

**立法會**  
***Legislative Council***

LC Paper No. CB(3) 340/15-16

Ref : CB(3)/B/EN/2 (14-15)

Tel : 3919 3308

Date : 28 January 2016

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

---

**Council meeting of 3 February 2016**

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

**Committee stage amendments**

The Second Reading debate on the above Bill will be resumed at the Council meeting of 3 February 2016. Subject to the Bill receiving Second Reading, the President has given permission for the Secretary for the Environment to move proposed amendments to the Bill at its Committee stage.

2. As directed by the President, the proposed amendments are attached for Members' consideration.

(Miss Lilian MOK)  
for Clerk to the Legislative Council

Encl.

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

**Committee Stage**

Amendments to be moved by the Secretary for the Environment

<u>Clause</u>	<u>Amendment Proposed</u>
2	By deleting “3” and substituting “2A”.
New	<p>By adding—</p> <p><b>“2A. Section 2 amended (purposes of this Ordinance)</b></p> <p>Section 2(2)(c), after “recycling”—</p> <p><b>Add</b></p> <p>“levy or”.”.</p>
8	<p>In the proposed section 31—</p> <p>(a) in the definition of <i>consumer</i>, by deleting “selling” and substituting “distributing”;</p> <p>(b) by deleting the definition of <i>distribute</i> and substituting—</p> <p><b>“<i>distribute</i> (分發), in relation to any regulated electrical equipment, means—</b></p> <p>(a) supply the equipment by way of sale, hire or hire-purchase;</p> <p>(b) exchange or dispose of the equipment for consideration; or</p> <p>(c) transmit or deliver the equipment for any of the following activities—</p> <p>(i) supplying by way of sale, hire or hire-purchase;</p> <p>(ii) an exchange or disposal for consideration,</p> <p>but does not include any such act done with a view that the</p>

equipment is to be exported in the course of business;”;

- (c) in the definition of ***seller***, by adding “, but does not include a person who only provides service for transporting the equipment that does not belong to the person for another person” after “consumers”;
- (d) in the definition of ***supplier***, in paragraph (b), by deleting “causes to be imported into Hong Kong regulated electrical equipment for distribution in the course of the person’s business” and substituting “, in the course of the person’s business, imports regulated electrical equipment into Hong Kong for distribution”;
- (e) in the definition of ***use***, in paragraph (b), by deleting “otherwise than for business purposes”;
- (f) by deleting the definition of ***recycling fee***;
- (g) by adding in alphabetical order to the proposed definitions—
  - “***recycling levy*** (循環再造徵費) means a levy prescribed for the purposes of this Part by the REE Regulation;
  - tenant*** (租客) includes a person who occupies a residential property under a licence, and ***tenancy agreement*** (租賃協議) is to be construed accordingly;”.

8 In the proposed section 32—

- (a) in the heading, by deleting “***carrying on business of***”;
- (b) in subsection (1), by deleting “carries on a business of distributing regulated electrical equipment for further distribution in Hong Kong” and substituting “distributes regulated electrical equipment”.

8 In the proposed section 33, by deleting “may” and substituting “must”.

8 In the proposed section 34, by deleting “no longer carries on a business mentioned in section 32(1), the Director may” and substituting “is no

longer a supplier, the Director must”.

- 8 In the proposed section 35—
- (a) in subsection (1), by deleting “for further distribution in Hong Kong to a consumer”;
  - (b) in subsection (4), by adding “(1) or” after “subsection”;
  - (c) in the English text, in subsection (4), by deleting “, or renovation agreement,” and substituting “or renovation agreement”;
  - (d) by deleting subsection (6).
- 8 In the proposed section 36(3)(b), by deleting “fee” and substituting “levy”.
- 8 In the proposed section 37—
- (a) in the heading, by deleting “**fee**” and substituting “**levy**”;
  - (b) in subsection (1), by deleting “fee” and substituting “levy”;
  - (c) in subsection (1)(a)(ii), by deleting “caused to be imported into Hong Kong by the supplier for distribution in the course of the supplier’s business, but is not imported into Hong Kong” and substituting “, in the course of the supplier’s business, imported into Hong Kong by the supplier for distribution, but is not imported”;
  - (d) in subsection (1)(b)(i), by deleting “to a consumer;” and substituting “; or”;
  - (e) by deleting subsection (1)(b)(ii);
  - (f) in subsection (2), by deleting “fee is payable only once” and substituting “levy is payable only once under this section”;
  - (g) in subsection (3), by deleting “fee” and substituting “levy”.
- 8 In the proposed section 38—
- (a) in subsection (2)(a), by deleting “fee” and substituting “levy”;

- (b) in subsection (3), by deleting “fee” and substituting “levy”;
- (c) in subsection (5), by deleting “or (3)”;
- (d) by adding—

“(5A) A person who contravenes subsection (3) commits an offence and is liable—

- (a) on the first conviction, to a fine at level 6; and
- (b) on a subsequent conviction, to a fine of \$200,000.”.

8

In the proposed section 40—

- (a) in the heading, by deleting “**fees**” and substituting “**levies**”;
- (b) in subsection (1)(b), by deleting “regulated electrical equipment in the course of the person’s business as a registered supplier,” and substituting “or uses regulated electrical equipment”;
- (c) in subsections (1)(b), (3)(a) and (b), (7), (8)(b), (9) and (11)(a), by deleting “fee” (wherever appearing) and substituting “levy”;
- (d) in subsection (11)(b), by deleting “total amount of recycling fee and the surcharge mentioned in paragraph (a) that are” and substituting “amount of recycling levy or the surcharge mentioned in paragraph (a) that is”;
- (e) in subsections (12) and (13), by deleting “fee” and substituting “levy”.

8

In the proposed section 41, by adding—

“(5A) For the purposes of subsection (1), providing regulated electrical equipment to an owner or tenant of a residential property under an agreement for sale and purchase, tenancy agreement or renovation agreement for the property without charging specifically for the equipment does not constitute distributing the equipment.”.

8

In the proposed section 42—

- (a) in subsection (6), by deleting “or (5)”;

(b) by adding—

“(6A) A person who contravenes subsection (5) commits an offence and is liable—

(a) on the first conviction, to a fine at level 2; and

(b) on a subsequent conviction, to a fine at level 3.”;

(c) by adding—

“(9) For the purposes of subsection (2), (4) or (5), providing regulated electrical equipment to an owner or tenant of a residential property under an agreement for sale and purchase, tenancy agreement or renovation agreement for the property without charging specifically for the equipment does not constitute distributing the equipment.”.

8 In the proposed section 44—

(a) in subsection (1)(a), by adding “and the determination of the application” after “33”;

(b) in subsection (1), by adding—

“(ab) the cancellation of registration under section 34;”;

(c) in subsection (1)(c), by deleting “fee” and substituting “levy”;

(d) in subsection (1)(d), by deleting “fees” and substituting “levies”;

(e) by deleting subsection (3).

9 In the proposed Schedule 6, in the English text, in item 4, in column 3, in paragraph (1)(a), by deleting “modulator” and substituting “tuner (or a receiver)”.

14(3) In the proposed section 20A(1)(c), in the Chinese text, by deleting “不符合(a)或(b)段的描述的任何” and substituting “任何不符合(a)或(b)段的描述的”.

15(3) In the proposed section 20B(1)(c), in the Chinese text, by deleting “不符

合(a)或(b)段的描述的任何” and substituting “任何不符合(a)或(b)段的描述的”.

- 16 In the proposed section 20G(6), by adding “under subsection (5)” after “defence”.
- 23 In the proposed section 3AB, in the Chinese text, by adding “廢物” after “該電器”.