

EP CR 9/150/28 PT.4
LS/B/8/14-15
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By Fax (2110 4172)

23 April 2015

Mr Samson LAI
Assistant Director (Waste Management Policy)
Environmental Protection Department
16/F, East Wing
Central Government Offices
2 Tim Mei Avenue
Tamar
Hong Kong

Dear Mr LAI,

**Promotion of Recycling and Proper Disposal
(Electrical Equipment and Electronic Equipment) (Amendment) Bill 2015**

Further to our letter dated 17 March 2015 and in light of the response to the said letter vide the note (LC Paper No. CB(1)712/14-15(03)) issued by the Administration in April 2015, we would like to seek further information in relation to paragraph 4 of the note.

Paragraph 4 of the note states, among other things, that the Administration "will collect from the registered supplier the proposed recycling fees for REE (regulated electrical equipment) that is "used" in Hong Kong or "distributed" to the Hong Kong market, but not REE exported out of Hong Kong which will ultimately be used outside Hong Kong." (emphasis added).

According to the proposed section 37 of the Bill, the proposed recycling fee would be payable in respect of a piece of REE if the equipment satisfies any of the requirements provided in the proposed section 37(1)(a) and a registered supplier of the piece of REE distributes the equipment to a consumer

according to the proposed section 37(1)(b)(i) or distributes the equipment for further distribution in Hong Kong to a consumer according to the proposed section 37(1)(b)(ii).

In light of the above and given that the term "consumer" which appears in the proposed sections 37(1)(b)(i) and (ii) seems to include a consumer who is, at all material times, located outside Hong Kong, please provide the legal or legislative basis of the said statement (in particular, the part of the statement which is underlined) with reference to the proposed section 37(1) or any other relevant provisions under the Bill.

As the Bills Committee will consider the Bill at its meeting on 4 May 2015, we would be grateful for your reply in both Chinese and English languages to reach us on or before **29 April 2015**.

Yours sincerely,

(Miss Evelyn LEE)
Assistant Legal Adviser

c.c. DoJ (Attn.: Miss Cindy CHEUK, GC) (Fax : 2869 1302)
LA