

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

**List of follow-up actions arising from the discussion
at the meeting on 11 January 2016**

Definitions

"Beverage", "glass container" and "regulated article"

1. Further to the Administration's responses stated in LC Paper Nos. CB(1)270/15-16(01) and CB(1)407/15-16(01) in respect of the definition of beverage with reference to the food category system under the Codex Alimentarius ("Codex") and given that the definition forms part of the legal basis to determine whether a person has the legal obligation to comply with certain requirements and that failure to comply with any such requirement constitutes an offence, the Administration is requested to –

- (a) provide, for certainty purpose, specific criteria in the definition of "beverage" instead of merely defining the term to mean "every type of drink and includes water" as drafted in the Bill; and consider whether to stipulate in the Bill any reference to Codex for determining whether a product falls under the said definition;
- (b) explain whether certain products will be regarded as "beverage" under the Bill and hence subject to payment of the recycling levy in the following cases –
 - (i) beverage concentrates (which may be sold in various forms such as syrup/liquid/jelly/powder/solid for drinking after adding water) vis-à-vis ready-to-drink products already diluted with water;
 - (ii) a product, such as beauty supplements like collagen drink, which may fall into a classification other than beverages under the Codex, but is marketed and sold by the registered supplier as a beverage; and
- (c) address a member's concern that unless a clear definition of "beverage" can be made, reconsider expanding the proposed mandatory PRS to cover glass containers other than glass beverage containers simultaneously.

2. In the light of the proposed definition of "regulated article" which means an article constituted by (a) a product (i.e. beverage) (*as specified in column 2 of Part 2 of Schedule 6 proposed to be added to the Product Eco-responsibility Ordinance (Cap. 603)*), and (b) a container (i.e. glass container, whether in the form of a bottle, jar or otherwise) (*as specified in column 3 of the aforesaid Part 2 of Schedule 6 opposite to the product*) containing that product, and airtight and sealed by machine or with the aid of a tool, the Administration is requested to –

- (a) review whether the definition/usage of "container/glass container" under the proposed definitions of "regulated article" and "container waste" and in column 3 of Part 2 of Schedule 6 proposed to be added to Cap. 603 under the Bill are consistent; and
- (b) reconsider whether it is necessary to provide a definition for "glass containers" under the Bill, and if it is considered necessary, whether the definition will specify for regulatory purpose the materials of other component parts of the glass containers, such as the lids.

3. The Administration is requested to provide references of the definitions of or descriptions relating to "beverages", "containers" and "glass containers" in local legislation.

"Consume"

4. In the light of the proposed definition of "consume" which means, in relation to a regulated article, "(a) use the product constituting part of the article; or (b) abandon the article", and given that "product", as specified in column 2 of Part 2 of Schedule 6, refers to "beverage", and in other words, a container is not regarded as a "product" under the Bill, the Administration is requested to clarify whether it is the policy intent not to regard using the container but not the product as a kind of consumption under the said definition.

Other issues

5. The Administration is requested to –

- (a) provide an assessment to be supported by relevant statistics as appropriate, on the possible switching of containers for holding beverage products, in particular non-alcoholic beverages, from glass containers to containers of other materials (e.g. plastic bottles or paper cartons) by beverage suppliers upon implementation of the mandatory PRS; and

- (b) provide an estimation on how long it will take to process an application for registration as a registered supplier of regulated articles, and whether the Administration will expedite the processing of such applications under special circumstances, for example, where a supplier originally imported certain regulated articles into Hong Kong solely for export and thus initially had not applied for registration as a registered supplier, but subsequently had to distribute the regulated articles in Hong Kong instead due to cancellation of the export order concerned.

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