

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

**List of follow-up action arising from the discussion  
at the meeting on 2 June 2015**

Recycling fee

According to the proposed section 37(1) under the Bill, a recycling fee is payable in respect of a piece of regulated electrical equipment ("REE") if the equipment satisfies any requirement under the proposed section 37(1)(a) and if the registered supplier concerned satisfies any requirement under the proposed section 37(1)(b). Further, according to the Administration's response in paragraphs 4 and 5 of LC Paper No. CB(1)919/14-15(02), it appears that the Administration's policy intent is that "the proposed recycling fee is payable so long as the REE is 'distributed' to a consumer in the local market" and "if a registered supplier distributes an item of REE directly to a consumer outside Hong Kong, the REE is not regarded as being 'distributed' to the local market". Given that there is no reference to "local market" in the proposed section 37(1)(b)(i) nor in the proposed definition of "distribute", a registered supplier may not be aware of the policy intent by referring to the Bill. As such, the Administration is requested to consider amending the proposed section 37 and/or any other relevant provision with a view to reflecting the said policy intent clearly to avoid any misunderstanding in respect of the duty to pay the proposed recycling fee.

2. The Administration is requested to explain the operation of the recycling fee mechanism where a registered supplier leases any REE to a consumer, or transmits/delivers the equipment for leasing; and how consumers can identify whether the REE leased to them is subject to a recycling fee or not if the REE has been leased by the supplier more than once.

E-waste collection and recycling businesses

3. The Administration is requested to address concerns/views raised by members as follows:

- (a) private collectors might dismantle waste electrical and electronic equipment to obtain component parts of higher commercial value for sale and dispose the residual parts without proper treatment (e.g. detoxification) by persons with waste disposal licence;

- (b) notwithstanding that both the operator of the Waste Electrical and Electronic Equipment Treatment and Recycling Facility ("WEEETRF") and private recyclers are subject to the same licensing requirements under the producer responsibility scheme, and WEEETRF is contractually obliged to accept any regulated e-waste including items of lower commercial value, WEEETRF may potentially drive existing or prospective private recyclers out of the recycling market, or monopolize certain e-waste treatment services, as the former enjoys advantages over private recyclers in terms of its capital-intensive facilities that can provide a wider spectrum of or more specialized treatment services and bring about greater profits and market coverage.

Council Business Division 1  
Legislative Council Secretariat  
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