

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1823/12-13  
(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 fourth meeting**  
**held on Tuesday, 23 July 2013, at 2:30 pm**  
**in Conference Room 2A 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, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Gary FAN Kwok-wai  
Hon KWOK Wai-keung  
Dr Hon Helena WONG Pik-wan  
Ir Dr Hon LO Wai-kwok, BBS, MH, JP  
Hon Tony TSE Wai-chuen

**Members absent** : Hon Vincent FANG Kang, SBS, JP  
Hon WU Chi-wai, MH  
Hon CHAN Han-pan

**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)

LC Paper No. CB(1) 1563/12-13(01) — Administration's response to items (g) to (h) of CB(1)1470/12-13(01)

LC Paper No. CB(1)1587/12-13(01) — Letter dated 19 July 2013 from Hon Vincent FANG (Chinese version only)

Action

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(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 -
- (a) provide response to Mr Vincent FANG's letter dated 19 July 2013 (LC Paper No. CB(1)1387/12-13(01));
  - (b) consider obtaining statistics on the import of plastic shopping bags ("PSBs") regularly to facilitate monitoring of PSB usage;
  - (c) consider requesting major supermarkets and chain stores to sign an undertaking to the effect that the PSB charges collected by them under the extended PSB Levy Scheme ("the extended Scheme") would be used for environment purposes;
  - (d) advise the time and resources incurred in dealing with the 11 complaints under the PSB Levy Scheme such that an estimate could be made on the resources required to deal with complaints under the extended Scheme;
  - (e) consider refining the new section 18A and explain the enforcement of the new section 18A(2) and (3) if retailers chose to flexibly adjust their prices for goods sold under inclusive pricing; and
  - (f) consider the need to provide definitions for "levy" and "charge".

Action

3. Members agreed to the following schedule of meetings –

<u>Date</u>	<u>Time</u>
Tuesday, 8 October 2013	2:30 pm
Tuesday, 22 October 2013	10:45 am

**II. Any other business**

4. There being no other business, the meeting ended at 4:35 pm.

Council Business Division 1  
Legislative Council Secretariat  
25 September 2013

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

**Proceedings of the fourth meeting  
on Tuesday, 23 July 2013, at 2:30 pm  
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>			
000458 - 001430	Chairman Ms Cyd HO Administration	<p>The Chairman's reference to Mr Vincent FANG's letter dated 19 July 2013 on his concerns about the waste recycling rate and the import/export of waste plastics (LC Paper No. CB(1)1387/12-13(01)).</p> <p>The Chairman informed members that Mr FANG's letter had been referred to the Administration for response.</p> <p>The Chairman's suggestion and members' agreement that the subject be followed up at the special meeting of the Panel on Environmental Affairs on 26 July 2013 when "Issues relating to Hong Kong's municipal solid waste recycling rate and handling of imported waste" would be discussed.</p> <p>The Administration's explanation on the implications of inclusive pricing as set out in its response in LC Paper No. CB(1) 1563/12-13(01).</p>	The Administration to provide response to Mr Vincent FANG's letter dated 19 July 2013.
001431 - 002139	Chairman Mr Tony TSE Administration	<p>Mr Tony TSE's concerns/enquiries that –</p> <p>(a) retailers might distribute more plastic shopping bags ("PSBs") under the retention approach in an attempt to collect more PSB charges;</p> <p>(b) there would be a switching effect from PSBs to other types of bags such as paper bags;</p> <p>(c) PSB manufacturers had no responsibility over the usage of PSBs; and</p> <p>(d) whether consideration had been given to reducing the price of goods if consumers declined to use PSBs.</p>	

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		<p>The Administration's response that –</p> <ul style="list-style-type: none"> <li>(a) the outcome of the consultation on the extended PSB Levy Scheme ("the extended Scheme") had indicated general support for the retention approach as the remittance approach would be too burdensome for small and medium enterprises ("SME") retailers;</li> <li>(b) the switching from the use of PSBs to paper bags was not common;</li> <li>(c) PSB manufacturers had noted a decline in the demand for PSBs following the implementation of the PSB Levy Scheme; and</li> <li>(d) the public had developed the habit of "bring your own bag" ("BYOB").</li> </ul>	
002140 - 002941	Chairman Ms Cyd HO Administration	<p>Ms Cyd HO -</p> <ul style="list-style-type: none"> <li>(a) was concerned that in the absence of record keeping requirements under the retention approach of the extended Scheme, there would not be any effective means to monitor the usage of PSBs; and</li> <li>(b) suggested that statistics on the import of PSBs be obtained from the Customs and Excise Department regularly to facilitate monitoring of PSB usage before and after implementation of the extended Scheme.</li> </ul> <p>The Administration's response that –</p> <ul style="list-style-type: none"> <li>(a) statistics on the import of PSBs would not reflect the effectiveness of the Scheme, but might serve as a reference for analyzing the trend of PSB usage; and</li> <li>(b) landfill surveys on PSB disposal had been an effective means to assess the effectiveness of the extended Scheme. Other surveys might also be conducted to assess the effectiveness of the extended Scheme.</li> </ul>	The Administration to consider obtaining statistics on the import of PSBs regularly to facilitate monitoring of PSB usage.

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002942 - 003126	Administration Mr WONG Ting-kwong Chairman	<p>Mr WONG Ting-kwong -</p> <p>(a) questioned why statistics on the import of PSBs would not reflect the actual PSB usage; and</p> <p>(b) indicated that there were no PSB manufacturers in Hong Kong.</p> <p>The Administration's response that –</p> <p>(a) the imported PSBs might not be used within the same year; and</p> <p>(b) no statistics had been kept on the manufacture of PSBs in Hong Kong.</p>	
003127 - 003544	Chairman Dr Helena WONG	<p>Dr Helena WONG's views that –</p> <p>(a) the Administration should provide information on imported waste and how much of these were PSBs;</p> <p>(b) the Administration should introduce a ban on imported waste;</p> <p>(c) statistics on the import and usage of PSBs should be collected in order to assess the effectiveness of the extended Scheme; and</p> <p>(d) the PSB charges collected should be used for environmental purposes.</p>	
003545 - 004014	Chairman Dr Priscilla LEUNG Administration	<p>Dr Priscilla LEUNG's views that –</p> <p>(a) the PSB charges collected should be used for environmental purposes; and</p> <p>(b) assistance should be provided to needy households and the elderly who could not afford to pay the PSB charges and reaching out services should also be provided to identify those who needed help to facilitate their compliance with the extended Scheme.</p> <p>The Administration's response that –</p> <p>(a) consideration would be given to Dr LEUNG's suggestion. In fact, re-usable bags had been provided by non-</p>	

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		<p>government organizations when the PSB Levy Scheme was first introduced; and</p> <p>(b) more efforts would be made to publicize the extended Scheme.</p>	
004015 - 004316	Chairman Ir Dr LO Wai-kwok	<p>Ir Dr LO Wai-kwok –</p> <p>(a) opined that the PSB Levy Scheme had been effective in promoting the BYOB habit;</p> <p>(b) supported the early implementation of the extended Scheme; and</p> <p>(c) agreed that there was a need to assist the elderly singletons in complying with the extended Scheme.</p>	
004317 - 005004	Chairman Mr CHAN Hak-kan Administration	<p>Mr CHAN Hak-kan –</p> <p>(a) supported that the PSB charges collected should be used for environmental purposes and suggested that major supermarkets and chain stores should be requested to sign an undertaking to the effect that the PSB charges collected by them under the extended Scheme would be used for environment purposes;</p> <p>(b) was concerned whether there would be sufficient manpower to deal with complaints after the extended Scheme was implemented; and</p> <p>(c) enquired about the time and resources incurred in dealing with the 11 complaints under the PSB Levy Scheme such that an estimate could be made on the resources required to deal with the complaints under the extended Scheme.</p> <p>The Administration's response that –</p> <p>(a) some major chain stores had openly indicated their intention to consider donating the future PSB proceeds to green and other causes and confirmation could be sought from</p>	<p>The Administration to –</p> <p>(a) consider requesting major supermarkets and chain stores to sign an undertaking to the effect that the PSB charges collected by them under the extended Scheme would be used for environment purposes; and</p> <p>(b) advise the time and resources incurred in dealing with the 11 complaints under the PSB Levy Scheme such that an estimate could be made on the resources required to deal with the complaints under</p>



Time marker	Speaker	Subject(s)	Action required
		<p>them when the extended Scheme was implemented;</p> <p>(b) the suggestion of requesting major supermarkets and chain stores to sign an undertaking to the effect that the PSB charges collected under the extended Scheme would be used for environment purposes could be considered; and</p> <p>(c) additional manpower resources would be deployed to enforce the extended Scheme and to conduct public education when the extended Scheme was implemented.</p>	<p>the extended Scheme.</p>
005005 - 005929	<p>Chairman Mr Paul TSE Administration Assistant Legal Adviser 10 (ALA10)</p>	<p>Mr Paul TSE –</p> <p>(a) expressed concern that the Administration's reply in LC Paper No CB(1)1563/12-13(01) had not fully addressed the issues raised by ALA10 on the implications of inclusive pricing;</p> <p>(b) expressed concern about the heavy penalties for contravening the new section 18A(2) and (3) and the possible contravention of the new section 18A(2) in the event that the seller refused to provide a refund of PSB charge when requested by the buyer who declined to claim PSB for goods sold with inclusive pricing;</p> <p>(c) enquired about the enforcement of the new section 18A(2) and (3) if retailers chose to flexibly adjust their prices for goods sold under inclusive pricing; and</p> <p>(d) saw the need for refinement of the new section 18A.</p> <p>The Administration's response that –</p> <p>(a) the ambit of the PSB Levy Scheme could not be extended to regulate inclusive pricing;</p> <p>(b) a PSB that was provided on top of the goods sold was subject to the PSB Levy Scheme;</p>	<p>The Administration to consider refining the new section 18A and explain the enforcement of new section 18A(2) and (3) if retailers chose to flexibly adjust their prices for goods sold under inclusive pricing.</p>

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		<p>(c) buyers could negotiate with sellers on the refund of PSB charges for goods sold with inclusive pricing; and</p> <p>(d) decisions on whether and how prosecution actions could be taken for contravening the new section 18A(2) would have to be made having regard to the actual circumstances of the cases.</p>	
005930 - 010901	<p>Chairman Administration Ms Cyd HO</p>	<p>Clause-by-clause examination of the Bill (Marked-up copy of the Bill (LC Paper No. CB(1)1171/12-13(01))</p> <p><u>Clauses 1 to 3</u></p> <p>Ms Cyd HO's enquiries on –</p> <p>(a) the reason for inclusion of "or a charge" after "environmental levy" to section 2 instead of deleting "environmental levy"; and</p> <p>(b) the progress of implementation of the various producer responsibility schemes ("PRs").</p> <p>The Administration's response that –</p> <p>(a) the Product Eco-responsibility Ordinance (Cap. 603) ("the Ordinance") was a framework legislation which provided general provisions for all types of PRs. Each and every PR would be implemented through amendments to the principal Ordinance;</p> <p>(b) there could be other PRs in the future which imposed environmental levy; and</p> <p>(c) preparatory work was under way for the introduction of PRs on waste glass beverage bottles and waste electrical and electronic equipment.</p>	
010902 - 013309	<p>Chairman Dr Helena WONG Administration Ms Cyd HO ALA10</p>	<p>Dr Helena WONG's views that –</p> <p>(a) while section 2 of the Ordinance provided for the introduction of PRs based on the "polluter pays" principle and required manufacturers, importers, wholesalers, retailers, consumers, etc.</p>	

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		<p>to share the responsibility for waste reduction, the PSB Levy Scheme and its extension had placed such responsibility on consumers only through the levy of PSB charges; and</p> <p>(b) over-packaging should also be regulated and manufacturers, wholesalers and importers should be held responsible for over-packaging in line with the practice of many other countries.</p> <p>The Administration's explanation on the background to the framework legislation and the stepwise approach to implement the waste management strategy.</p> <p>ALA10's explanation on the framework legislation and the regulations to be made under section 29 with reference to section 5 of the Ordinance which were subject to the approval of the Legislative Council.</p>	
013310 - 013833	Chairman Administration Ms Cyd HO ALA10	<p><u>Clause 4</u></p> <p>Ms Cyd HO's enquiry on whether there would be a need to define "levy" and "charge".</p>	The Administration to consider the need to provide definitions for "levy" and "charge".
013834 - 014929	Chairman Administration Mr Tony TSE ALA10 Ms Cyd HO	<p><u>Clauses 5 and 6</u></p> <p>Mr Tony TSE's enquiry on whether section 7 on the powers to obtain information would apply to the extended Scheme given that there would be no record keeping requirements.</p> <p>The Administration's explanation that while the general provisions were set out in Parts 1 and 2 of the Ordinance, the specific requirements for the extended Scheme would be set out under Part 3 of the Ordinance.</p> <p>ALA10's explanation that as the record keeping requirements set out under Part 3 of the Ordinance would be removed, the Administration could not request retailers to keep records under the extended Scheme according to section 7.</p>	

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		<p>Ms Cyd HO's concerns that –</p> <p>(a) the general provisions of the framework legislation, i.e. Parts 1 and 2 of the Ordinance, were not entirely applicable to the PRS on PSBs which was the only PRS that had been introduced; and</p> <p>(b) there might be further complications arising from subsequent introduction of PRSs on other recyclable products under the framework legislation.</p> <p>The Administration's explanation that while the general provisions under Parts 1 and 2 would apply to all PRSs, a new part would be added to the Ordinance to set out the provisions specific to the new PRSs to be introduced.</p>	
014930 - 020400	<p>Chairman Administration ALA10 Dr Helena WONG</p>	<p><u>Clauses 7 to 10</u></p> <p>ALA10's request for clarification on the PSBs which were excluded from application of the Ordinance under section 1(c)(i) and (ii) to Schedule 2.</p> <p>ALA's enquiry and the Administration's confirmation that it would make no difference whether the pre-packaged pack of 10 or more PSBs referred to in the new section 18A(2) was pre-packaged by the retailers or wholesalers.</p> <p>The Administration's explanation on new section 18A and section 1(c)(i) and (ii) to Schedule 2.</p>	
020401 - 020545	Chairman	Date of next meeting	