

立法會
Legislative Council

LC Paper No. CB(1)1301/16-17
(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 third meeting
held on Friday, 2 June 2017, at 10:45 am
in Conference Room 2A 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 LEUNG Che-cheung, BBS, MH, JP
Hon KWOK Wai-keung
Hon CHU Hoi-dick
Hon SHIU Ka-fai
Hon Tanya CHAN
Hon HUI Chi-fung
Dr Hon YIU Chung-yim

Members absent : Hon Charles Peter MOK, JP
Dr Hon Junius HO Kwan-yiu, JP

**Public Officers
attending** : **For item I**

Mr Donald NG
Deputy Director of Environmental Protection (4)
Environmental Protection Department

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

Mr Ken WONG
Assistant Director (Environmental Compliance) (Acting)
Environmental Protection Department

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

Miss Emma WONG
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

Action

I. Meeting with the Administration

(LC Paper No. CB(1)985/16-17(01) — List of follow-up actions arising from the discussion at meeting on 16 May 2017

LC Paper No. CB(1)1037/16-17(01) — List of follow-up actions arising from the discussion at meeting on 23 May 2017

LC Paper No. CB(1)1059/16-17(01) — Administration's response to the issues raised at the meetings on 16 and 23 May 2017

Action

Relevant papers

- 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 — 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)

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

Follow-up actions to be taken by the Administration

Proposed amendments to the Product Eco-responsibility (Regulated Electrical Equipment) Regulation

- Admin 2. The Administration was requested to provide for the Subcommittee's consideration its proposed amendments to the Product Eco-responsibility (Regulated Electrical Equipment) Regulation ("the REE Regulation").

Action

Provision of recycling labels by registered suppliers and sellers

- Admin 3. In drafting its proposed amendments to the REE Regulation, the Administration was requested to take into account the different views and suggestions raised by Subcommittee members on the provision of recycling labels, with a view to better informing the consumer of whether the recycling levy was paid in respect of a REE item before he/she made the purchase while allowing flexibility on how the recycling label should be provided to the consumer.

(Post-meeting note: The Administration's written response and proposed amendments to the REE Regulation were issued to members on 8 June 2017 vide LC Paper No. CB(1)1102/16-17(02).)

II. Any other business

Date of next meeting

4. The Chairman advised that the next meeting was scheduled for Friday, 9 June 2017.
5. There being no other business, the meeting ended at 12:46 pm.

Council Business Division 1
Legislative Council Secretariat
11 July 2017

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 third meeting
on Friday, 2 June 2017, at 10:45 am
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I — Meeting with the Administration</i>			
000240 – 000423	Chairman	Opening remarks	
000424 – 001725	Chairman Administration	<p>The Administration's briefing on its written response to issues arising from the meetings on 16 and 23 May 2017 (LC Paper No. CB(1)1059/16-17(01)).</p> <p>Members noted that the Administration would consider deferring commencement of the prohibition against disposal of e-waste without a licence under section 16 of the Waste Disposal Ordinance (Cap. 354) ("new licensing control"), with a view to allowing more time for existing/prospective e-waste recyclers to complete relevant procedures to obtain waste disposal licences in respect of e-waste ("e-waste disposal licences"). The Administration's plan to commence the import/export permit control for e-waste in December 2017 would remain unchanged.</p>	
001726 – 003240	Chairman Mr HUI Chi-fung Administration Mr CHAN Hak-kan	<p>Discussion on the timeframe for commencing the new licensing control and whether temporary/short-term e-waste disposal licences would be granted to applicants who had yet to meet all licensing requirements when the new licensing control came into effect.</p> <p>The Administration advised that:</p> <p>(a) it was the Administration's intention to commence the new licensing control as early as possible;</p> <p>(b) the Administration would actively consider members' suggestion of deferring commencement of the new licensing control for about 18 months counting from June 2017, having regard to the expected time it would take for existing/prospective e-waste recyclers to obtain approvals from relevant authorities (e.g. the Town Planning Board) in meeting the licensing requirements in respect of e-waste disposal; and</p>	

Time marker	Speaker	Subject(s)	Action required
		(c) the Administration no longer considered it necessary to grant temporary/short-term e-waste disposal licences in case the commencement of the new licensing control would be deferred to allow more time for existing/prospective e-waste recyclers to fully meet the licensing requirements.	
003241 – 004238	Chairman Mr LEUNG Che-cheung Administration Dr YIU Chung-yim	<p>Discussion on:</p> <p>(a) handling capacity of the Waste Electrical and Electronic Equipment Treatment and Recycling Facility ("WEEETRF"), and whether the WEEETRF operator might import waste electrical and electronic equipment ("WEEE") for treatment;</p> <p>(b) how to ensure a level playing field for recyclers in the e-waste recycling market; and</p> <p>(c) land use requirements in respect of e-waste disposal licences.</p> <p>The Administration responded that:</p> <p>(a) according to the contract between the Government and the WEEETRF operator, the operator was not allowed to import WEEE for treatment;</p> <p>(b) the Administration would conduct random checks to ensure the WEEETRF operator's compliance with the relevant contractual obligations; and</p> <p>(c) having reviewed the preliminary information provided by prospective applicants for e-waste disposal licences, the Administration envisaged that some of them might be able to meet the land use requirements.</p>	
004239 – 004558	Chairman Mr LEUNG Che-cheung Administration	Discussion on whether regulated electrical equipment ("REE") included electrical/electronic accessories of vehicles.	
004559 – 005040	Chairman Mr CHAN Hak-kan Administration	Discussion on the land use requirements in respect of e-waste disposal licences, monitoring of the WEEETRF operator's performance, and penalty for breach of contractual obligations by the WEEETRF operator.	

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<p><i>Examination of the provisions of the Product Eco-responsibility (Regulated Electrical Equipment) Regulation [Product Eco-responsibility (Regulated Electrical Equipment) Regulation (LC Paper No. CB(1)934/16-17(01))]</i></p>			
<p>005041 – 015929</p>	<p>Chairman Mr HUI Chi-fung Administration Mr CHU Hoi-dick Dr YIU Chung-yim Assistant Legal Adviser ("ALA")</p>	<p><u>Product Eco-responsibility (Regulated Electrical Equipment) Regulation ("the REE Regulation")</u></p> <p><i>Section 9</i></p> <p>Drawing reference from the existing arrangements in respect of energy labels under the Mandatory Energy Efficiency Labelling Scheme and the health warnings on packets/retail containers of tobacco products, Mr HUI and Mr CHU opined that recycling labels should be affixed onto REE to:</p> <ul style="list-style-type: none"> (a) enhance consumers' awareness of which electrical/electronic products were REE and that recycling levies had been paid in respect of the REE, before they decided to make the purchase; and (b) inform or remind consumers of the availability of the seller-arranged removal service for old REE items. <p>In addition, Mr HUI and Dr YIU expressed concern about potential abuse of recycling labels that were not affixed onto REE, and evasion of recycling levy and proper disposal of e-waste through purchase of REE from overseas websites.</p> <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) a seller of REE would be required to provide to the consumer a receipt with wording prescribed by the REE Regulation to inform the consumer of the recycling levy payable in respect of a REE item; (b) given that the "visible fee" effect could be achieved through receipts provided by REE sellers, and that the trades (such as suppliers of computer products) had expressed operational difficulties in affixing recycling labels onto REE, the REE Regulation would allow flexibility on how the recycling labels were to be provided to consumers; (c) unlike energy labels which provided product-specific information on energy efficiency that might influence customers' choices of products, recycling labels served to indicate that a REE item was under the producer responsibility scheme on WEEE and subject to 	

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		<p>recycling levy, which was applicable to all REE of the same class across-the-board regardless of their models and designs;</p> <p>(d) the recycling labels were not intended to inform or remind the consumers of the availability of REE removal service; and</p> <p>(e) if REE was imported for distribution, regardless of how the REE was imported, the person concerned would fall under the definition of "supplier" under the Product Eco-responsibility Ordinance (Cap. 603), and must comply with relevant requirements including registration as a registered supplier and payment of recycling levies in respect of the REE.</p> <p>The Chairman expressed concern that the drafting of section 9(3) might be construed as discouraging registered suppliers from affixing recycling labels onto REE. The Administration responded that it would consider fine-tuning section 9(3) to better reflect the policy intention of encouraging affixation of recycling labels onto REE before its distribution whilst allowing flexibility for the trade.</p> <p>Mr HUI said that he might propose an amendment to section 9(3) to the effect of requiring registered suppliers to affix recycling labels onto REE.</p> <p><i>Sections 10 to 26</i></p> <p>Members did not raise any question on the above sections.</p> <p><i>Section 27</i></p> <p>Members noted that as with section 9(3), the Administration would consider amending section 27(3) to better reflect the policy intention of encouraging affixation of recycling labels onto REE before its distribution whilst allowing flexibility for the trade.</p> <p><i>Section 28 to 31</i></p> <p>Members noted that the Administration would propose amendments to section 31 to the effect of allowing a seller to specify more collectors in its removal service plan, and allowing the seller to provide the removal service on his/her own if needed.</p>	

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		<p>ALA invited the Administration to clarify whether all of the undertakings referred to in section 31(1)(b), which were required to be made by the collector/recycler specified in a seller's removal service plan, must be made in the specified form and, if the answer was in the affirmative, consider changing the relevant conjunction from "or" to "and" for the avoidance of doubt.</p> <p>The Administration clarified that all such undertakings must be made in the specified form, and considered that the section, as drafted, conveyed such information clearly. As such, the Administration considered that no amendment to the section was required. The Subcommittee raised no objection in this regard.</p> <p><i>Sections 32 to 38</i></p> <p>Members did not raise any question on the above sections.</p> <p><i>Sections 39 to 46</i></p> <p>The Administration explained that, after considering the views and suggestions of members and deputations raised at the last meeting, it submitted that the provision of a long lead time for a consumer to consider the removal service might not serve practical purposes because such a decision would usually be made by a consumer on the spot when making purchase of REE. The Administration indicated that it might propose amendments to section 40 for shortening the lead time.</p> <p>Mr HUI Chi-fung expressed concern that shortening the lead time for consumers to decide on the need of REE removal service would undermine protection of their interests.</p> <p>The Chairman suggested that consumers should be allowed a few days after purchase of REE to consider whether to make use of the removal service.</p> <p>The Administration was requested to consider members' suggestions in amending section 40 of the REE Regulation.</p> <p><i>Schedules 1 and 2</i></p> <p>Members did not raise any question on the above schedules.</p>	

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item II — Any other business</i>			
015930 – 020231	Chairman Administration ALA	Date of next meeting and legislative timetable. The Administration was requested to provide for the Subcommittee's consideration its proposed amendments to the REE Regulation.	Admin (paragraphs 2 and 3 of the minutes)

Council Business Division 1
Legislative Council Secretariat
11 July 2017