

EP CR 9/150/35 Pt.4
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By Fax (3121 5762)

14 September 2015

Miss Bonnie MAN
Administrative Officer (Waste Management Policy
Division)
Environmental Protection Department
15/F, East Wing
Central Government Offices
2 Tim Mei Avenue
Tamar
Hong Kong

Dear Miss MAN,

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

I am scrutinizing the captioned Bill (the Bill) with a view to advising Members on its legal and drafting aspects and would like to seek information or clarification on the following matters:-

- (a) It is noted that the Bill proposes to amend the Product Eco-responsibility Ordinance (Cap. 603) to provide for the collection of a recycling levy on glass containers of certain products. Paragraph 8 of the LegCo Brief states, among other things, that "No service is directly provided to the registered suppliers in relation to the regulated articles. Having regard to the nature of the monies to be collected, it is more appropriate to refer to the amount as a recycling levy rather than a fee.". In light of the aforesaid, please clarify whether any service would be indirectly provided to the registered suppliers.

- (b) It is noted that *supplier* is defined under clause 7 of the Bill. Paragraph (a) of the definition refers to a person who "undertakes in Hong Kong the process of" (emphasis added). The corresponding Chinese rendition refers to "在香港進行以下工序的人....". Please clarify whether a person who merely commits oneself to or gives a formal promise or pledge to perform the relevant process in Hong Kong will be considered as a supplier under the Bill.
- (c) Please provide information on the amount of the application fee under the proposed section 40(2)(a) (in clause 7) and clarify whether the fee is refundable if the application concerned is refused by the Director of Environmental Protection (DEP).
- (d) It is noted that clause 11(2) of the Bill proposes to add section 16(2A) to the Waste Disposal Ordinance (Cap. 354). In gist, the section provides that although a person has satisfied any of the criteria in the proposed section 16(2)(ea) to (ec), the person may apply to DEP for a licence to use any land or premises for the disposal of container waste.
 - (i) Please clarify if a fee is payable in respect of the application for a licence and explain to Members the circumstances to which the proposed section 16(2A) would be applicable.
 - (ii) Please also explain to Members 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).

Please let us have your reply in both the Chinese and English languages by **25 September 2015**.

Yours sincerely,

(Evelyn LEE)
Assistant Legal Adviser

c.c. Legal Adviser
Senior Assistant Legal Adviser 1