

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

This note serves to provide supplementary information about the Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Bill 2015 (“the Bill”) in response to the letter from the Assistant Legal Adviser dated 28 July 2015, which seeks clarifications on Clause 12 of the Bill.

The Issue

2. Clause 12(2) of the Bill proposes to add section 16(2A) to the Waste Disposal Ordinance (Cap. 354) (“WDO”). In gist, the section provides that despite a person has satisfied any of the requirement in the proposed section 16(2)(ea) to (ec), the person may apply to the Director of Environmental Protection (“the Director”) for a licence to use any land or premises for the disposal of e-waste. Further, a fee is payable in respect of the licence. The Government is requested to explain the circumstances to which the proposed section 16(2A) would be applicable and the rationale for applying for a licence under the proposed section 16(2A) even though section 16(1) does not apply to the use of land or premises under the circumstances in the proposed section 16(2)(ea) to (ec).

The Government’s Response

3. Section 16(1) of the WDO prohibits the use of land or premises for the disposal of waste without licence. The proposed licensing requirement seeks to enhance the control on the disposal of regulated e-waste. Yet some practitioners in the recycling industry may undertake part of the treatment process, for example simple dismantling of regulated e-waste for logistic handling. Such process if conducted on a small scale does not cause adverse environmental impacts. In order to avoid undue impact on their operations, we have proposed that the prohibition under section 16(1) shall not apply to the use of land or premises for certain disposal/depositing activities referred to in section 16(2) (including those under the proposed section 16(2)(ea) to (ec)).

4. We envisage that with the implementation of the producer responsibility scheme, there will be increasing demand for proper e-waste recycling services by duly licenced recyclers.

5. Given the proposed section 16(2A), a person may still apply to the Director for a waste disposal licence even though he or she is not prohibited to use land or premises for the disposal of regulated e-waste without licence. This will provide an avenue for small-scale recyclers to operate as a licenced e-waste recycler after completing the necessary application procedures and meeting all relevant terms and conditions. Without such arrangements, some of these small-scale recyclers may be driven out of the market entirely.

**Environmental Protection Department
September 2015**