</p>	
021306 - 023600	<p>Chairman Assistant Legal Adviser 10 (ALA10) Ms Cyd HO Administration</p>	<p>The Administration's explanation on its response to the list of follow-up actions arising from the discussion at the meeting on 31 May 2013 (LC Paper No CB(1)1291/12-13(02).</p> <p>ALA10's enquiries on the implications of inclusive pricing (i.e. the PSB charge was included in the marked price of goods) and the application of the new section 18A(2).</p> <p>The Administration's response that if the PSB charge was included in the marked price of goods, but the buyer refused to claim the PSB and accordingly sought a refund of the PSB charge, the seller had to provide the refund when so requested; otherwise it might serve as an evidence for contravening the new section 18A(2).</p>	<p>The Administration to clarify –</p> <p>(a) on what legal basis it considered that the customer had a right to seek a refund and the seller a corresponding obligation to provide the refund, as it would appear that the buyer only had the choice to proceed with the purchase on the seller's terms or shop elsewhere; and</p> <p>(b) how the seller's</p>

Time marker	Speaker	Subject(s)	Action required
			refusal to provide the refund when so requested "may serve as an evidence for contravening the new Section 18A(2)".
023601 - 024357	Ms Cyd HO Administration ALA10	<p>Ms Cyd HO's views/enquiries that –</p> <p>(a) there was a need for clarity on the application of the new section 18A(2);</p> <p>(b) the legislation should be lenient and should avoid creating conflicts between customers and sellers over whether the PSB charge should apply to certain food items and avoid causing difficulties to frontline staff in deciding if a charge should apply; and</p> <p>(c) whether consideration would be given to stating clearly in the Bill that "fruits" would be exempted.</p> <p>The Administration's response that it would not be practical to spell out specific types of food for food hygiene exemption purposes.</p> <p>ALA10's reference to her letter of 7 May 2013 regarding the implications of inclusive pricing.</p>	The Administration to consider stating clearly in the Bill that "fruits" would be exempted.
024358 - 025140	Chairman Ir Dr LO Wai- kwok Administration	<p>Ir Dr LO Wai-kwok's enquiries that –</p> <p>(a) whether customers could request for refund of the PSB charges if they refused to accept the PSBs provided for the goods packaged with inclusive pricing; and</p> <p>(b) whether exemption could be granted to medications prescribed by doctors and temperature-controlled food such as ice-cream and butter which might still leak from the packaging despite being fully enclosed.</p> <p>The Administration's response that –</p> <p>(a) while enquiries and complaints about the use of PSBs in packaged goods with inclusive pricing had been received during</p>	The Administration to advise whether exemption would be granted to PSBs that were used for carrying food items which might still leak from the packaging despite that they were fully enclosed in the packaging, such as ice-cream.

Time marker	Speaker	Subject(s)	Action required
		<p>the first phase of the PSB Levy Scheme, such PSBs were exempted from PSB levy under the existing legislation;</p> <p>(b) as medical consultation was not regarded as a retail activity, PSBs distributed in relation to medical consultation were not subject to the extended Scheme; and</p> <p>(c) food hygiene exemption would not be granted if (i) the foodstuff item was already contained in airtight packaging; or (ii) even though not contained in airtight packaging, no part of the food stuff was exposed to the environment, and nothing might spill out of the packaging in the course of any conveyance.</p>	
025141 - 025436	Chairman Mr CHAN Han-pan Administration	<p>Mr CHAN Han-pan's views/concerns that –</p> <p>(a) there could be conflicts between customers and sellers over whether the PSB charges should apply to certain food items and pre-packaged promotional items; and</p> <p>(b) there was a need for clarity on the scope of exemption under the extended Scheme, lest frontline staff would have difficulty in deciding whether certain food items should be subject to the PSB charge and retailers might contravene the law inadvertently.</p> <p>The Administration's explanation on the food hygiene exemption and the launching of extensive publicity and education programmes on the extended Scheme.</p>	
025437 - 030155	Chairman Mr Paul TSE ALA10 Administration	<p>Mr Paul TSE's views/requests that –</p> <p>(a) supported exemption be granted to temperature-controlled food such as ice-cream;</p> <p>(b) the extended Scheme should not be overly inconvenient to the community;</p> <p>(c) requested information on the complaint cases and enquiries received during the first phase of the PSB Levy Scheme; and</p>	<p>The Administration to –</p> <p>(a) provide information on the complaint cases and enquiries received during the first phase of the PSB Levy Scheme concerning whether a PSB should be subject to charge or be exempted, including contents of</p>

Time marker	Speaker	Subject(s)	Action required
		<p>(d) to ensure that the public would have knowledge of the details of the extended Scheme, consideration should be given to mandating the fixing of a label by the sellers, say on the cash register in a retail outlet, to inform customers of the details of the extended Scheme.</p> <p>ALA10's enquiries on whether there was any legal basis for customers to demand a refund of the PSB charge if they declined to accept the PSBs provided for the goods packaged with inclusive pricing.</p> <p>The Administration's response that –</p> <p>(a) as the usual packaging for ice-cream would not have rendered the food content fully enclosed, free distribution of PSBs would be allowed; and</p> <p>(b) more publicity and education would be staged on the extended Scheme.</p>	<p>the complaint cases and enquiries as well as its response; and</p> <p>(b) advise whether it would consider mandating the fixing of a label by the sellers, say on the cash register in a retail outlet, to inform customers of the details of the scheme.</p>
030156 - 030336	Chairman Ms Cyd HO Administration	Ms Cyd HO's requests for the Administration to provide a paper to set out its stance on the views given in the written submissions concerning the problem of Micro-Beads and other plastic containers not covered by the extended Scheme.	The Administration to provide a paper to set out its stance on the views given in the written submissions concerning the problem of Micro-Beads (LC Paper No. CB(1)1291/12-13(06)) and other plastic containers not covered by the extended Scheme (LC Paper No. CB(1)1291/12-13(07)).
030337 - 030415	Chairman	Date of next meeting	