

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

This note serves to provide supplementary information about the Promotion of Recycling and Proper Disposal (Product Container) (Amendment) Bill 2015 (“the Bill”) in response to the letter from the Assistant Legal Adviser dated 23 October 2015.

Policy Intent

According to paragraph 5 of the Legislative Council (“LegCo”) Brief (File Ref: EP CR 9/150/35 Pt.4) issued in July 2015, the regulatory framework will first cover glass beverage containers at this stage. Paragraph 7 of the LegCo Brief states that “[s]ubject to future review, the mandatory [producer responsibility scheme] may be expanded to cover other products including food or sauces held in glass containers” (emphasis added). However, according to the long title of the Bill, the Bill seeks to provide, among other things, for the collection of a recycling levy on the containers of certain products (emphasis added) without further specifying the types of products or containers. In the light of the above, please clarify whether the Administration intends to confine the regulatory framework introduced by the Bill to glass containers only or it is envisaged that the scope of regulation may be extended to cover containers made of other materials in the future.

2. It is our intention that the Bill will introduce a legislative framework for the implementation of producer responsibility scheme in respect of “regulated articles”, which is defined (under the proposed amendments to section 3(1) of the Product Eco-responsibility Ordinance (Cap. 603)) to mean an article constituted by –

- (a) a product specified in column 2 of Part 2 of the proposed Schedule 6; and
- (b) a container that is –
 - (i) specified in column 3 of that Part opposite to the product and containing that product; and
 - (ii) airtight and sealed by machine or with the aid of a tool.

3. There is no provision under the Bill that confines the regulatory framework to glass containers only. However, the Government will need to undertake further studies to ascertain to which extent the scope of regulation should cover containers made of other materials in future. Any such extension, if pursued, will also be subject to public consultation and necessary legislative procedures.

Future Amendments to Schedule 6 to the Product Eco-responsibility Ordinance (Cap. 603)

Under the Bill, a new Schedule 6 (which specifies the regulated articles) is proposed to be added to Cap. 603. Further, according to the new section 41 (proposed to be added to Cap. 603 by clause 7), the Secretary for the Environment may, after consulting the Advisory Council on the Environment, amend the new Schedule 6 in order to amend the scope of articles to be regulated. In the light of the above, please clarify whether it is the legislative intent that the new Schedule 6 may be amended in the future to cover containers made of materials other than glass.

4. If the scope of regulation is extended in future to cover containers made of materials other than glass, the legislative package will include among other things necessary amendments to the proposed Schedule 6.

Amendments under the Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Bill 2015 (“EE Bill”) and Those under This Bill

It is noted that the Bill proposes, among other things, to add Part 4 and Schedule 6 to the Product Eco-responsibility Ordinance (Cap. 603) and to amend certain sections of the Waste Disposal Ordinance (Cap. 354). It is noted that under the EE Bill, Part 4 and Schedule 6 are also proposed to be added to Cap. 603, and the same sections of Cap. 354 are also proposed to be amended. In the light of the above, please clarify whether amendments to the Bill would be needed if the EE Bill is passed before the Bill is passed.

5. If the EE Bill is passed before the Bill, amendments will be proposed to the Bill taking into account any amendments incorporated

into the EE Bill as enacted.

Environmental Protection Department
November 2015