

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

List of follow-up actions arising from the meeting on 18 June 2013

The Administration is 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 has aggravated as a result of the implementation of the Environmental Levy Scheme on Plastic Shopping Bags ("PSB Levy Scheme"), please provide 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; and
 - (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, please advise whether the Administration would consider stating clearly in the Bill that "fruits" would be exempted;
- (d) whether exemption would be granted to PSBs that are used for carrying food items which might still leak from the packaging despite that they are 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 may sell goods at prices inclusive of the PSB charge (i.e. the PSB charge is included in the marked price of every item of goods which is, say, above a certain price) and hence would provide PSBs for the goods in any event but without any refund even if the customer does not want the PSB provided, please clarify on what legal basis the Administration considers that the customer has a right to seek a refund and the seller a corresponding obligation to provide the refund, as it would appear that the buyer only has the choice to proceed with the purchase on the seller's terms or shop elsewhere; and
 - (ii) please clarify 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 is introduced as suggested in (g)(i) above by sellers, customers may 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 may thereby be frustrated. Please clarify whether, under these circumstances and given also that sellers are allowed to keep the charges collected without any requirement to submit any return to the Government, there may be a re-emergence of the pre-PSB Levy Scheme mode of distribution of PSBs.

In addition, the Administration is 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)).