

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1793/12-13  
(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 third meeting**  
**held on Tuesday, 9 July 2013, at 10:45 am**  
**in Conference Room 2A of the Legislative Council Complex**

**Members present** : Dr Hon Kenneth CHAN Ka-lok (Chairman)  
Hon Vincent FANG Kang, SBS, JP  
Hon WONG Ting-kwong, SBS, JP  
Hon Cyd HO Sau-lan  
Hon CHAN Hak-kan, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon WU Chi-wai, MH  
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 Gary FAN Kwok-wai

**Public Officers attending** : **For item I**

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

Miss Selina LAU  
Senior Government Counsel  
Department of Justice

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

**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

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Action

**I. Meeting with the Administration**

(LC Paper No. CB(1)1470/12-13(01) — List of follow-up actions arising from the meeting on 18 June 2013

LC Paper No. CB(1)1470/12-13(02) — Administration's response to items (a) to (f) of CB(1)1470/12-13(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

Action

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(04) — Background brief prepared by the Legislative Council Secretariat)

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

Admin

2. The Administration was requested to provide a written reply to the Assistant Legal Adviser's letter of 7 May 2013 on the implications of inclusive pricing.

*(Post-meeting note: The Administration's response to the request set out in paragraph 2 above was circulated to members vide LC Paper No. CB(1)1563/12-13(01) on 17 July 2013.)*

3. Members agreed to continue discussion at the next meeting to be held on Tuesday, 23 July 2013, at 2:30 pm.

**II. Any other business**

4. There being no other business, the meeting ended at 12:47 pm.

Council Business Division 1  
Legislative Council Secretariat  
12 September 2013

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

**Proceedings of the third meeting  
on Tuesday, 9 July 2013, at 10:45 am  
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Meeting with the Administration</i>			
000824 - 001104	Chairman Administration	Opening remarks	
001105 - 002134	Chairman Mr WONG Ting- kwong Administration	<p>Mr WONG Ting-kwong –</p> <p>(a) expressed reservations on the extended Environmental Levy Scheme on Plastic Shopping Bags ("PSBs") ("the extended Scheme") which might give rise to conflicts between consumers and retailers;</p> <p>(b) was concerned about the difficulties in enforcing the extended Scheme under the retention approach;</p> <p>(c) supported the imposition of PSB charges at the import level rather than the retail level (given that the imposition of PSB charges at the manufacture level could not be implemented as there was no PSB manufacture in Hong Kong); and</p> <p>(d) supported that the PSB charges collected should be used for environmental purposes.</p> <p>The Administration's response that the outcome of the consultation indicated support for levying PSB charges at the retail level as this could more directly remind consumers of the costs associated with PSB uses and could more effectively promote the "Bring your own bag" ("BYOB") habit.</p>	
002135 - 003309	Chairman Mr Vincent FANG Administration	<p>Mr Vincent FANG's views/suggestions that –</p> <p>(a) objected to the PSB Levy Scheme as well as its extension;</p>	

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		<p>(b) while the PSB Levy Scheme had effectively promoted the BYOB habit, there had been a switching effect from PSBs to other types of bags, such as garbage bags;</p> <p>(c) there was a need for statistics on the increase in use and disposal of garbage bags following the implementation of the PSB Levy Scheme;</p> <p>(d) if the extended Scheme was to apply to all retailers, the retention approach should be adopted as small and medium enterprises ("SMEs") would have much difficulty in complying with the remittance approach;</p> <p>(e) suggested that the PSB charges collected from major chain stores should be designated for environmental uses. Meanwhile, cash boxes should be provided by SMEs for the collection of the PSB charges so that the charges could be separated for use for environmental purposes; and</p> <p>(f) suggested that exemption be granted to all foodstuff for ease of compliance as the proposed food hygiene exemption was confusing and not easily understood.</p> <p>The Administration's response that –</p> <p>(a) no statistics had been kept on the sale of garbage bags, but there had not been marked increase in the disposal of garbage bags at landfills;</p> <p>(b) some major retailers had indicated their willingness to use the PSB charges for environmental purposes. Upon implementation of the extended Scheme, more efforts would be made to encourage retailers to use the PSB charges for environmental purposes; and</p> <p>(c) as the same type of foodstuffs might be packaged in different ways, whether a food hygiene concern existed would</p>	

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		<p>depend more on the packaging method rather than the food type. Clear guidelines on the food hygiene exemption would be provided to consumers when the extended Scheme was implemented.</p>	
003310 - 005116	<p>Chairman Mr WU Chi-wai Administration</p>	<p>Mr WU Chi-wai's request/enquiry that –</p> <ul style="list-style-type: none"> <li>(a) requested for statistics on the additional chain stores that would be covered under the extended Scheme and the disposal of PSBs at landfills; and</li> <li>(b) whether consideration would be given to mandating the use of flat-top bags that were biodegradable.</li> </ul> <p>The Administration's response that –</p> <ul style="list-style-type: none"> <li>(a) there were about 3 000 registered retailers under the PSB Levy Scheme and a total of about 64 000 retailers in Hong Kong, 90% of which were SMEs;</li> <li>(b) the disposal of PSBs, whether biodegradable or not, would add pressure to landfills; and</li> <li>(c) landfill disposal of PSBs distributed by retail categories registered over 75% decrease with the implementation of the PSB Levy Scheme.</li> </ul>	
005117 - 010101	<p>Chairman Mr Tony TSE Administration</p>	<p>Mr Tony TSE's views that –</p> <ul style="list-style-type: none"> <li>(a) consumers were used to BYOB when shopping at supermarkets but might not be used to such when shopping at other retailers;</li> <li>(b) more publicity and education efforts would be needed to promote the avoidance of excessive use of PSBs, including the display of such messages on PSBs;</li> <li>(c) whether consideration would be given to levying tax on the manufacture of PSBs; and</li> <li>(d) there was a need to promote the</li> </ul>	

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		<p>recycling of used PSBs.</p> <p>The Administration's response that –</p> <p>(a) much effort had been given to promoting public awareness on the avoidance of excessive use of PSBs and the suggested display of messages on PSBs would be worthy of consideration; and</p> <p>(b) consideration had not been given to levying tax on the manufacture of PSBs as levying PSB charges at the retail level could more directly remind consumers of the costs associated with PSB uses.</p>	
010102 - 010840	Chairman Dr Helena WONG Administration	<p>Dr Helena WONG's views that –</p> <p>(a) as the PSB Levy Scheme had been effective in promoting the BYOB habit, it might not be necessary to introduce the extended Scheme which would lead to public inconvenience as well as enforcement difficulties;</p> <p>(b) there would be a further switching effect from PSBs to other types of bags with the implementation of the extended Scheme;</p> <p>(c) supported imposing PSB charges on major chain stores while exempting such on SMEs;</p> <p>(d) PSB charges should be used for environmental purposes; and</p> <p>(e) more effort should be made to reduce and reuse waste arising from renovation and over-packaging.</p> <p>The Administration's response that –</p> <p>(a) the Blueprint for Sustainable Use of Resources had set out the way forward for waste management; and</p> <p>(b) while the PSB Levy Scheme had been effective in promoting the BYOB habit, landfill surveys showed that the</p>	

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		<p>problem of excessive PSBs remained serious outside the current scope of the Scheme. The public consultation indicated support for the implementation of the extended Scheme to cover all retailers.</p>	
010841 - 011409	<p>Chairman Ir Dr LO Wai-kwok Administration</p>	<p>Ir Dr LO Wai-kwok's views that –</p> <ul style="list-style-type: none"> <li>(a) the PSB Levy Scheme had been effective in promoting the BYOB habit;</li> <li>(b) the use of PSBs should be avoided as far as possible as they were non-biodegradable; and</li> <li>(c) to facilitate implementation of the extended Scheme, the food hygiene exemption should be leniently applied to cater for different packaging methods.</li> </ul>	
011410 - 012541	<p>Chairman Ms Cyd HO Administration</p>	<p>Ms Cyd HO's views/query that –</p> <ul style="list-style-type: none"> <li>(a) supported the extended Scheme but retailers should be required to keep records on PSB distribution to enable the monitoring of PSB usage;</li> <li>(b) the Administration should consider mandating the use of biodegradable materials to manufacture bags; and</li> <li>(c) queried the means and accuracy of collection of statistics on PSB disposal at landfills.</li> </ul> <p>The Administration's response that –</p> <ul style="list-style-type: none"> <li>(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; and</li> <li>(b) the effectiveness of the extended Scheme could be assessed through telephone surveys and landfill surveys on PSB disposal and members were welcome to observe the conduct of landfill surveys.</li> </ul>	



Time marker	Speaker	Subject(s)	Action required
012542 - 013731	Chairman Mr Paul TSE Administration	<p>Mr Paul TSE's views that –</p> <ul style="list-style-type: none"> <li>(a) he supported granting food hygiene exemption to temperature-controlled food;</li> <li>(b) as the PSB Levy Scheme had already been effective in avoiding the excessive use of PSBs, it might not be worthwhile to proceed with the extended Scheme given the difficulties of implementation and enforcement; and</li> <li>(c) it would be more justified to embark on the waste charging scheme.</li> </ul> <p>The Administration's response that –</p> <ul style="list-style-type: none"> <li>(a) as indicated in paragraph 9 of LC Paper No. CB(1)1470/12-13(02), the Administration would be prepared to amend the Product Eco-responsibility (Amendment) Bill 2013 ("the Bill") to allow an exemption to temperature-controlled food if the Bills Committee supported doing so;</li> <li>(b) riding on the success of the PSB Levy Scheme, more effort should be made to further reduce PSB usage by extending the Scheme to all retailers; and</li> <li>(c) the second public engagement exercise was being conducted on the municipal solid waste charging scheme.</li> </ul>	
013732 - 014841	Chairman Mr WONG Ting- kwong Administration	<p>Mr WONG Ting-kwong –</p> <ul style="list-style-type: none"> <li>(a) questioned the need to conduct landfill surveys on PSB disposal given that statistics on PSB import were readily available from the Customs and Excise Department and the Trade and Industry Department;</li> <li>(b) expressed concern about the enforcement difficulties and the conflicts which might arise in implementing the extended Scheme under the retention approach;</li> <li>(c) was concerned that the Bill would be</li> </ul>	

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		<p>penalizing retailers; and</p> <p>(d) indicated that he would invite SMEs to express their views on the extended Scheme.</p> <p>The Administration's response that –</p> <p>(a) surveys had been conducted on PSB disposal at landfills;</p> <p>(b) more publicity and education efforts would be made to promote awareness on the extended Scheme; and</p> <p>(c) it would welcome further views from SME retailers.</p>	
014842 - 015344	Chairman Mr KWOK Wai-keung Administration	<p>Mr KWOK Wai-keung's enquiries as to –</p> <p>(a) whether consideration would be given to imposing the PSB charges on PSB manufacturers so that the increased cost of PSBs would deter excessive use; and</p> <p>(b) whether assessment had been made on the implications of using PSBs of standard sizes, rather than small, medium and large sizes.</p> <p>The Administration's response that assessment had been made on the number of PSBs distributed but not the size of PSBs distributed.</p>	
015345 -015927	Chairman Administration	<p>The Chairman's concern about excessive packaging and use of PSBs by government departments, particularly in the provision of souvenirs.</p> <p>The Administration's explanation that guidelines had been provided to government departments to avoid procuring items with excessive packaging and use of PSBs.</p>	
015928 - 015959	Mr Tony TSE Administration	<p>Mr Tony TSE's enquiries on whether a target had been set on the reduction in PSB usage.</p> <p>The Administration's response that there was no set target on the reduction of PSB</p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		usage under the extended Scheme.	
020000 - 020352	Chairman	Date of next meeting	

Council Business Division 1  
Legislative Council Secretariat  
12 September 2013