

## **LEGISLATIVE COUNCIL BRIEF**

Product Eco-responsibility Ordinance  
(Chapter 603)

Waste Disposal Ordinance  
(Chapter 354)

**PROMOTION OF RECYCLING AND PROPER DISPOSAL  
(ELECTRICAL EQUIPMENT AND ELECTRONIC EQUIPMENT)  
(AMENDMENT) ORDINANCE 2016  
(COMMENCEMENT) NOTICE 2018**

**PRODUCT ECO-RESPONSIBILITY  
(REGULATED ELECTRICAL EQUIPMENT) REGULATION  
(COMMENCEMENT) NOTICE**

**WASTE DISPOSAL ORDINANCE  
(APPLICATION OF SECTION 16) NOTICE 2018**

### **INTRODUCTION**

Pursuant to section 1(2) of the Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (“the Amendment Ordinance”) and section 1 of the Product Eco-responsibility (Regulated Electrical Equipment) Regulation (“the REE Regulation”), the Secretary for the Environment (“SEN”) has appointed the following dates on which the relevant provisions of the Amendment Ordinance and the REE Regulation will come into operation for the purpose of implementing the producer responsibility scheme (“PRS”) on waste electrical and electronic equipment (“WEEE”) (“WPRS”):

- (a) 4 May 2018 – for provisions relating to the registration of suppliers who distribute regulated electrical equipment (“REE”), and the endorsement of sellers’ removal service plans by the Director of Environmental Protection (“DEP”);

- (b) 1 August 2018 – for provisions relating to the prohibition of distributing REE by suppliers without registration, obligations of registered suppliers (including payment of recycling levy and submission of returns and audit reports) and obligations of sellers (including arranging for removal service); and
- (c) 31 December 2018 – for provisions relating to the control over the disposal, and import and export of e-waste<sup>1</sup>.

2. Separately, pursuant to section 38 of the Waste Disposal Ordinance (“WDO”) (Cap. 354), DEP has appointed 31 December 2018 as the date on and from which the prohibition in section 16 of that Ordinance against use of land or premises for the disposal of waste otherwise than under a licence shall apply in relation to e-waste.

3. Details of the provisions are set out in the three notices at Annexes A to C.

## **BACKGROUND**

4. The WPRS aims to put in place a system for the proper management of WEEE generated in Hong Kong. The Amendment Ordinance amended the Product Eco-Responsibility Ordinance (“PERO”) (Cap. 603) and the WDO to provide for the legislative framework for the WPRS, whereas the REE Regulation provides for the necessary operational details under the PERO. Under the WPRS, suppliers who distribute REE are required to register as registered suppliers and pay a recycling levy for REE distributed in Hong Kong, whilst sellers of REE are required to arrange free removal service for consumers to dispose of an equipment of the same class that they intend to abandon. Besides, disposal licensing control, import and export permit control and landfill disposal ban are also introduced for e-waste to ensure their proper recycling.

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<sup>1</sup> In accordance with section 2(1) of the WDO, “e-waste” 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.

5. To prepare for the implementation of the WPRS, certain provisions of the Amendment Ordinance relating to the application for waste disposal licence (“WDL”) in respect of e-waste were brought into operation on 19 June 2017. Up to end January 2018, DEP has received a total of 11 applications for WDL in respect of e-waste. As to the effective date of the disposal licensing control, import and export permit control and landfill disposal ban in respect of e-waste, having taken into account the views of Members of the Legislative Council Subcommittee on the relevant subsidiary legislation and some representatives of the recycling trade, as well as other relevant considerations, the Government has agreed to commence the relevant provisions at a later time so as to allow more time for individual recyclers to comply with the licence application requirements. The relevant controls will commence on 31 December 2018, i.e. around 18 months after the WDL in respect of e-waste is open for application.

6. In parallel, the Environmental Protection Department (“EPD”) continues to engage with sellers and suppliers of REE for them to make the necessary preparation for the implementation of the WPRS. A trial scheme for sellers on the removal service plan was launched in late November 2017 and a separate trial scheme with suppliers started in December 2017. These trial schemes would help sellers and suppliers better understand the relevant regulatory requirements and facilitate the smooth implementation of the WPRS. The schemes will continue to run until the commencement of relevant provisions on 1 August 2018. Meanwhile, the new WEEE treatment and recycling facility, to be named as WEEE.PARK, has commenced initial operation in October 2017 to gradually provide the requisite local treatment capacity to underpin the WPRS. The Government will also step up publicity efforts to inform the public of the impending implementation of the WPRS.

## **THE NOTICES**

7. The commencement dates for the respective provisions of the PERO, the REE Regulation and the WDO are set out in the three notices at Annexes A to C as summarised below:

<b>Commencement Date</b>	<b>Relevant Provisions</b>
4 May 2018	<ul style="list-style-type: none"> <li>• section 9 of the Amendment Ordinance (in so far as it relates to the new sections 33, 34, 36(3), 36(4), 41(1) (for the purpose only of enabling the endorsement of a removal service plan under that section), 41(2), 41(3), 41(4) of the PERO)</li> <li>• sections 1, 2, 3, 4, 5, 6, 7, 8, 22, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 42, 43, 44, 45, 46 and Schedule 1 of the REE Regulation</li> </ul>
1 August 2018	<ul style="list-style-type: none"> <li>• section 9 of the Amendment Ordinance (in so far as it relates to the new sections 32, 35, 36(1), 36(2), 37, 38, 39, 40, 41(1) (in so far as it has not already come into operation), 41(6), 41(7), 42, 43 of the PERO)</li> <li>• sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 39, 40, 41 and Schedule 2 of the REE Regulation</li> </ul>
31 December 2018	<ul style="list-style-type: none"> <li>• section 9 of the Amendment Ordinance (in so far as it relates to the new section 41(5) of the PERO)</li> <li>• sections 13, 14, 15, 16 and 17, 23 and 24 of the Amendment Ordinance (relating to sections 16, 18, 20A, 20B and 20G of the WDO, and the new section 3AB of the Waste Disposal (Designated Waste Disposal Facility) Regulation)</li> <li>• the prohibition in section 16 of the WDO in relation to e-waste</li> </ul>

## **LEGISLATIVE TIMETABLE**

8. The legislative timetable is set out as follows –

Publication in the Gazette	23 February 2018
Tabling at the Legislative Council	28 February 2018

## **PUBLICITY**

9. A press release will be issued on 22 February 2018. A spokesperson will be available to answer media and public enquiries. Other publicity and public education initiatives will be implemented to publicise the different features of the WPRS.

## **ENQUIRIES**

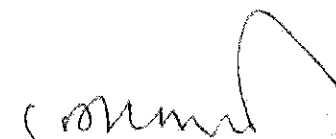
10. For enquiries on this brief, please contact Mr Niki Kwok, Senior Administrative Officer (Waste Management Policy Division) of the Environmental Protection Department at 3509 8665 or email to [nikicwkwok@epd.gov.hk](mailto:nikicwkwok@epd.gov.hk).

**Environment Bureau/Environmental Protection Department  
21 February 2018**

**Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (Commencement) Notice 2018**

Under section 1(2) of the Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (3 of 2016), I appoint—

- (a) 4 May 2018 as the day on which section 9 of the Ordinance, in so far as it relates to the following provisions, comes into operation—
  - (i) the new sections 33, 34 and 36(3) and (4);
  - (ii) the new section 41(1) (for the purpose only of enabling the endorsement of a removal service plan under that section);
  - (iii) the new section 41(2), (3) and (4);
- (b) 1 August 2018 as the day on which section 9 of the Ordinance, in so far as it relates to the following provisions, comes into operation—
  - (i) the new sections 32 and 35;
  - (ii) the new section 36 (in so far as it has not already come into operation);
  - (iii) the new sections 37, 38, 39 and 40;
  - (iv) the new section 41(1) (in so far as it has not already come into operation);
  - (v) the new sections 41(6) and (7), 42 and 43; and
- (c) 31 December 2018 as the day on which the uncommenced provisions of the Ordinance come into operation.



Secretary for the Environment

2018 . 02 . 15

Product Eco-responsibility (Regulated Electrical Equipment) Regulation  
(Commencement) Notice

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**Product Eco-responsibility (Regulated Electrical  
Equipment) Regulation (Commencement) Notice**

Under section 1 of the Product Eco-responsibility (Regulated Electrical  
Equipment) Regulation (Cap. 603 sub. leg. B), I appoint—

- (a) 4 May 2018 as the day on which the following  
provisions of the Regulation come into operation—
  - (i) sections 1, 2, 3, 4, 5, 6, 7, 8, 22, 29, 30, 31, 32, 33,  
34, 35, 36, 37, 38, 42, 43, 44, 45 and 46;
  - (ii) Schedule 1; and
- (b) 1 August 2018 as the day on which the uncommenced  
provisions of the Regulation come into operation.

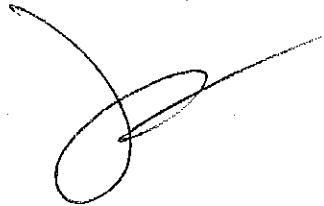


Secretary for the Environment

2018 . 02 . 15

**Waste Disposal Ordinance (Application of Section 16)  
Notice 2018**

Under section 38 of the Waste Disposal Ordinance (Cap. 354), I appoint 31 December 2018 as the day on and from which section 16 of the Ordinance applies in relation to any e-waste that is item 1, 2, 3, 4, 5, 6, 7 or 8 in column 2 of Schedule 6 to the Product Eco-responsibility Ordinance (Cap. 603).



Director of Environmental Protection

2018 . 02 . 15

**Explanatory Note**

Section 16 of the Waste Disposal Ordinance (Cap. 354) (*Ordinance*) prohibits the use by any person of any land or premises for the disposal of waste unless the person has a licence from the Director of Environmental Protection (*Director*) or the circumstances fall within the specified exceptions. Under section 38 of the Ordinance, the Director may by notice appoint a day on and from which section 16 of the Ordinance applies in relation to waste of any class or description.

- 2. This Notice provides for section 16 of the Ordinance to apply in relation to any e-waste that is item 1, 2, 3, 4, 5, 6, 7 or 8 in column 2 of Schedule 6 to the Product Eco-responsibility Ordinance (Cap. 603) on and from 31 December 2018.