

**立法會**  
***Legislative Council***

LC Paper No. CB(3) 514/15-16

Ref : CB(3)/B/EN/3 (14-15)

Tel : 3919 3308

Date : 13 April 2016

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

---

**Council meeting of 20 April 2016**

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

**Committee stage amendments**

The Second Reading debate on the above Bill will be resumed at the Council meeting of 20 April 2016. Subject to the Bill receiving Second Reading, the President has given permission for the Secretary for the Environment to move proposed amendments to the Bill at its Committee stage.

2. As directed by the President, the proposed amendments are attached for Members' consideration.

(Lilian MOK)  
for Clerk to the Legislative Council

Encl.

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

## Committee Stage

### Amendments to be moved by the Secretary for the Environment

<u>Clause</u>	<u>Amendment Proposed</u>
2	By deleting “3” and substituting “4”.
3	By deleting the clause.
4	In the proposed definition of <i>regulated article</i> , in paragraph (a), by deleting “Schedule 6” and substituting “Schedule 8”.
5	By deleting everything after the heading and substituting— “Section 4— <b>Repeal</b> “and regulated electrical equipment” <b>Substitute</b> “, regulated electrical equipment and regulated articles”.”.
6	By deleting everything after the heading and substituting— “Section 5(1)— <b>Repeal</b> “or 44” <b>Substitute</b> “, 44 or 55”.”.
7	In the heading, by deleting “ <b>Part 4</b> ” and substituting “ <b>Part 5</b> ”.

7 By deleting “Part 3” and substituting “Part 4”.

7 In the proposed Part 4, by deleting—

““**Part 4**”

and substituting—

““**Part 5**”.

7 In the proposed section 31—

(a) by deleting the heading and substituting—

“**47. Interpretation of Part 5**”;

(b) in the definition of *consume*, by deleting paragraph (a) and substituting—

“(a) open the container that constitutes the article for the first time after the container is sealed; or”;

(c) in the definition of *distribute*, by deleting paragraph (c) and substituting—

“(c) give the article to another person as a prize or gift, but does not include any such act done with a view that the article is to be exported in the course of business;”;

(d) in the definition of *registered supplier*, by deleting “33” and substituting “49”;

(e) in the definition of *Regulated Articles Regulation*, by deleting “39” and substituting “55”;

(f) in the definition of *return*, by deleting “36” and substituting “52”;

(g) in the definition of *supplier*, in paragraph (b), by deleting “causes the article to be imported” and substituting “imports the article”.

7 In the proposed section 32—

(a) by deleting the heading and substituting—

**“48. Prohibition of distributing regulated articles without registration”;**

- (b) in subsection (1), by deleting everything after “section” and substituting “49, the supplier distributes regulated articles.”;
- (c) by deleting subsection (2).

7 By renumbering the proposed section 33 as section 49.

7 In the proposed section 34—

- (a) by renumbering the section as section 50;
- (b) by deleting “no longer carries on a business mentioned in section 32(1)” and substituting “is no longer a supplier”.

7 In the proposed section 35—

- (a) by renumbering the section as section 51;
- (b) in subsection (1)(a) and (b), by deleting “in Hong Kong”;
- (c) in subsection (2), by adding “under this section” after “once”.

7 In the proposed section 36—

- (a) by renumbering the section as section 52;
- (b) in subsections (2)(a) and (3), by deleting “35” and substituting “51”.

7 By renumbering the proposed section 37 as section 53.

7 In the proposed section 38—

- (a) by renumbering the section as section 54;
- (b) in subsection (1)(a), by deleting “32(1)” and substituting “48(1)”;
- (c) in subsection (1)(b), by deleting “as a registered supplier.”;
- (d) in subsection (1)(b), by deleting “35” and substituting “51”;

- (e) in subsection (3)(a), by deleting “35” and substituting “51”;
- (f) in subsection (3)(a), by deleting “32(1)” and substituting “48(1)”;
- (g) in subsections (3)(b), (4)(b) and (7), by deleting “35” and substituting “51”;
- (h) in subsection (11)(b), by deleting “total amount of container recycling levy and the surcharge mentioned in paragraph (a) that are” and substituting “amount of container recycling levy or the surcharge mentioned in paragraph (a) that is”.

7 In the proposed section 39—

- (a) by deleting the heading and substituting—  
**“55. Secretary may make regulations for Part 5”;**
- (b) in subsection (1)(a), by deleting “33” and substituting “49”;
- (c) in subsection (1)(b), by deleting “34” and substituting “50”;
- (d) in subsection (1)(i), by deleting “40” and substituting “56”.

7 In the proposed section 40—

- (a) by renumbering the section as section 56;
- (b) in subsection (1), by deleting “35, 36 or 37” and substituting “51, 52 or 53”.

7 In the proposed section 41—

- (a) by deleting the heading and substituting—  
**“57. Secretary may amend Schedule 8”;**
- (b) in subsection (1), by deleting “Schedule 6” and substituting “Schedule 8”.

8 In the heading, by deleting “**Schedule 6**” and substituting “**Schedule 8**”.

8 By deleting “Schedule 5” and substituting “Schedule 7”.

8 In the proposed Schedule 6—

(a) by deleting—

**“Schedule 6** [ss. 3 & 41]”

and substituting—

**“Schedule 8** [ss. 3 & 57]”;

(b) in Part 1, in section 1, by deleting the definition of *beverage* and substituting—

“*beverage* (飲料) means—

(a) a ready-to-serve drink, including—

(i) alcoholic drink;

(ii) water (carbonated or non-carbonated) or water-based flavoured drink (carbonated or non-carbonated);

(iii) milk or dairy-based drink;

(iv) soybean-based drink;

(v) fruit or vegetable juice or nectar;

(vi) coffee, coffee substitute, tea or herbal infusion; and

(vii) cereal grain drink; or

(b) a product that—

(i) is a liquid or consists of liquid; and

(ii) is commonly served as a drink after being diluted or reconstituted.”.

10 By deleting subclause (1) and substituting—

“(1) Section 2(1), definition of *disposal*—

**Repeal**

everything after “includes treatment, reprocessing and”

**Substitute**

“recycling;

- (b) in relation to e-waste, includes storage, treatment, reprocessing and recycling, but does not include repair; and
- (c) in relation to container waste, includes storage, treatment, reprocessing and recycling, but does not include reuse;.”.

- 10(2) By deleting “construction waste” and substituting “e-waste”.
- 10(3) In the proposed definition of *container waste*, in paragraph (a), by deleting “Schedule 6” and substituting “Schedule 8”.
- 11(1) By deleting “16(2)(e)” and substituting “16(2)(ec)”.
- 11(1) By renumbering the proposed paragraph (ea) as paragraph (ed).
- 11(1) By renumbering the proposed paragraph (eb) as paragraph (ee).
- 11(1) By renumbering the proposed paragraph (ec) as paragraph (ef).
- 11(2) By deleting “16(2)” and substituting “16(2B)”.
- 11(2) In the proposed subsection (2A)—
- (a) by renumbering the subsection as subsection (2C);
  - (b) by deleting “(2)(ea), (eb) and (ec)” and substituting “(2)(ed), (ee) and (ef)”.
- 11(2) In the proposed subsection (2B)—
- (a) by renumbering the subsection as subsection (2D);
  - (b) in paragraph (a), by deleting “(2)(ea)” and substituting “(2)(ed)”;
  - (c) in paragraph (b), by deleting “(2)(eb)” and substituting “(2)(ee)”.

- 12 By deleting subclause (1).
- 12(2) By deleting—  
     ““Sixth Schedule,”  
     **Substitute**  
     “Sixth Schedule; or””  
 and substituting—  
     ““Sixth Schedule; or”  
     **Substitute**  
     “Sixth Schedule;””.
- 12 By adding—  
     “(2A) Section 20A(1)(c)—  
     **Repeal**  
     “(b),”  
     **Substitute**  
     “(b); or”. ”.
- 12(3) By deleting “20A(1)(b)” and substituting “20A(1)(c)”.
- 12(3) By renumbering the proposed paragraph (c) as paragraph (d).
- 13 By deleting subclause (1).
- 13(2) By deleting—  
     ““Sixth Schedule,”  
     **Substitute**  
     “Sixth Schedule; or””  
 and substituting—  
     ““Sixth Schedule; or”



**Substitute**

“Sixth Schedule;””.

13 By adding—

“(2A) Section 20B(1)(c)—

**Repeal**

“(b),”

**Substitute**

“(b); or”. ”.

13(3) By deleting “20B(1)(b)” and substituting “20B(1)(c)”.

13(3) By renumbering the proposed paragraph (c) as paragraph (d).

14 By deleting the clause and substituting—

**“14. Section 21A amended (circumstances under which waste disposal licence for chemical waste, clinical waste or e-waste is to be granted)**

(1) Section 21A, heading—

**Repeal**

“or e-waste”

**Substitute**

“, e-waste or container waste”.

(2) Section 21A—

**Repeal**

“or e-waste” (wherever appearing)

**Substitute**

“, e-waste or container waste”. ”.