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By Fax (3121 5758)

7 May 2013

Miss Libera CHENG
Senior Administrative Officer
Waste Management Division
Environmental Protection Department
15/F, East Wing
Central Government Offices
2 Tim Mei Avenue
Tamar
Hong Kong

Dear Miss CHENG,

Product Eco-Responsibility (Amendment) Bill 2013

Further to our letter dated 3 May 2013, we would like to seek clarification on an additional matter. It seems that, under the Bill, a seller is not precluded to provide a PSB for which the charge is included in the pricing of any item of goods that is sold by retail (i.e. to charge an inclusive price). In other words, the customer may have already pre-paid for the PSB in the sale concerned and therefore may lack the incentive to refuse or not to ask for a PSB. Further, the seller may retain the PSB charges collected and is not required to submit any return to the Government. Given these circumstances, does it mean that, by arranging for a PSB to be pre-paid by a customer at not less than the statutory charge, the practice of providing PSBs to customers may revert to the situation before the Product Eco-responsibility Ordinance (Cap. 603) (the Ordinance) was in force?

As the House Committee will consider the Bill at its meeting on 10 May 2013, please let us have the relevant information in both Chinese and English languages by **10 May 2013**.

Yours sincerely,

(Evelyn LEE)
Assistant Legal Adviser