



立法會秘書處 法律事務部  
LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

來函檔號 YOUR REF : LP 19/00/16C  
本函檔號 OUR REF : LS/R/9/16-17  
電話 TELEPHONE : 3919 3513

傳真 FAX : 2877 5029  
電郵 E-MAIL : elee@legco.gov.hk

**URGENT**

By Fax (3121 5752)

8 May 2017

Mr Samson LAI  
Assistant Director (Waste Management Policy)  
Environmental Protection Department  
16<sup>th</sup> Floor, East Wing, Central Government Offices  
2 Tim Mei Avenue, Tamar  
Hong Kong

Dear Mr LAI,

**Proposed Resolution on the Product Eco-responsibility  
(Regulated Electrical Equipment) Regulation made under section 44 of the  
Product Eco-responsibility Ordinance (Cap. 603)**

I am scrutinizing the captioned Regulation ("REE Regulation") with a view to advising Members on its legal and drafting aspects and would like to seek information and clarification on the following matters:

Cancellation of registration under section 34 of Cap. 603

It is noted that sections 33 and 34 of the Product Eco-responsibility Ordinance (Cap. 603) (as added by section 9 of the Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (Ord. No. 3 of 2016)) provide for the registration of a supplier as a registered supplier and the cancellation of such registration respectively. It is also noted that the REE Regulation only provides for the operational details relating to the application for registration under section 33 of Cap. 603 but not for the cancellation of registration referred to in section 34 of Cap. 603. Please explain to Members how a cancellation of registration under section 34 of Cap. 603 will be dealt with.

Records which a registered supplier is required to keep

Section 15(2) of the REE Regulation provides that a registered supplier must keep records, invoices, receipts, delivery notes, inventory records or any other documents that contain sufficient details to enable the Director of

Environmental Protection to readily verify the matters specified in section 15(3) of the REE Regulation in relation to a return which is required to be submitted under section 38 of Cap. 603 (as added by section 9 of Ord. No. 3 of 2016). According to section 38(4) and (7) of Cap. 603, failure to keep such documents is an offence. Please provide information on what such documents are and consider specifying them in the REE Regulation.

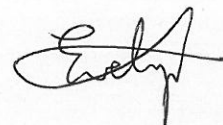
Wording contained in a receipt under section 35(2)(b) of Cap. 603 and section 28(2)(b) of the REE Regulation

According to section 35(2)(b) of Cap. 603 (as added by section 9 of Ord. No. 3 of 2016), a seller must provide, to a consumer, a receipt with the wording prescribed by the REE Regulation if the seller distributes any regulated electrical equipment ("REE") to the consumer. Section 28(2)(b) of the REE Regulation provides that the receipt must contain the wording, in both the English and the Chinese languages, set out in Schedule 2 to the REE Regulation. It is noted that the heading of Schedule 2 reads "Wording Contained in Receipts". It is also noted that an example of a receipt is given in Schedule 2. In the light of the above, please clarify:

- (a) whether more than one class of REE may be stated in the same receipt if a seller distributes more than one class of REE to a consumer in a transaction; and
- (b) whether the receipt provided for the above purpose is required to include the example as stated in Schedule 2.

As the House Committee will consider the REE Regulation at its meeting on 12 May 2017, please let us have your reply in both Chinese and English by noon of **10 May 2017**.

Yours sincerely,



(Evelyn LEE)  
Assistant Legal Adviser

c.c. Department of Justice  
(Attn: Mr Manuel NG, Senior Government Counsel (Fax: 3918 4613))  
Legal Adviser  
Senior Assistant Legal Adviser 1