Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016

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#### Amendment to Waste Disposal (Designated Waste Disposal Facility) Regulation

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23. Waste Disposal (Designated Waste Disposal Facility) Regulation amended

24. Section 3AB added

3AB. Designated waste disposal facility must not accept e-waste.
An Ordinance to amend the Product Eco-responsibility Ordinance and the Waste Disposal Ordinance to provide for a scheme for the recycling and proper disposal of several types of electrical equipment and electronic equipment; and to make minor technical amendments to related legislation.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

(1) This Ordinance may be cited as the Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016.

(2) This Ordinance comes into operation on a day to be appointed by the Secretary for the Environment by notice published in the Gazette.
Part 2

Amendments to Product Eco-responsibility Ordinance

2. Product Eco-responsibility Ordinance amended
The Product Eco-responsibility Ordinance (Cap. 603) is amended as set out in sections 3 to 10.

3. Section 2 amended (purposes of this Ordinance)
Section 2(2)(c), after “recycling”—
Add
“levy or”.

4. Section 3 amended (interpretation)
Section 3(1)—
Add in alphabetical order
“regulated electrical equipment” (受管制電器) means electrical equipment or electronic equipment that—
(a) is set out in column 2 of Schedule 6 and is defined in column 3 of that Schedule; and
(b) has not been used by any consumer as defined by section 31,
but does not include e-waste as defined by section 2(1) of the Waste Disposal Ordinance (Cap. 354);”.

5. Section 4 amended (prescribed products to which Part 2 applies)
Section 4, after “bags”—
Add
“and regulated electrical equipment”.

6. **Section 5 amended (general provisions as to regulations made under this Ordinance)**

(1) Section 5(1), after “29”—

   **Add**

   “or 44”.

(2) After section 5(2)(f)—

   **Add**

   “(fa) specify an appealable matter mentioned in section 13;”.

7. **Section 7 amended (powers to obtain information, enter places for routine inspection, etc.)**

Section 7(2)—

   **Repeal**

   “information relating to any levy, charge or fee imposed under this Ordinance that is in the possession”

   **Substitute**

   “any information that is in the possession or under the control”.

8. **Section 13 amended (appeals)**

Section 13(2), definition of **appealable matter**—

   **Repeal**

   everything after “that is”

   **Substitute**

   “specified in this Ordinance as a matter on which an appeal may be made under this section.”.
9. Part 4 added
After Part 3—
Add

"Part 4
Regulated Electrical Equipment
Division 1—Interpretation

31. Interpretation of Part 4
In this Part—

consumer (消費者) means a person who acquires any regulated electrical equipment otherwise than for distributing it in the course of business;

distribute (分發), in relation to any regulated electrical equipment, means—

(a) supply the equipment by way of sale, hire or hire-purchase;
(b) exchange or dispose of the equipment for consideration; or
(c) transmit or deliver the equipment for any of the following activities—
   (i) supplying by way of sale, hire or hire-purchase;
   (ii) an exchange or disposal for consideration, but does not include any such act done with a view that the equipment is to be exported in the course of business;
使用 (use) 就任何受管制电器而言，包括——
(a) 為業務目的，陳列該電器；及
(b) 向另一人送出該電器作為獎品或禮物；

供應商 (supplier) 指——
(a) 在香港於本身業務過程中製造受管制電器的人；或
(b) 為分發受管制電器而於本身業務過程中將該電器輸入香港的人，但不包括純粹提供服務，為另一人將不屬於自己的受管制電器運入香港的人；

《受管制電器規例》(REE Regulation) 指根據第 44 條訂立的規例；

消費者 (consumer) 指取得任何受管制電器的人，而其目的並非為了在業務過程中分發該電器；

租客 (tenant) 包括根據一項許可而佔用某住宅物業的人；而租賃協議 (tenancy agreement) 須據此解釋；

除舊服務方案 (removal service plan) 指根據第 41 條批註的方案；

循環再造徵費 (recycling levy) 指《受管制電器規例》為施行本部而訂明的徵費；

循環再造標籤 (recycling label) 指根據第 36(1) 或 (3) 條提供的標籤；

recycling label (循環再造標籤) 指標籤的標籤，包括——
(a) 為業務目的，陳列該電器；及
(b) 向另一人送出該電器作為獎品或禮物；

供應商 (supplier) 指——
(a) 在香港於本身業務過程中製造受管制電器的人；或
(b) 為分發受管制電器而於本身業務過程中將該電器輸入香港的人，但不包括純粹提供服務，為另一人將不屬於自己的受管制電器運入香港的人；

《受管制電器規例》(REE Regulation) 指根據第 44 條訂立的規例；

消費者 (consumer) 指取得任何受管制電器的人，而其目的並非為了在業務過程中分發該電器；

租客 (tenant) 包括根據一項許可而佔用某住宅物業的人；而租賃協議 (tenancy agreement) 須據此解釋；

除舊服務方案 (removal service plan) 指根據第 41 條批註的方案；

循環再造徵費 (recycling levy) 指《受管制電器規例》為施行本部而訂明的徵費；

循環再造標籤 (recycling label) 指根據第 36(1) 或 (3) 條提供的標籤；
登記供應商 (registered supplier) 指已根據第 33 條登記的供應商；
銷售商 (seller) 指經營分發受管制電器業務的人，而其分發對象是消費者，但不包括純粹提供服務，為另一人運送不屬於自己的受管制電器的人。

第 2 分部——供應商的登記

32. 禁止未經登記而分發受管制電器

(1) 如某供應商在並非根據第 33 條登記的情況下，分發受管制電器，該供應商即屬犯罪。

(2) 任何人被裁定犯第(1)款所訂罪行，可處第 6 級罰款。

33. 供應商的登記

如——

(a) 任何人按照《受管制電器規例》提出申請，要求登記為登記供應商；而

(b) 署長信納該申請符合本條例，署長須將該人登記為登記供應商。

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;

use (使用), in relation to any regulated electrical equipment, includes—

(a) exhibit the equipment for business purposes; and

(b) give the equipment to another person as a prize or gift.

Division 2—Registration of Suppliers

32. Prohibition of distributing regulated electrical equipment without registration

(1) A supplier commits an offence if, not being registered under section 33, the supplier distributes regulated electrical equipment.

(2) A person who is convicted of an offence under subsection (1) is liable to a fine at level 6.

33. Registration of suppliers

If—

(a) a person applies to be registered as a registered supplier in accordance with the REE Regulation; and

(b) the Director is satisfied that the application complies with this Ordinance,

the Director must register the person as a registered supplier.
34. Cancellation of registration

If the Director is satisfied that a registered supplier is no longer a supplier, the Director must cancel the registration of the supplier.

Division 3—Obligations of Registered Suppliers and Sellers

35. Recycling label and receipt must be provided when distributing regulated electrical equipment

(1) If a registered supplier distributes to a person any regulated electrical equipment mentioned in section 37(1)(a), the supplier must, in accordance with the REE Regulation, provide to the person a recycling label that is appropriate for the equipment.

(2) If a seller distributes any regulated electrical equipment to a consumer, the seller must, in accordance with the REE Regulation, provide to the consumer—

(a) a recycling label that is appropriate for the equipment; and

(b) a receipt with the wording prescribed by the Regulation.

(3) For the purposes of subsection (1) or (2), entering into an agreement to distribute does not constitute distribution.
36. 署長須提供循環再造標籤

（1）凡登記供應商以署長指明的表格，向署長提出申請，要求提供某特定類別的循環再造標籤，則除第（2）款另有規定外，署長須向該供應商提供該等標籤。

（2）如署長認為在顧及上述登記供應商的業務狀況下，該供應商所申請的循環再造標籤的數量，超乎對遵守第35條而言屬合理所需數量，署長可拒絕該申請。

（3）如某人—
（a）在署長指明的地點，要求提供某特定類別的循環再造標籤；及
（b）向署長繳付對有關標籤屬適當的循環再造徵費，則除第（4）款另有規定外，署長須向該人提供該等標籤。

（4）署長可就每一項要求，對根據第（3）款可向任何人提供的循環再造標籤的數量，訂定限制。

36. Director must provide recycling labels

(1) If a registered supplier applies to the Director in a form specified by the Director for recycling labels of a particular class, the Director must, subject to subsection (2), provide those labels to the supplier.

(2) If the Director considers that the number of the recycling labels applied for is, having regard to the registered supplier’s state of business, more than reasonably necessary for complying with section 35, the Director may refuse the application.

(3) If a person—
(a) requests to be provided with recycling labels of a particular class at a location specified by the Director; and
(b) pays to the Director a recycling levy that is appropriate for the labels, the Director must, subject to subsection (4), provide those labels to the person.

(4) The Director may set a limit on the number of recycling labels that may be provided to a person under subsection (3) for each request.
37. **Registered supplier must pay recycling levy**

(1) Subject to subsection (2), a registered supplier must pay to the Director a recycling levy for any regulated electrical equipment if—

(a) the equipment—
   (i) is manufactured in Hong Kong by the supplier in the course of the supplier’s business; or
   (ii) is, in the course of the supplier’s business, imported into Hong Kong by the supplier for distribution, but is not imported during the course of a service provided by the supplier for transporting articles into Hong Kong for another person; and

(b) the supplier—
   (i) distributes the equipment; or
   (ii) uses the equipment for the first time.

(2) The recycling levy is payable only once under this section in respect of any regulated electrical equipment.

(3) An outstanding amount of recycling levy payable under this section is recoverable as a civil debt due to the Government.

38. **Registered supplier must submit returns**

(1) A registered supplier must, in accordance with the REE Regulation, periodically submit returns to the Director.

(2) On receiving a return, the Director must—
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(a) determine the amount of recycling levy payable under section 37 by the registered supplier; and
(b) serve a payment notice on the supplier.

(3) A registered supplier must, within the prescribed period after the date the payment notice is served, pay to the Director in the prescribed manner the recycling levy payable under section 37 stated in the payment notice.

(4) If a registered supplier submits a return in respect of a period in a calendar year, the supplier must keep the prescribed records and documents relating to the return during the 5 years after that year.

(5) A person who contravenes subsection (1) 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.

(6) 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.

(7) A person who contravenes subsection (4) commits an offence and is liable to a fine at level 5.

(8) A payment notice under subsection (2)(b) is regarded as duly served on a registered supplier when it is sent by post to the last address provided by the supplier to the Director.
(9) In subsections (3) and (4)—

*prescribed* (訂明) means prescribed by the REE Regulation.

39. Registered supplier must submit annual audit report

(1) A registered supplier must, in accordance with the REE Regulation, submit an audit report to the Director every year in respect of the returns submitted by the supplier.

(2) The audit report must be prepared by a certified public accountant (practising) as defined by section 2(1) of the Professional Accountants Ordinance (Cap. 50), who must not be an employee of the registered supplier.

(3) A person who contravenes subsection (1) commits an offence and is liable to a fine at level 5.

40. Recovering recycling levies by assessment notice

(1) This section applies if a person (*relevant person*)—

(a) distributes regulated electrical equipment in contravention of section 32(1); or

(b) distributes or uses regulated electrical equipment without having paid the Director the recycling levy payable under section 37 for the equipment (or any part of the levy).

(2) For the purposes of subsection (1), entering into an agreement to distribute does not constitute distribution.
(3) The Director may assess—
   (a) for regulated electrical equipment mentioned in subsection (1)(a), the amount of recycling levy that would have been payable under section 37 for any regulated electrical equipment if the equipment was distributed in compliance with section 32(1); or
   (b) for regulated electrical equipment mentioned in subsection (1)(b), the amount of recycling levy payable under section 37.

(4) The Director may serve an assessment notice (assessment notice) on the relevant person demanding payment of—
   (a) the assessed amount; or
   (b) if the relevant person has already paid part of that amount under section 37, the outstanding part of that amount.

(5) The Director may replace an assessment notice with another assessment notice served for that purpose.

(6) The Director may at any time withdraw an assessment notice by serving a withdrawal notice to that effect.

(7) An assessment notice served in respect of the recycling levy payable under section 37 for a period must be served within 5 years after the end of that period.

(8) An assessment notice must state—
   (a) the reasons for serving the notice;
   (b) how the amount of recycling levy assessed by the Director is calculated;
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(c) when and how the relevant person must pay; and
(d) the right of the relevant person to appeal against the notice.

(9) The relevant person must pay the amount of recycling levy demanded under an assessment notice within the period prescribed by the REE Regulation.

(10) A person who contravenes subsection (9) 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.

(11) A person who is convicted of an offence under subsection (10) is also liable to pay—
(a) a surcharge of 5% of the amount of recycling levy that is outstanding at the expiry of the period mentioned in subsection (9); and
(b) an additional surcharge of 10% of the amount of recycling levy or the surcharge mentioned in paragraph (a) that is outstanding at the expiry of 6 months after the period mentioned in subsection (9).

(12) An outstanding amount of recycling levy or surcharges payable under this section is recoverable as a civil debt due to the Government.

(13) If an appeal is made under Division 5 of Part 2 against an assessment notice, any amount of recycling levy or surcharges that is outstanding remains payable under this section pending the determination of the appeal unless the Director decides otherwise.
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41. Seller must have endorsed removal service plan

(1) A seller must not distribute regulated electrical equipment to a consumer in the absence of a removal service plan that has been endorsed by the Director.

(2) Without limiting any other ground on which the Director may refuse to endorse a removal service plan, the Director must not endorse a plan unless the Director is satisfied that the plan meets the requirements specified in subsection (3).

(3) The requirements are—

(a) a collector undertakes to the seller in writing to provide an electrical equipment or electronic equipment removal service for distributing regulated electrical equipment by the seller to a consumer;

(b) a recycler undertakes to the seller in writing to provide a treatment, reprocessing or recycling service for the electrical equipment and electronic equipment removed by the collector; and

41. 卖方須有承辦除舊服務

(1) 如果賣方沒有經署長批註的除舊服務方案，則不得分發受管制電器予消費者。

(2) 在不局限署長可據以拒絕批註某除舊服務方案的任何其他理由的情況下，除非署長信納該方案符合第(3)款指明的規定，否則署長不得批註該方案。

(3) 有关规定是——

(a) 有某收集者向有關銷售商作出書面承諾，就該銷售商分發受管制電器予消費者，提供電器設備或電子設備除舊服務；及

(b) 有某循環再造者向該銷售商作出書面承諾，就由該收集者移走的電器設備及電子設備，提供處理、再加工或循環再造服務；及

A notice under this section is regarded as duly served on a relevant person when it is sent by post—

(a) if the relevant person is a registered supplier, to the last address provided by the person to the Director; or

(b) if the relevant person is not a registered supplier, to the last known address of the person.
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(c) the applicable requirements in the REE Regulation have been complied with.

(4) The collector mentioned in subsection (3)(a) must hold a business registration certificate issued under section 6 of the Business Registration Ordinance (Cap. 310).

(5) The recycler mentioned in subsection (3)(b) must hold a waste disposal licence within the meaning of the Waste Disposal Ordinance (Cap. 354) that authorizes the person to treat, reprocess or recycle e-waste within the meaning of that Ordinance.

(6) 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.

(7) A person who contravenes subsection (1) commits an offence and is liable to a fine at level 6.

42. Seller must arrange for removal service

(1) In this section—

removal terms (除舊條款) means the terms—

(a) agreed between a consumer and a seller who distributes an item of regulated electrical equipment to the consumer; and

(b) the purpose of which is to provide for the removal, in accordance with subsection (2), of electrical equipment or electronic equipment of the same class as that item of equipment.

(c) 《受管制電器規例》中適用的規定已獲遵守。

(4) 第 (3)(a) 款所述的收集者，須持有根據《商業登記條例》(第 310 章) 第 6 條發出的商業登記證。

(5) 第 (3)(b) 款所述的循環再造者，須持有《廢物處置條例》(第 354 章) 所指的廢物處置牌照，而該牌照授權該人處理、再加工或循環再造該條例所指的電器廢物。

(6) 就第 (1) 款而言，根據住宅物業的買賣協議、租賃協議或翻新協議，向該物業的業主或租客提供受管制電器，而沒有特別就該電器收取費用，不構成分發該電器。

(7) 任何人違反第 (1) 款，即屬犯罪，可處第 6 級罰款。
(2) If—

(a) a seller distributes an item of regulated electrical equipment (former) to a consumer;

(b) the consumer requests, in accordance with the removal terms and any applicable requirements in the REE Regulation, the seller to remove another item of electrical equipment or electronic equipment (latter); and

(c) the former and the latter fall within the descriptions of the same item of electrical equipment or electronic equipment set out in column 2 of Schedule 6,

the seller must arrange for the removal of the latter in accordance with the seller’s removal service plan.

The seller must not charge the consumer for the arrangement.

(3) A person who contravenes subsection (2) 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.

(4) If a seller distributes any regulated electrical equipment to a consumer, the seller must notify the consumer in writing of the seller’s obligation under subsection (2) before entering into the relevant contract of distribution.

(5) If—

(a) a seller is to distribute any regulated electrical equipment to a consumer; and

(b) the relevant contract of distribution is to be subject to certain removal terms,
43. Proper disposal of electrical equipment or electronic equipment removed

(1) If a collector provides an electrical equipment or electronic equipment removal service for a seller in accordance with the seller’s removal service plan, the collector must ensure that the equipment—
(a) is transferred to a recycler specified in the plan within a reasonable time; and
(b) is accepted by the recycler.

(2) A person who contravenes subsection (1) 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.

(3) It is a defence to a charge under subsection (2) for the person charged to prove that the person exercised due diligence to avoid committing the offence.

Division 5—Regulations

44. Secretary may make regulations for Part 4

(1) The Secretary may, after consulting the Advisory Council on the Environment, make regulations in respect of all or any of the following matters—
(a) an application for registration under section 33 and the determination of the application;
(b) the cancellation of registration under section 34;
(c) the provision of recycling labels for each class of regulated electrical equipment by registered suppliers and sellers;
(d) the recycling levy for each class of regulated electrical equipment;
(e) the payment of recycling levies by registered suppliers;
(f) the submission of returns by registered suppliers;
(g) the information to be contained in the returns;
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(h) the records and documents to be kept by registered suppliers;
(i) the submission of audit reports by registered suppliers;
(j) the prescribed wording for the purposes of section 35(2)(b);
(k) the requirements of the removal service plan;
(l) the removal service required by section 42.

(2) A regulation made under subsection (1) is subject to the approval of the Legislative Council.

Division 6—Supplementary Provisions

45. Exemptions

The regulated electrical equipment set out in column 3 of Schedule 7 is exempted from the provisions set out opposite to it in column 2 of that Schedule.

46. Secretary may amend Schedules 6 and 7

(1) The Secretary may, after consulting the Advisory Council on the Environment, by notice published in the Gazette, amend Schedule 6 or 7.

(2) A notice made under subsection (1) is subject to the approval of the Legislative Council.”.

10. Schedules 6 and 7 added

After Schedule 5—

Add
### Regulated Electrical Equipment to which this Ordinance Applies

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Electrical equipment or electronic equipment</td>
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</tr>
</tbody>
</table>

1. **Air conditioner**
   - A room air conditioner within the descriptions in Division 1 of Part 2 of Schedule 1 to the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598).

2. **Refrigerator**
   - A refrigerating appliance within the descriptions in Division 2 of Part 2 of Schedule 1 to the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598).

3. **Washing machine**
   - A washing machine within the descriptions in Division 4 of Part 2 of Schedule 1 to the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598).

4. **Television**
   - (1) An electronic apparatus that falls within the following descriptions—
### 《2016年促進循環再造及妥善處置 (電氣設備及電子設備)(修訂)條例》

#### 2016年第3號條例  第2部  第十條  (Amendment) Ordinance 2016

<table>
<thead>
<tr>
<th>第1欄</th>
<th>第2欄</th>
<th>第3欄</th>
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<tbody>
<tr>
<td>項</td>
<td>電氣設備或電子設備</td>
<td>在本條例中的定義</td>
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<table>
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</thead>
<tbody>
<tr>
<td>(a)</td>
<td>該裝置由調頻器 (或接收器) 及顯示屏幕組成，而該等組件收納於同一個外殼內；</td>
<td>(a) the apparatus comprises a tuner (or a receiver) and a display screen that are encased in a single casing;</td>
</tr>
<tr>
<td>(b)</td>
<td>該裝置的主要功能，是接收由天線或訊號電纜傳送的電視訊號，並顯示該等訊號；</td>
<td>(b) the principal function of the apparatus is to receive and display television signals transmitted by an antenna or signal cable;</td>
</tr>
<tr>
<td>(c)</td>
<td>該裝置的顯示屏幕的尺寸，不超過254厘米 (100呎) (以對角斜角度)；及</td>
<td>(c) the size of the display screen of the apparatus does not exceed 254 cm (100 inches) (measured diagonally);</td>
</tr>
<tr>
<td>(d)</td>
<td>(如該裝置附有任何其他視聽器材) 該視聽器材收納於該外殼內，連同其他組件，以一條電源電線與電源插座連接。</td>
<td>(d) (if the apparatus has any other audio visual device attached to it) the device attached to the apparatus is encased in that casing and, together with other components, is connected with the electricity socket by one power cable.</td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2</td>
<td>Column 3</td>
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<tr>
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</tr>
</tbody>
</table>

5. **Computer**

(1) An electronic apparatus that is—

(a) used for the storage, processing and retrieval of electronic data; and

(b) generally called “personal computer”, “PC”, “desktop computer”, “tablet computer”, “laptop computer” or “notebook computer” or by a name with a similar meaning in the course of marketing.
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Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016
 Ord. No. 3 of 2016

<table>
<thead>
<tr>
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<tr>
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</tr>
</tbody>
</table>

(2) A portable electronic apparatus that falls within the descriptions in paragraph (1) is nevertheless not regarded, for the purposes of this Ordinance, as a computer, if—

(a) one of the principal functions of the apparatus is for mobile communication through a cellular radio network;

(b) the apparatus has the standard voice function of a telephone;

(c) the apparatus is connected to the public switched telephone network (PSTN); and

(d) the apparatus is generally called “telephone” or “phone” or by a name with a similar meaning in the course of marketing.
<table>
<thead>
<tr>
<th>Item</th>
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</tr>
</thead>
<tbody>
<tr>
<td>6.</td>
<td>Printer</td>
<td>(1) An electronic apparatus that falls within the following descriptions— (a) the weight of the apparatus does not exceed 30 kg (excluding any consumables, power cable and data cable that are designed to be removable with bare hands); and</td>
</tr>
</tbody>
</table>

(3) A computer that falls within the definition of other electrical equipment or electronic equipment in this Schedule is nevertheless regarded, for the purposes of this Ordinance, as a computer.
Part 2
Section 10
Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016

<table>
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(b) the principal function of the apparatus is to print, by using electronic data from a computer connected to the apparatus, words or images on paper.

(2) A printer that can be used as a photocopier, facsimile transmitter or scanner is nevertheless regarded, for the purposes of this Ordinance, as a printer.

(3) A facsimile transmitter that can only print words or images on paper by using electronic data transmitted via a telephone signal network is not regarded, for the purposes of this Ordinance, as a printer.
<table>
<thead>
<tr>
<th>Item</th>
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</tr>
</thead>
<tbody>
<tr>
<td>7.</td>
<td>Scanner</td>
<td>An electronic apparatus that falls within the following descriptions—</td>
</tr>
<tr>
<td></td>
<td>(a) the weight of the apparatus does not exceed 30 kg (excluding any consumables, power cable and data cable that are designed to be removable with bare hands); and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) the principal function of the apparatus is to generate, by an optical scanning of any word or image on a surface placed immediately against a transparent panel of the apparatus, electronic data from which the word or image can be reproduced.</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Monitor</td>
<td>An electronic apparatus that falls within the following descriptions—</td>
</tr>
<tr>
<td></td>
<td>(a) the weight of the apparatus does not exceed 30 kg (excluding any consumables, power cable and data cable that are designed to be removable with bare hands); and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) the principal function of the apparatus is to generate, by an optical scanning of any word or image on a surface placed immediately against a transparent panel of the apparatus, electronic data from which the word or image can be reproduced.</td>
<td></td>
</tr>
</tbody>
</table>
### Definition in this Ordinance

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<tr>
<td>(a)</td>
<td>the apparatus does not have the function of storing electronic data or computing;</td>
<td></td>
</tr>
<tr>
<td>(b)</td>
<td>the principal function of the apparatus is to generate, by using electronic data from a computer connected to the apparatus, words or images on a display screen by means of cathode-ray tube (CRT), liquid crystal display (LCD), plasma, light emitting diode (LED) or laser technology; and</td>
<td></td>
</tr>
<tr>
<td>(c)</td>
<td>the size of the display screen of the apparatus is not smaller than 13.97 cm (5.5 inches) (measured diagonally) but does not exceed 254 cm (100 inches) (measured diagonally).</td>
<td></td>
</tr>
</tbody>
</table>
### Schedule 7

<table>
<thead>
<tr>
<th>Column 1</th>
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</table>
| Item     | Provision| Regulated electrical equipment”.

#### Regulated Electrical Equipment Exempted from Certain Provisions

<table>
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</table>
| 項       | 條文     | 受管制電器”。

#### 附表 7

[第 45 及 46 條]
Amendments to Waste Disposal Ordinance

11. **Waste Disposal Ordinance amended**

The Waste Disposal Ordinance (Cap. 354) is amended as set out in sections 12 to 19.

12. **Section 2 amended (interpretation)**

   (1) Section 2(1)—

   *Repeal the definition of* disposal

   *Substitute*

   “disposal (處置)—

   (a) in relation to chemical waste and clinical waste, includes treatment, reprocessing and recycling; and

   (b) in relation to e-waste, includes storage, treatment, reprocessing and recycling, but does not include repair;”.

   (2) Section 2(1), definition of waste, after “construction waste,”—

   *Add*

   “e-waste,”.

   (3) Section 2(1)—

   *Add in alphabetical order*

   “e-waste (電器廢物) means any electrical equipment or electronic equipment that, judging by its appearance, is an item set out in column 2 of Schedule 6 to the Product Eco-responsibility Ordinance (Cap. 603) and has been abandoned;”.

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Part 3

Amendments to Waste Disposal Ordinance

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Part 3
Section 13

Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016

13. Section 16 amended (prohibition of unauthorized disposal of waste)

(1) After section 16(2)(e)—
Add
“(ea) the disposal of e-waste that is not chemical waste on land or premises with an area of not more than 100 m²;
(eb) the storage of e-waste with a total volume of not more than 50 m³ (measured by the maximum width by the maximum height and the maximum length);
(ec) the storage of e-waste on premises located inside a multi-storey building;”.

(2) After section 16(2)—
Add
“(2A) Despite subsection (2)(ea), (eb) and (ec), a person may apply to the Director for a licence to use any land or premises for the disposal of e-waste.
(2B) The Secretary may, after consulting the Advisory Council on the Environment and subject to the approval of the Legislative Council, by notice published in the Gazette, amend—
(a) subsection (2)(ea) by varying the area mentioned in that subsection; or
(b) subsection (2)(eb) by varying the total volume mentioned in that subsection.”.

14. Section 18 amended (penalties for offences under sections 16, 16A, 16B, 16C and 17 and defences)

After section 18(2)—
Add
“(3) Subsection (4) applies to a person charged with an offence under section 16 for the storage, treatment, reprocessing or recycling of any e-waste that is not chemical waste.

(4) It is a defence to the charge for the person to establish that the electrical equipment or electronic equipment concerned did not fall within the definition of that equipment in column 3 of Schedule 6 to the Product Eco-responsibility Ordinance (Cap. 603).

(5) The person is taken to have established a fact that needs to be established for the defence if—
(a) there is sufficient evidence to raise an issue with respect to the fact; and
(b) the contrary is not proved by the prosecution beyond reasonable doubt.”.

15. 修訂第 20A 條 (將廢物輸入香港須有許可證)
(1) 第 20A(1)(a) 條——
廢除
“；或”
代以分號。
(2) 第 20A(1)(b) 條——
廢除句號
代以
“；或”。
(3) 在第 20A(1)(b) 條之後——
加入

(3) Section 20A(1)(a)—
Repeal
“；或”
Substitute a semicolon.

(2) Section 20A(1)(b)—
Repeal
“Sixth Schedule,”
Substitute
“Sixth Schedule; or”.

(3) After section 20A(1)(b)—
Add
16. **Section 20B amended (permit required for the export of waste from Hong Kong)**

(1) Section 20B(1)(a)—
Repeal
“; or”
Substitute a semicolon.

(2) Section 20B(1)(b)—
Repeal
“Sixth Schedule,”
Substitute
“Sixth Schedule; or”.

(3) After section 20B(1)(b)—
Add
“(c) any e-waste that does not fall within the description of paragraph (a) or (b),”.

17. **Section 20G amended (defence of due diligence, etc.)**

After section 20G(3)—
Add
“(4) Subsection (5) applies to a person charged with an offence under section 20E for the import or export of any e-waste that is not chemical waste.
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Section 18

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(5) It is a defence to the charge for the person to establish that the electrical equipment or electronic equipment concerned did not fall within the definition of that equipment in column 3 of Schedule 6 to the Product Eco-responsibility Ordinance (Cap. 603).

(6) The person is taken to have established a fact that needs to be established for the defence under subsection (5) if—

(a) there is sufficient evidence to raise an issue with respect to the fact; and

(b) the contrary is not proved by the prosecution beyond reasonable doubt.”.

18. Section 21A substituted

Section 21A—

Repeal the section

Substitute

“21A. Circumstances under which waste disposal licence for chemical waste, clinical waste or e-waste is to be granted

Without limiting section 21(4), if a person applies for a waste disposal licence in respect of any land or premises, the licensing authority must not grant the licence in respect of chemical waste, clinical waste or e-waste under that section unless the licensing authority is satisfied that the land or premises has a waste disposal facility that—

(a) has the capacity to dispose of such minimum quantity of chemical waste, clinical waste or e-waste (as the case requires) and within such period as may be prescribed; or
(b) is capable of disposing of chemical waste, clinical waste or e-waste (as the case requires) in such other manner as may be prescribed.”.

19. **Section 33 amended (regulations)**

(1) Section 33(6)(b)—

*Repeal*

“or”.

(2) After section 33(6)(b)—

*Add*

“(ba) the fees for permits, authorizations or licences; or”.

(b) 能以訂明的其他方式，处置化學廢物、醫療廢物或電器廢物 (視情況所需而定)；否則發牌當局不得根據該條，就化學廢物、醫療廢物或電器廢物批予該牌照。”。

19. **修訂第 33 條 (規例)**

(1) 第 33(6)(b) 條——

廢除

“或”。

(2) 在第 33(6)(b) 條之後——

加入

“(ba) 許可證、授權或牌照的費用；或”。“
第4部

修訂《廢物處置 (許可證、授權及牌照) (費用) 規例》

20. 修訂《廢物處置 (許可證、授權及牌照) (費用) 規例》
《廢物處置 (許可證、授權及牌照) (費用) 規例》(第354章，附屬法例 D) 現予修訂，修訂方式列於第21及22條。

21. 加入第5條
在第4條之後——
加入
“5. 修訂附表2
局長可藉於憲報刊登的公告，修訂附表2。”。

22. 修訂附表2 (費用)
附表2——
廢除
“[第4條]”
代以
“[第4及5條]”。

Part 4

Amendments to Waste Disposal (Permits, Authorizations and Licences) (Fees) Regulation

20. Waste Disposal (Permits, Authorizations and Licences) (Fees) Regulation amended
The Waste Disposal (Permits, Authorizations and Licences) (Fees) Regulation (Cap. 354 sub. leg. D) is amended as set out in sections 21 and 22.

21. Section 5 added
After section 4—
Add
“5. Amendment of Schedule 2
The Secretary may, by notice published in the Gazette, amend Schedule 2.”.

22. Schedule 2 amended (fees)
Schedule 2—
Repeal
“[s. 4]”
Substitute
“[ss. 4 & 5]”.
Part 5

Amendment to Waste Disposal (Designated Waste Disposal Facility) Regulation

23. Waste Disposal (Designated Waste Disposal Facility) Regulation amended


24. Section 3AB added

After section 3A—

Add

“3AB. Designated waste disposal facility must not accept e-waste
A person must not accept for disposal any e-waste at any designated waste disposal facility.”.