

EP CR 9/150/35 Pt.4  
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By Fax (3121 5762)

23 October 2015

Miss Bonnie MAN  
Administrative Officer (Waste Management Policy  
Division)  
15/F, East Wing  
Central Government Offices  
2 Tim Mei Avenue  
Tamar  
Hong Kong

Dear Miss MAN,

**Promotion of Recycling and Proper Disposal  
(Product Container) (Amendment) Bill 2015**

I am scrutinizing the captioned Bill (the Bill) with a view to advising Members on its legal and drafting aspects and would like to seek information or clarification on the following matters.

Policy intent

According to paragraph 5 of the Legislative Council (LegCo) Brief (File Ref: EP CR 9/150/35 Pt.4) issued in July 2015, the regulatory framework will first cover glass beverage containers at this stage. Paragraph 7 of the LegCo Brief states that "[s]ubject to future review, the mandatory [producer responsibility scheme] may be expanded to cover other products including food or sauces held in *glass containers*" (emphasis added). However, according to the long title of the Bill, the Bill seeks to provide, among other things, for the collection of a recycling levy on the *containers of certain products* (emphasis added) without further specifying the types of products or containers. In the light of the above, please clarify whether the Administration intends to confine the regulatory framework introduced by the Bill to glass containers only or it is

envisaged that the scope of regulation may be extended to cover containers made of other materials in the future.

Future amendments to Schedule 6 to the Product Eco-responsibility Ordinance (Cap. 603)

Under the Bill, a new Schedule 6 (which specifies the regulated articles) is proposed to be added to Cap. 603. Further, according to the new section 41 (proposed to be added to Cap. 603 by clause 7), the Secretary for the Environment may, after consulting the Advisory Council on the Environment, amend the new Schedule 6 in order to amend the scope of articles to be regulated. In the light of the above, please clarify whether it is the legislative intent that the new Schedule 6 may be amended in the future to cover containers made of materials other than glass.

Amendments under the Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Bill 2015 (EE Bill) and those under the Bill

It is noted that the Bill proposes, among other things, to add Part 4 and Schedule 6 to the Product Eco-responsibility Ordinance (Cap. 603) and to amend certain sections of the Waste Disposal Ordinance (Cap. 354). It is noted that under the EE Bill, Part 4 and Schedule 6 are also proposed to be added to Cap. 603, and the same sections of Cap. 354 are also proposed to be amended. In the light of the above, please clarify whether amendments to the Bill would be needed if the EE Bill is passed before the Bill is passed.

Please let us have your reply in both the Chinese and English languages as soon as practicable.

Yours sincerely,

(Evelyn LEE)  
Assistant Legal Adviser

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