

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1125/16-17  
(These minutes have been seen  
by the Administration)

Ref : CB1/SS/9/16/1

**Subcommittee on Promotion of Recycling and Proper Disposal (Electrical  
Equipment and Electronic Equipment) (Amendment) Ordinance 2016  
(Commencement) Notice 2017 and Product Eco-Responsibility  
(Regulated Electrical Equipment) Regulation**

**Minutes of first meeting  
held on Tuesday, 16 May 2017, at 10:45 am  
in Conference Room 2B of the Legislative Council Complex**

**Members present** : Ir Dr Hon LO Wai-kwok, SBS, MH, JP (Chairman)  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon WONG Ting-kwong, SBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Charles Peter MOK, JP  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon KWOK Wai-keung  
Dr Hon Junius HO Kwan-yiu, JP  
Hon SHIU Ka-fai  
Hon Tanya CHAN  
Hon HUI Chi-fung

**Members absent** : Hon CHU Hoi-dick  
Dr Hon YIU Chung-yim

**Public Officers  
attending** : **For item II**  
Mr Donald NG  
Deputy Director of Environmental Protection (4)  
Environmental Protection Department

Mr David WONG, JP  
Assistant Director (Environmental Compliance)  
Environmental Protection Department

Mr Samson LAI  
Assistant Director (Waste Management Policy)  
Environmental Protection Department

Mr Gary TAM  
Senior Environmental Protection Officer (Territorial  
Control) 4  
Environmental Protection Department

Mr Manuel NG  
Senior Government Counsel  
Department of Justice

**Clerk in Attendance :** Ms Angel SHEK  
Chief Council Secretary (1)1

**Staff in attendance :** Miss Evelyn LEE  
Assistant Legal Adviser 10

Mr Jason KONG  
Council Secretary (1)1

Miss Mandy POON  
Legislative Assistant (1)1

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**I. Election of Chairman**

Mr WONG Ting-kwong, the member with the highest precedence among those who were present at the meeting, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Ir Dr LO Wai-kwok was nominated by Mr LEUNG Che-cheung and the nomination was seconded by Mr CHAN Hak-kan. Ir Dr LO Wai-kwok accepted the nomination. There being no other nominations, Ir Dr LO was declared Chairman of the Subcommittee.

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3. Members agreed that there was no need to elect a Deputy Chairman.

**II. Meeting with the Administration**

- (L.N. 73 of 2017 — Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (Commencement) Notice 2017
- LC Paper No. CB(1)934/16-17(01) — Provisions of the Proposed Resolution under section 44 of the Product Eco-responsibility Ordinance (Cap. 603)
- File Ref: EP CR 9/150/28  
*(issued by the Environment Bureau/Environmental Protection Department on 26 April 2017)* — Legislative Council Brief
- LC Paper No. LS58/16-17 — Legal Service Division Report
- LC Paper No. LS65/16-17 — Legal Service Division Report
- LC Paper No. CB(1)934/16-17(02) — Background brief prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)934/16-17(03) — Assistant Legal Adviser's letter dated 8 May 2017 to the Administration
- LC Paper No. CB(1)934/16-17(04) — Administration's reply to Assistant Legal Adviser's letter dated 8 May 2017
- LC Paper No. CB(1)934/16-17(05) — Submission from Information Technology Industry Council

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LC Paper No. CB(1)934/16-17(06) — Submission from Apple  
(English version only)

Disclosure

4. Mr CHAN Hak-kan and Dr Junius HO disclosed that they held honorary positions at the Hong Kong Recycling Chamber of Commerce without direct or indirect pecuniary interest involved.

Discussion

5. With the aid of a power-point presentation, the Deputy Director of Environmental Protection (4) and Assistant Director (Waste Management Policy) briefed members on the Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (Commencement) Notice 2017 ("Commencement Notice") and the Product Eco-responsibility (Regulated Electrical Equipment) Regulation ("REE Regulation").

*(Post-meeting note: A set of the power-point presentation materials was circulated to members on 16 May 2017 vide LC Paper No. CB(1)956/16-17(01).)*

6. The Subcommittee deliberated (index of proceedings attached at the **Annex**).

Follow-up actions to be taken by the Administration

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7. The Administration was requested to take the following actions:
- (a) provide information on the contractual obligations of the operator of the Waste Electrical and Electronic Equipment Treatment and Recycling Facility regarding the removal service for regulated electrical equipment ("REE"), including whether the operator was obliged to provide the said service within three days after the consumer/REE supplier had made the relevant request;
  - (b) explain the requirements that a recycler should meet in order to

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obtain a waste disposal licence under the new licensing regime in respect of e-waste (i.e. abandoned REE); and

- (c) provide a summary of the views of the Advisory Council on the Environment in relation to the REE Regulation and the licensing control for disposal of e-waste.

*(Post-meeting note: The Administration's written response was issued to members on 2 June 2017 vide LC Paper No. CB (1)1059/16-17(01).)*

### **III. Any other business**

#### Date of next meeting and invitation of views

8. Members decided that the Subcommittee would receive views from the public on the REE Regulation at the next meeting scheduled for Tuesday, 23 May 2017.

*(At about 10:44 am, the Chairman directed that the meeting be extended by 10 minutes beyond the appointed ending time.)*

#### Legislative timetable

9. The Chairman suggested and members agreed that he would move a motion at the Council meeting of 24 May 2017 to extend the scrutiny period of the Commencement Notice to the Council meeting of 14 June 2017. If the scrutiny period was extended, the deadline for giving notice of motion to amend the Commencement Notice was 7 June 2017.

*(Post-meeting note: The motion moved by the Chairman to extend the scrutiny period was passed at the Council meeting of 24 May 2017.)*

10. There being no other business, the meeting ended at 12:52 pm.

**Subcommittee on Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (Commencement) Notice 2017 and Product Eco-Responsibility (Regulated Electrical Equipment) Regulation**

**Proceedings of the first meeting  
on Tuesday, 16 May 2017, at 10:45 am  
in Conference Room 2B of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<i>Agenda Item I — Election of Chairman</i>			
000148 - 000322	Mr WONG Ting- kwong Mr LEUNG Che- cheung Mr CHAN Hak-kan Ir Dr LO Wai-kwok	Election of Chairman	
<i>Agenda Item II — Meeting with the Administration</i>			
000323 - 000501	Chairman	Opening remarks	
000502 - 002412	Administration Chairman	Briefing by the Administration on the Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (Commencement) Notice 2017 ("Commencement Notice") and Product Eco-responsibility (Regulated Electrical Equipment) Regulation ("REE Regulation").	
002413 - 003103	Chairman Mr Charles Peter MOK Administration	Mr MOK suggested that the Administration should:  (a) allow manufacturers/suppliers of regulated electrical equipment ("REE") to, based on the design and security features stipulated by the Government, print "recycling labels" ("self-printed recycling labels") for identification of REE that was distributed under the producer responsibility scheme for waste electrical and electronic equipment ("WPRS"), instead of requiring such manufacturers/suppliers to apply to the Director of Environmental Protection ("DEP") for recycling labels, so as to enhance operational efficiency in obtaining and distributing the recycling labels; or  (b) if (a) could not be considered, provide spare recycling labels to registered suppliers to buffer against potential loss/wastage of recycling labels along the supply chain of REE.	

Time marker	Speaker	Subject(s)	Action required
		<p>The Administration advised that:</p> <p>(a) the enabling legislation required that the recycling labels should be provided by DEP which, unlike other self-printed recycling labels, would bear certain anti-counterfeit features; and</p> <p>(b) it would adopt a flexible approach in requiring how the recycling labels should be provided to consumers by sellers, and continue to discuss the operational details with the trades in this regard.</p>	
003104 - 003809	Chairman Mr KWOK Wai-keung Administration	<p>Discussion on Mr KWOK's suggestions to:</p> <p>(a) step up public education on reduction and recycling of e-waste;</p> <p>(b) ensure protection of personal data contained in abandoned computer products (which is a class of e-waste subject to WPRS) disposed of and recycled under WPRS; and</p> <p>(c) consider including other electronic products such as mobile phones as REE in future.</p>	
003810 - 005751	Chairman Mr CHAN Hak-kan Dr Junius HO Assistant Legal Adviser ("ALA") Clerk Mr WONG Ting- kwong	<p>Disclosure by Mr CHAN and Dr HO.</p> <p>Discussion on invitation of public views on the two pieces of subsidiary legislation under scrutiny.</p> <p>In response to Mr CHAN and Dr HO's enquiries on the legislative timetable of the Commencement Notice, ALA and the Clerk explained that:</p> <p>(a) provisions of the Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 ("Amendment Ordinance") which were referred to in paragraph (a) of the Commencement Notice had come into operation on 21 April 2017 upon gazettal of the Commencement Notice;</p> <p>(b) provisions of the Amendment Ordinance which were referred to in paragraph (b) of the Commencement Notice would come into operation on 19 June 2017;</p> <p>(c) the scrutiny period of the Commencement Notice would expire at the Council meeting of 24 May 2017 if it was not extended, and the deadline for giving notice of amendment to the Commencement Notice was 17 May 2017; and</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(d) if the scrutiny period was extended to the Council meeting of 14 June 2017, the deadline for giving notice of amendment to the Commencement Notice was 7 June 2017.</p> <p>The Chairman proposed that he would move a motion at the Council meeting of 24 May 2017 to extend the scrutiny period of the Commencement Notice. Members raised no objection.</p>	
005752 - 011141	<p>Chairman Mr CHAN Hak-kan Administration Mr WONG Ting- kwong</p>	<p>Discussion on:</p> <p>(a) re-use or treatment of printed circuit boards recovered from e-waste by the Waste Electrical and Electronic Equipment Treatment and Recycling Facility ("WEEETRF");</p> <p>(b) handling capacity of WEEETRF;</p> <p>(c) timeframe for WEEETRF to provide REE removal service; and</p> <p>(d) applications for waste disposal licences by e-waste recyclers.</p> <p>The Administration advised that:</p> <p>(a) according to the contract between the Government and the WEEETRF operator, the operator was obliged to provide removal service for REE subject to a three-day notification;</p> <p>(b) the Administration intended to accept applications for waste disposal licences in respect of e-waste from 19 June 2017 (i.e. after expiry of the scrutiny period of the Commencement Notice if extended); and</p> <p>(c) to facilitate processing of the waste disposal licence applications in future, the Administration had been encouraging interested recyclers since February 2017 to contact the Environmental Protection Department for advice.</p>	



Time marker	Speaker	Subject(s)	Action required
011142 - 011510	Chairman Administration	The Chairman's enquiry and the Administration's explanation on the provisions of the Amendment Ordinance that had taken/would take effect with the Commencement Notice, the details of which were set out in paragraphs 19 and 20 of the Legislative Council Brief on the subsidiary legislation (File Ref: EP CR 9/150/28).	
011511 - 012213	Chairman Mr CHAN Hak-kan Administration	<p>At the request of Mr CHAN, the Administration agreed to provide written information on the contractual obligations of the WEEETRF operator to provide REE removal service.</p> <p>In response to Mr CHAN's concern about the lack of a level-playing field in the e-waste recycling market, the Administration stressed that both the WEEETRF operator and other private e-waste recyclers would need to obtain a waste disposal licence for e-waste under the new licensing regime.</p> <p>Discussion on the requirements that a recycler should meet in order to obtain a waste disposal licence for e-waste under the new licensing regime.</p>	Admin (paragraph 7(a) of the minutes)
<i>Examination of the provisions of the Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (Commencement) Notice 2017</i> [Commencement Notice (L.N. 73 of 2017)]			
012214 - 012550	Chairman Administration	<p><u><i>Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (Commencement) Notice 2017 (L.N. 73 of 2017)</i></u></p> <p>Members did not raise any question on the provisions of the Commencement Notice.</p>	
<i>Discussion on the Product Eco-responsibility (Regulated Electrical Equipment) Regulation</i>			
012551 - 015616	Chairman Mr CHAN Hak-kan Mr HUI Chi-fung Administration	<p>The meeting continued to discuss the policy aspects of the REE Regulation.</p> <p>Members noted that the REE Regulation provided for ordinary registration and short-term registration of REE suppliers. The Administration advised that abuse of the short-term registration to circumvent submission of returns and audit reports by suppliers would be unlikely as it would be difficult for a person carrying on an ordinary business of distributing REE in Hong Kong to meet the requirements of short-term registration.</p> <p>Mr HUI suggested that the Administration should require sellers to affix recycling labels onto REE in order to</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>enhance public awareness of the implementation of WPRS. He also sought details on the penalty for non-compliance by registered suppliers with the requirement to keep the prescribed records and documents relating to their returns submitted to DEP for determining the amount of recycling levy payable.</p> <p>The Administration responded that:</p> <p>(a) as the trades had expressed operational difficulties in affixing a recycling label onto individual item of REE, the REE Regulation would only require sellers to provide recycling labels to consumers not later than the consumers' taking possession of the REE concerned, and would allow flexibility on how the recycling labels should be provided. A seller would be required to notify a consumer in writing of the seller's obligation to arrange for removal service. The Administration would produce publicity materials on WPRS for deployment by REE sellers at the retail outlets; and</p> <p>(b) under the Amendment Ordinance, a registered supplier would commit an offence and be liable to a fine at level 5 if the person contravened the relevant recording keeping requirement.</p> <p>At the request of the Chairman, the Administration would provide supplementary information on the requirements that a recycler should meet in order to obtain a waste disposal licence for e-waste.</p>	<p>Admin (paragraph 7(b) of the minutes)</p>
<b>Agenda Item III — Any other business</b>			
015617 - 020856	Chairman Dr Junius HO Administration	<p>Extension of meeting</p> <p>Dr HO requested the Administration to provide a summary of the views of the Advisory Council on the Environment in relation to the REE Regulation and the licensing control for disposal of e-waste.</p> <p>Legislative timetable, and arrangements for (a) seeking extension of the scrutiny period of the Commencement Notice, and (b) invitation of public views.</p>	<p>Admin (paragraph 7(c) of the minutes)</p>