

Product Eco-responsibility (Amendment) Ordinance 2014

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HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 4 OF 2014



C. Y. LEUNG
Chief Executive
27 March 2014

An Ordinance to amend the Product Eco-responsibility Ordinance to require a retail seller of goods to charge a customer for plastic shopping bags provided at the time of or in connection with the sale; to provide for a fixed penalty for the offence of contravening the requirement at the time of the sale and the recovery of the penalty; and to provide for related matters.

[1 April 2015]

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Product Eco-responsibility (Amendment) Ordinance 2014.
 - (2) This Ordinance comes into operation on 1 April 2015.
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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 22.

3. Section 2 amended (purposes of this Ordinance)

Section 2(2)(d), after “levy”—

Add

“or a charge”.

4. Section 3 amended (interpretation)

Section 3(1)—

Add in alphabetical order

“*body corporate* (法人團體) means—

(a) a company as defined by section 2(1) of the Companies Ordinance (Cap. 622); or

(b) a company incorporated outside Hong Kong;”.

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

Section 7(2) and (3)(b), after “levy”—

Add

“, charge”.

6. Section 13 amended (appeals)

(1) Section 13(1)—

Repeal

“any of the matters specified in subsection (2)”

Substitute

“an appealable matter”.

(2) Section 13—

Repeal subsection (2)

Substitute

“(2) In this section—

appealable matter (可上訴事宜) means a matter that is—

- (a) provided by a regulation made under this Ordinance; and
- (b) specified in the regulation as a matter on which an appeal may be made under this section.”.

7. Section 17 amended (interpretation of Part 3)

(1) Section 17(1)—

- (a) definition of *certificate of registration*;
- (b) definition of *levy*;
- (c) definition of *prescribed retailer*;
- (d) definition of *qualified retail outlet*;
- (e) definition of *registered retail outlet*;
- (f) definition of *registered retailer*;
- (g) definition of *regulation*—

Repeal the definitions.

(2) Section 17(1)—

Add in alphabetical order

“*demand notice* (繳款通知書) means a notice served under section 28D(2);

fixed penalty (定額罰款) means the penalty referred to in section 28A(2);

penalty notice (罰款通知書) means a notice given under section 28A(2);

recovery order (追討令) means an order made under section 28G(2).”.

(3) Section 17—

Repeal subsections (2) and (3).

8. Part 3, Division 2 heading amended (levy on plastic shopping bags and registration of prescribed retailers)

Part 3, Division 2, heading—

Repeal

“Levy on plastic shopping bags and registration of prescribed retailers”

Substitute

“Charge on Plastic Shopping Bags”.

9. Section 18 amended (levy on plastic shopping bags)

(1) Section 18, heading—

Repeal

“Levy on plastic shopping bags”

Substitute

“Plastic shopping bags to which this Ordinance applies”.

(2) Section 18—

Repeal subsection (3).

10. Sections 18A, 18B and 18C added

After section 18—

Add**“18A. Duty of seller to charge for plastic shopping bags**

- (1) This section applies if there is a sale by retail of goods to a person (*customer*).
- (2) The seller must charge the customer an amount not less than that prescribed in Schedule 3 for each plastic shopping bag, or each pre-packaged pack of 10 or more plastic shopping bags, provided by the seller directly or indirectly to the customer—
 - (a) at the time of the sale;
 - (b) for promoting the goods; or
 - (c) otherwise in connection with the sale.
- (3) The seller must not offer any rebate or discount to the customer with the effect of directly offsetting the amount charged under subsection (2) or any part of that amount.
- (4) In this section—
 - (a) a reference to a sale by retail of goods is a reference to a sale of goods to a person who obtains the goods for purposes other than wholesale; and
 - (b) a reference to a plastic shopping bag includes anything that can be easily turned into a plastic shopping bag.
- (5) In this section—

sale (出售) includes a display or offer for sale, and *sale by retail* (以零售方式出售) and *seller* (賣方) are to be construed accordingly.
- (6) For the purposes of this section, a plastic shopping bag is provided to a person—

- (a) whether it is provided as the subject of the sale or is provided in addition to the subject of the sale; and
- (b) whether or not it is provided together with another product as a single item of goods.

18B. Offences relating to section 18A

- (1) A person who contravenes section 18A(2) or (3) commits an offence.
- (2) A person who commits an offence under subsection (1) is liable—
 - (a) to a fine at level 6 on the first occasion on which the person is convicted of the offence for contravening subsection (2) or (3) of section 18A; and
 - (b) to a fine of \$200,000 on each subsequent occasion on which the person is convicted of the offence for contravening that subsection.
- (3) If a person is charged with an offence under subsection (1), it is a defence to prove that the person exercised due diligence to avoid committing the offence.

18C. Liability of franchisers and franchisees

- (1) This section applies if the sale mentioned in section 18A(1) is carried on in the course of a business under a franchise agreement.
- (2) Unless the Director otherwise agrees, the franchiser is the seller for the purposes of section 18A(2) and (3).
- (3) If, because of an act or default of a franchisee, the franchiser commits an offence under section 18B(1), or would have committed the offence except for the reliance on the defence under section 18B(3)—

- (a) the franchisee also commits the offence and is liable on conviction to the penalty provided for the offence, whether or not the franchiser is charged with or convicted of the offence; and
- (b) the franchisee may also rely on the defence under section 18B(3).”.

11. Sections 19 and 20 repealed

Sections 19 and 20—

Repeal the sections.

12. Section 21 amended (Secretary may amend Schedules)

(1) Section 21(1)—

Repeal

“, 3 or 4”

Substitute

“or 3”.

(2) Section 21(2)—

Repeal

“, 2 or 4”

Substitute

“or 2”.

13. Part 3, Division 3 repealed (obligations of registered retailers)

Part 3—

Repeal Division 3.

14. Part 3, Division 4 repealed (supplementary provisions as to offences under Part 3)

Part 3—

Repeal Division 4.

15. Part 3, Division 4A added

Part 3, before Division 5—

Add

“Division 4A—Fixed Penalty and Related Provisions

28A. Director may give penalty notice

- (1) This section applies if the Director has reason to believe that a person is committing or has committed a specified offence.
- (2) The Director may give the person a notice in the prescribed form offering the person an opportunity to discharge the person’s liability for the offence by paying a fixed penalty of \$2,000 within 21 days after the date on which the notice is given.
- (3) A penalty notice may be given to the person personally or by affixing it to the person’s place of business.
- (4) In this section—

specified offence (指明罪行) means an offence under section 18B(1)—

- (a) for contravening section 18A(2)(a); or
- (b) for contravening section 18A(3) by offering any rebate or discount to the customer with the effect of directly offsetting the amount charged under section 18A(2)(a) or any part of that amount.

28B. No prosecution or conviction if compliance with penalty notice

- (1) This section applies to a person who has been given a penalty notice in respect of an offence.

- (2) Subject to section 28F, the person is not liable to be prosecuted or convicted for the offence if the person has paid the fixed penalty within 21 days after the date on which the notice is given.

28C. Director may demand personal details and inspect proof of identity

- (1) This section applies if the Director has reason to believe that a person is committing or has committed an offence under section 18B(1).
- (2) The Director may, for issuing or serving a summons or other document in relation to the offence, require the person—
 - (a) for an individual—
 - (i) to supply the person's name, date of birth, address and contact telephone number (if any); and
 - (ii) to produce for inspection the person's proof of identity; or
 - (b) for a body corporate—
 - (i) to supply the person's corporate name, registered or principal office address and contact telephone number (if any); and
 - (ii) to produce for inspection the person's business registration certificate issued under section 6 of the Business Registration Ordinance (Cap. 310).
- (3) A person who, without reasonable excuse, fails to comply with a requirement made under subsection (2) commits an offence and is liable on conviction to a fine at level 2.
- (4) In this section—

proof of identity (身分證明文件) has the same meaning as in section 17B of the Immigration Ordinance (Cap. 115).

28D. Director may serve demand notice in case of failure to pay fixed penalty etc.

- (1) This section applies if—
 - (a) a person has been given a penalty notice in respect of an offence, and has not paid the fixed penalty within 21 days after the date on which the notice is given; or
 - (b) a person refuses to accept a penalty notice intended to be given to the person in respect of an offence.
- (2) The Director may serve on the person a notice in the prescribed form—
 - (a) demanding payment of the fixed penalty;
 - (b) informing the person that the person must notify the Director in writing if the person wishes to dispute liability for the offence; and
 - (c) stating that the payment or notification must be made within 10 days after the date on which the demand notice is served.
- (3) A demand notice may not be served later than—
 - (a) if subsection (1)(a) applies, 6 months after the date on which the penalty notice is given; or
 - (b) if subsection (1)(b) applies, 6 months after the date on which the person refuses to accept the penalty notice.
- (4) A demand notice may be served by sending it by post to the person's address (in the case of an individual) or the person's registered or principal office address (in the case of a body corporate).

- (5) A certificate of posting in the prescribed form purporting to be signed by or for the Director is admissible in evidence in any proceedings under this Part.
- (6) Unless there is evidence to the contrary, it is presumed—
 - (a) that the certificate of posting was signed by or for the Director; and
 - (b) that the demand notice to which the certificate of posting relates was duly served.

28E. No prosecution or conviction if compliance with demand notice

- (1) This section applies to a person on whom a demand notice has been served in respect of an offence.
- (2) Subject to section 28F, the person is not liable to be prosecuted or convicted for the offence if the person has paid the fixed penalty within 10 days after the date on which the notice is served.

28F. Withdrawal of penalty or demand notice

- (1) The Director may withdraw a penalty notice given, or a demand notice served, in respect of an offence—
 - (a) at any time before a recovery order is made; or
 - (b) at any time before any proceedings for the offence commences.
- (2) If a penalty or demand notice is withdrawn—
 - (a) the Director must serve notice of the withdrawal on the person to whom, or on whom, the penalty or demand notice has been given or served; and
 - (b) on application by the person, the Director must refund, through the Director of Accounting Services, any amount paid for the fixed penalty.

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- (3) If a penalty or demand notice is withdrawn, proceedings for the offence may only be commenced where—
- (a) the ground, or one of the grounds, on which the notice is withdrawn is that it contains incorrect information; and
 - (b) the incorrect information was supplied by the person to whom, or on whom, the notice was given or served.

28G. Recovery of fixed penalty

- (1) This section applies if a person on whom a demand notice has been served—
- (a) fails to pay the fixed penalty in accordance with the notice; and
 - (b) fails to notify the Director in accordance with the notice that the person wishes to dispute liability for the offence.
- (2) On application made in the name of the Secretary for Justice and production of the documents specified in subsection (5), a magistrate must order the person to pay, within 14 days after the date of service of notice of the order—
- (a) the fixed penalty;
 - (b) an additional penalty equal to the amount of the fixed penalty; and
 - (c) \$300 by way of costs.
- (3) An application may be made in the absence of the person. The Secretary for Justice may appoint a person or class of persons to make an application.

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- (4) A magistrate must cause notice of a recovery order to be served on the person against whom it is made. The notice may be served by sending it by post to the person's address (in the case of an individual) or the person's registered or principal office address (in the case of a body corporate).
 - (5) The documents specified for subsection (2) are—
 - (a) a copy of the demand notice;
 - (b) a certificate of posting the demand notice under section 28D(5); and
 - (c) an evidentiary certificate, in the prescribed form, stating the following matters—
 - (i) that the person specified in the certificate had not, before the date of the certificate, paid the fixed penalty;
 - (ii) that the person specified in the certificate had not, before the date of the certificate, notified the Director that the person wished to dispute liability for the offence;
 - (iii) that the address specified in the certificate was, at the date specified in the certificate in relation to the address, the person's address (in the case of an individual) or the person's registered or principal office address (in the case of a body corporate).
 - (6) An evidentiary certificate referred to in subsection (5)(c) and purporting to be signed by or for the Director is admissible in evidence in any proceedings under this Part.
 - (7) Unless there is evidence to the contrary—
 - (a) it is presumed that the evidentiary certificate was signed by or for the Director; and

- (b) the evidentiary certificate is evidence of the facts stated in it.

28H. Consequences of compliance with recovery order or failure to do so

- (1) This section applies to a person against whom a recovery order is made.
- (2) If the person has complied with the recovery order, the person is not liable to be prosecuted or convicted for the offence to which the order relates.
- (3) If the person fails to comply with the recovery order, the person—
 - (a) is to be regarded, for the purposes of section 68 of the Magistrates Ordinance (Cap. 227), as having failed to pay the sum adjudged to be paid by a conviction; and
 - (b) is liable to be imprisoned under that section.

28I. Application for review of recovery order

- (1) A person against whom a recovery order is made may apply to a magistrate for review of the order.
- (2) An application must be made within 14 days after the date on which the recovery order first came to the personal notice of the applicant.
- (3) The applicant must give reasonable notice of the application to the Director.
- (4) An application may be made in person or by counsel or solicitor.
- (5) For securing the attendance of witnesses and generally for conducting the proceedings, the magistrate has all the powers of a magistrate hearing a complaint under the Magistrates Ordinance (Cap. 227).

28J. Outcome of review

- (1) On application under section 28I, a magistrate may rescind a recovery order if the magistrate is satisfied that the demand notice did not come to the personal notice of the applicant without any fault of the applicant.
- (2) If the magistrate rescinds a recovery order, and the applicant wishes to dispute liability for the offence to which the order relates, the magistrate must give leave to that effect.
- (3) If the magistrate rescinds a recovery order, and the applicant does not wish to dispute liability for the offence to which the order relates, the magistrate—
 - (a) must order the applicant to pay the fixed penalty within 10 days after the date of an order made under this paragraph; and
 - (b) must order that, if the applicant fails to pay the fixed penalty within that period, the applicant must immediately pay—
 - (i) the fixed penalty;
 - (ii) an additional penalty equal to the amount of the fixed penalty; and
 - (iii) \$300 by way of costs.
- (4) Despite section 26 of the Magistrates Ordinance (Cap. 227), if a magistrate gives leave under subsection (2), proceedings may be taken within 6 months after the date on which the magistrate gives the leave.
- (5) If the applicant fails to comply with the order under subsection (3)(b), the applicant—
 - (a) is to be regarded, for the purposes of section 68 of the Magistrates Ordinance (Cap. 227), as having failed to pay the sum adjudged to be paid by a conviction; and

(b) is liable to be imprisoned under that section.

- (6) If the applicant has complied with the order under subsection (3)(a) or (b), the applicant is not liable to be prosecuted or convicted for the offence to which the order relates.

28K. Power to rescind order on application by Director

At any time, a magistrate may for good cause, on application by the Director, rescind—

- (a) an order for the payment of the fixed penalty; and
- (b) any other order made under this Division in the same proceedings.

28L. Dispute of liability for offence

- (1) This section applies if a person—
 - (a) has notified the Director in accordance with a demand notice that the person wishes to dispute liability for an offence; or
 - (b) has been given leave to dispute liability for an offence under section 28J(2).
- (2) A summons issued in any proceedings against the person for the offence may be served on the person in accordance with section 8 of the Magistrates Ordinance (Cap. 227).
- (3) If—
 - (a) in consequence of the notification or leave, the person appears in any proceedings in answer to a summons; and
 - (b) the person is convicted of the offence after having offered no defence or a defence that is frivolous or vexatious,

the magistrate before whom the proceedings are heard must, in addition to any other penalty and costs, impose an additional penalty equal to the amount of the fixed penalty.

- (4) Any proceedings taken against a person falling within subsection (1)(a) must terminate if the person pays in accordance with subsection (5)—
 - (a) the fixed penalty;
 - (b) an additional penalty equal to the amount of the fixed penalty; and
 - (c) \$500 by way of costs.
- (5) Payment under subsection (4) must be made at any magistracy not less than 2 days before the day specified in the summons for the person's appearance, and the summons must be produced at the time of the payment.
- (6) No public holiday may be included in the computation of the 2 days' period mentioned in subsection (5).

28M. Protection of Director and authorized officers

- (1) The Director or an authorized officer is not personally liable for anything done or omitted to be done by the Director or officer in good faith in the performance or purported performance of a function under this Division.
- (2) The protection conferred by subsection (1) does not affect any liability of the Government for the act or omission.

28N. Legislative Council may amend certain amounts

The Legislative Council may, by resolution, amend the amount specified in section 28A(2), 28G(2)(c), 28J(3)(b)(iii) or 28L(4)(c).”.

16. Section 29 amended (Secretary may make regulations in respect of Part 3)

(1) Section 29(1)—

Repeal paragraphs (a), (b), (c) and (d).

(2) Before section 29(1)(e)—

Add

“(da) notices and certificates required to be prescribed for this Part;

(db) payment of fixed penalties, additional penalties and other amounts payable under this Part;”.

17. Part 3, Division 6 added

Part 3, after Division 5—

Add

“Division 6—Savings and Transitionals

30. Savings and transitional provisions relating to Product Eco-responsibility (Amendment) Ordinance 2014

Schedule 5 provides for the savings and transitional arrangements relating to the Product Eco-responsibility (Amendment) Ordinance 2014 (4 of 2014).”.

18. Schedule 1 amended (plastic shopping bags to which this Ordinance applies)

(1) Schedule 1, section 1—

Repeal subsection (1)

Substitute

“(1) A bag made wholly or partly of plastic is a plastic shopping bag to which this Ordinance applies, whether or not there is a handle, handle hole, perforated line

for tearing out a handle hole, carrying string or strap, or any other carrying device on, or attached to, the bag.”.

- (2) Schedule 1, section 1(2)—

Repeal

“(1)(a),”

Substitute

“(1),”.

19. Schedule 2 amended (plastic shopping bags to which this Ordinance does not apply)

- (1) Schedule 2, section 1(1)—

Repeal

“Subject to subsection (2), this”

Substitute

“This”.

- (2) Schedule 2, section 1(1)—

Repeal paragraphs (a) and (b).

- (3) Schedule 2, section 1(1)(c)(ii)—

Repeal

“retailer concerned.”

Substitute

“seller concerned;”.

- (4) Schedule 2, after section 1(1)(c)—

Add

“(d) a bag that only contains an item of food, drink or medicine for human or animal consumption where—

- (i) the item is in a frozen or chilled state; or

- (ii) the item is not contained in airtight packaging;
 - (e) a bag that forms part of the goods concerned.”.
- (5) Schedule 2, section 1—

Repeal subsection (2).

- (6) Schedule 2, at the end of section 1—

Add

- “(3) For the purposes of subsection (1)(e), a bag is to be regarded as forming part of the goods if—
- (a) the bag is specifically designed for containing the goods;
 - (b) the bag contains the goods, and the quality of the goods would deteriorate if they were not contained in the bag;
 - (c) the goods are in liquid form and contained in the bag, or the goods are in liquid contained in the bag; or
 - (d) information on how to consume or use the goods is printed, written or labelled on the bag.”.

20. Schedule 3 amended (levy on plastic shopping bags)

- (1) Schedule 3—

Repeal

“[ss. 18(3)”

Substitute

“[ss. 18A(2)].”

- (2) Schedule 3, heading—

Repeal

“LEVY ON PLASTIC SHOPPING BAGS”

Substitute

“AMOUNT PRESCRIBED FOR SECTION 18A(2)”.

(3) Schedule 3—

Repeal

“per plastic shopping bag”.

21. Schedule 4 repealed (prescribed retailers to whom Part 3 of this Ordinance applies)

Schedule 4—

Repeal the Schedule.

22. Schedule 5 added

At the end of the Ordinance—

Add

“Schedule 5

[s. 30]

Savings and Transitional Provisions Relating to Product Eco-responsibility (Amendment) Ordinance 2014

1. Interpretation

(1) In this Schedule—

pre-amended Ordinance (《原有條例》) means this Ordinance as in force immediately before 1 April 2015;

PSB Regulation (《膠袋規例》) means the Product Eco-responsibility (Plastic Shopping Bags) Regulation (Cap. 603 sub. leg. A) as in force immediately before 1 April 2015;

specified form (指明表格) means a form specified by the Director under section 9 of this Schedule.

- (2) In this Schedule, a reference to a provision having a continuing effect under Cap. 1 is a reference to the provision having a continuing effect by the operation of section 23 of the Interpretation and General Clauses Ordinance (Cap. 1).
- (3) A word or an expression used in this Schedule, and defined or otherwise explained in section 17 of the pre-amended Ordinance or section 2 of the PSB Regulation, has the same meaning as in that section.
- (4) The saving mentioned in this Schedule for the effect of a provision of the pre-amended Ordinance extends to any other provision of that Ordinance or the PSB Regulation—
 - (a) that defines a word or an expression used in the provision;
 - (b) in accordance with which the provision is to be construed; or
 - (c) by reference to which the provision is to operate.

2. Returns and payment of levies due after 31 March 2015

- (1) A person who was a registered retailer at any time within the period beginning on 1 January 2015 and ending on 31 March 2015 must ensure that—
 - (a) a separate return in respect of each registered retail outlet of the person for that period is submitted to the Director;
 - (b) the return is submitted to the Director in writing and in the specified form on or before 30 April 2015; and
 - (c) the return states the information specified in subsection (2).
- (2) The information is—

-
- (a) the total number of plastic shopping bags delivered to the registered retail outlet during that period, except for any bags to be provided from an exempted area of the retail outlet that is subject to the criteria for a Type 2 exemption;
 - (b) the total number of plastic shopping bags provided directly or indirectly to customers during that period from—
 - (i) the retail outlet; or
 - (ii) if there is an exempted area in the retail outlet, any area of the retail outlet that is not exempted;
 - (c) the total amount of levies payable for the bags referred to in paragraph (b); and
 - (d) if an application for registration or deregistration in respect of the retail outlet is approved during that period, the date on which the retail outlet becomes registered or deregistered.
- (3) On or before 30 April 2015, the person must also pay to the Government the total amount of levies stated in the return in person, by post or by any other means according to the payment instructions contained in the specified form of the return.
 - (4) A person who contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine at level 5.
 - (5) It is a defence to a charge under subsection (4) for the person charged to prove that the person exercised due diligence to avoid the commission of the offence.

3. Surcharges for offences in respect of payment of levies

- (1) This section applies if, on or after 1 April 2015, a person is convicted of an offence under either of the following provisions in respect of an amount of levies stated in a return that the person has failed to pay—
 - (a) section 24(3) of the pre-amended Ordinance having a continuing effect under Cap. 1;
 - (b) section 2(4) of this Schedule.
- (2) The person is also liable to pay—
 - (a) a surcharge of 5% of the amount of levies that are outstanding at the expiry of the due date; and
 - (b) an additional surcharge of 10% of the total amount of levies and the surcharge referred to in paragraph (a) that are outstanding at the expiry of 6 months after the due date.
- (3) In this section—

due date (到期日), in relation to levies stated in a return, means the 30th day after the end of the period to which the return relates.

4. Record keeping

- (1) A person who has submitted a return under section 2(1) of this Schedule must ensure that the records and documents specified in subsection (2) relating to the return are kept until 31 March 2020.
- (2) The records and documents are records, invoices, receipts, delivery notes or any other documents that contain sufficient details to enable the Director to readily verify the following matters in respect of each registered retail outlet of the person—

- (a) the number of plastic shopping bags provided to a customer in each retail transaction of the retail outlet, except for any bags provided from an exempted area of the retail outlet;
 - (b) the amount charged for those bags by the person under section 23(1) of the pre-amended Ordinance;
 - (c) the number of plastic shopping bags contained in each shipment of plastic shopping bags to the retail outlet, except for any bags to be provided from an exempted area of the retail outlet that is subject to the criteria for a Type 2 exemption; and
 - (d) the number of plastic shopping bags procured by the person and relating to each shipment referred to in paragraph (c).
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5.
- (4) It is a defence to a charge under subsection (3) for the person charged to prove that the person exercised due diligence to avoid the commission of the offence.

5. Assessment notice for conviction or acquittal before 1 April 2015

- (1) This section applies if, before 1 April 2015—
- (a) the Director may make an assessment for the plastic shopping bags provided by a person, and serve an assessment notice on the person, under section 26(2) of the pre-amended Ordinance but has not done so; or
 - (b) the Director has served an assessment notice on a person under that section.
- (2) Section 26(2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) of the pre-amended Ordinance continues to apply in relation to an assessment under subsection

- (1)(a) as if a reference to a registered retailer in that section were a reference to the person.
- (3) Section 26(3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) of the pre-amended Ordinance continues to apply in relation to a notice under subsection (1)(b) as if a reference to a registered retailer in that section were a reference to the person.
- (4) It is a defence to a charge under section 26(7) of the pre-amended Ordinance having a continuing effect under subsection (2) or (3) for the person charged to prove that the person exercised due diligence to avoid the commission of the offence.

6. Assessment notice for conviction or acquittal on or after 1 April 2015

- (1) This section applies if, on or after 1 April 2015, a person—
- (a) is convicted of an offence under section 9 of this Ordinance relating to any record, document or information on an amount of levies stated in a return submitted by the person in respect of a period under either of the following provisions—
- (i) section 24(1) of the pre-amended Ordinance;
 - (ii) section 2(1) of this Schedule;
- (b) is acquitted of an offence mentioned in paragraph (a) in reliance on the defence under section 9 of this Ordinance;
- (c) is convicted of an offence under section 24(3) of the pre-amended Ordinance having a continuing effect under Cap. 1 for failing to submit a return in respect of a period according to the requirements in section 24(1) of the pre-amended Ordinance;

-
- (d) is acquitted of an offence mentioned in paragraph (c) in reliance on the defence under section 27 of the pre-amended Ordinance having a continuing effect under Cap. 1;
 - (e) is convicted of an offence under section 2(4) of this Schedule for failing to submit a return according to the requirements in section 2(1) of this Schedule; or
 - (f) is acquitted of an offence mentioned in paragraph (e) in reliance on the defence under section 2(5) of this Schedule.
- (2) The Director may—
- (a) assess the amount of levies payable for the plastic shopping bags provided by the person during that period; and
 - (b) serve an assessment notice on the person demanding payment of—
 - (i) that assessed amount; or
 - (ii) if the person has already paid part of that amount under section 24 of the pre-amended Ordinance, or under section 2 of this Schedule, the balance of that amount.
- (3) The Director may replace an assessment notice with another assessment notice served for that purpose.
- (4) An assessment notice served under this section in respect of plastic shopping bags provided during a period may only be served within 5 years after the end of that period.
- (5) An assessment notice served under this section must also state—
- (a) the reasons for serving the notice;

-
- (b) how the amount of levies assessed by the Director is calculated;
 - (c) when and how payment is to be made; and
 - (d) the right of the person to appeal against the notice.
- (6) The person must pay the amount of the demanded levies under an assessment notice within a period of 30 days after the date on which the notice is served.
- (7) A person who contravenes subsection (6) commits an offence and is liable on conviction to a fine at level 5.
- (8) A person who is convicted of an offence under subsection (7) is also liable to pay—
- (a) a surcharge of 5% of the amount of levies that are outstanding at the expiry of the period referred to in subsection (6); and
 - (b) an additional surcharge of 10% of the total amount of levies and the surcharge referred to in paragraph (a) that are outstanding at the expiry of 6 months after the period referred to in subsection (6).
- (9) If an appeal is made under section 7 of this Schedule against an assessment notice served under this section, any amount of levies or surcharges that is outstanding remains payable under this section pending the determination of the appeal unless the Director decides otherwise.
- (10) The Director may at any time withdraw an assessment notice served under this section by serving a withdrawal notice to that effect.
- (11) A notice under this section is regarded as duly served when it is sent by post to the last address provided by the person to the Director.

- (12) It is a defence to a charge under subsection (7) for the person charged to prove that the person exercised due diligence to avoid the commission of the offence.

7. Appeal

- (1) A person who is aggrieved by a decision of a public officer relating to an assessment notice served under either of the following provisions may, within 21 days after the date on which the notice is served on the person, appeal to the Appeal Board by giving a notice of appeal to the Director stating the reasons for the appeal—
- (a) section 26 of the pre-amended Ordinance having a continuing effect under section 5 of this Schedule;
 - (b) section 6 of this Schedule.
- (2) For the purposes of Division 5 of Part 2 of this Ordinance, an appeal made under subsection (1) is to be regarded as an appeal made under section 13 of this Ordinance.
- (3) In this section—
- Appeal Board* (上訴委員會) has the meaning given by section 12 of this Ordinance.

8. Levies and surcharges are recoverable as civil debt

An outstanding amount of levies or surcharges payable under section 2, 3 or 6 of this Schedule is recoverable as a civil debt due to the Government.

9. Specified form

- (1) The Director may specify the forms to be used under this Schedule.
- (2) A specified form may require that—

- (a) it be completed in a specified way;
 - (b) specified information or documents be included in or attached to it; and
 - (c) it be submitted in a specified manner.
- (3) If any such requirement is not complied with in relation to a specified form for submitting a return under section 2(1) of this Schedule, the return is to be treated as not submitted in the specified form.
- (4) The Director is to make copies of a specified form available—
- (a) during office hours at the office of the Director; and
 - (b) through any other means that the Director considers appropriate.

10. Provisions of this Schedule not to derogate from section 23 of Interpretation and General Clauses Ordinance

The provisions of this Schedule are in addition to, and not in derogation of, section 23 of the Interpretation and General Clauses Ordinance (Cap. 1).”

Part 3

Amendments to Product Eco-responsibility (Plastic Shopping Bags) Regulation

23. Product Eco-responsibility (Plastic Shopping Bags) Regulation amended

The Product Eco-responsibility (Plastic Shopping Bags) Regulation (Cap. 603 sub. leg. A) is amended as set out in sections 24, 25 and 26.

24. Section 2 amended (interpretation)

Section 2—

Repeal subsection (1).

25. Parts 2 to 5 repealed

Parts 2, 3, 4 and 5—

Repeal the Parts.

26. Part 6 and Schedule added

At the end of the Regulation—

Add

“Part 6

Notices and Certificates in relation to and Payment of Fixed Penalty

17. Penalty notice

A penalty notice under section 28A(2) of the Ordinance must be in accordance with Form 1 in the Schedule.

18. Demand notice

- (1) A demand notice under section 28D(2) of the Ordinance must be in accordance with Form 2 in the Schedule.
- (2) A demand notice is valid only if the name of an authorized officer acting on behalf of the Director is signed or printed on the notice.

19. Certificate of posting demand notice

A certificate of posting a demand notice under section 28D(5) of the Ordinance must be in accordance with Form 3 in the Schedule.

20. Evidentiary certificate

An evidentiary certificate under section 28G(5)(c) of the Ordinance must be in accordance with Form 4 in the Schedule.

21. Payment of fixed penalty

- (1) The payment of the fixed penalty for a penalty notice or demand notice must be made—
 - (a) by post addressed to the Treasury;
 - (b) at a counter of a post office other than a mobile post office;
 - (c) through an automated teller machine of a bank;
 - (d) by phone by using the service commonly known as PPS;
 - (e) through the Internet; or
 - (f) through the phone-banking service provided by a bank.

- (2) A person who wishes to pay the fixed penalty in accordance with subsection (1)(a) or (b) must deliver the penalty notice or demand notice together with the payment in accordance with the payment instructions as set out in the notice.
 - (3) If a payment is made in accordance with this section, it must be of—
 - (a) the amount of the fixed penalty specified in the penalty notice or demand notice; or
 - (b) if the payment is made for more than one notice, the total amount of fixed penalties specified in the notices.
 - (4) A payment made in accordance with subsection (1) must not include, or form part of, an amount for a matter other than a matter specified in the penalty notice or notices, or the demand notice or notices.
 - (5) If a payment of the fixed penalty is made otherwise than in accordance with this Regulation, the fixed penalty is treated as unpaid and the Director of Accounting Services may return the amount of the payment to the payer.
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Product Eco-responsibility (Amendment) Ordinance 2014

Part 3
Section 26

Ord. No. 4 of 2014
A231

	日 Day 月 Month 年 Year		時 Hour 分 Minute	
發出日期 Date of Issue				
	發出時間 上午 / 下午 * Time of Issue a.m. / p.m.*			
	編號 Number			

職位及地區 Post and District

* 請刪去不適用者。 * Please delete where appropriate.

請細心閱讀背頁所載的附註及繳款辦法。 Please read carefully the notes and payment instructions set out overleaf.

機印所示款項收訖。 Received the sum printed.

郵遞繳款回條 Slip for Payment by Post

CRC	表格 FORM	編號 SERIAL NUMBER	金額 AMOUNT
139	1		HK\$2,000
		日 Day 月 Month 年 Year	
		發出日期 Date of Issue	

<< 預印條紋碼 Preprinted Bar Code >>

附註 (請細心閱讀)

1. 如你在本通知書發出當日後的 21 天內繳付定額罰款，即可解除就本通知書所指明的罪行而須負的法律責任。你須按照繳款辦法繳付款項。
2. 繳款通知書將會在適當時候發出，如你已依照本通知書繳付定額罰款，則無須理會該通知書。
3. 如你沒有按照繳款通知書繳付罰款，亦沒有通知環境保護署署長你意欲就該罪行的法律責任提出抗辯，則可能被判處附加罰款。
4. 如你提供明知是虛假的或具誤導性的關於你的出生日期、你或你所屬的業務或法團的姓名、名稱、地址或聯絡電話號碼的任何詳情，以充作遵從根據《產品環保責任條例》(第 603 章)第 28C(2) 條提出的要求，即屬犯罪，可予檢控。

繳款辦法

1. 你須按下述任何一種方法繳付定額罰款——
 - (a) **透過銀行自動櫃員機繳款**

你可在任何貼有「繳費服務」標誌的自動櫃員機繳付款項。請選擇「政府機構」，然後選擇「塑膠購物袋(定額罰款)」，並輸入本通知書下半部所示的 16 位數字編號。

你亦可在大部分貼有「繳費易」標誌的自動櫃員機繳付款項。請選擇「輸入商戶編號」及輸入「6746」，然後輸入本通知書下半部所示的 16 位數字編號。
 - (b) **用電話使用「繳費靈」繳款**

繳款前，請先致電 18013 登記本通知書。請輸入「商戶編號」6246。如欲繳款，請致電 18033，並按照指示輸入所需資料。如需查詢，請致電「繳費靈」熱線：2311 9876。

NOTES (Please read carefully)

1. You may discharge liability for the offence specified in this notice by paying the Fixed Penalty within 21 days after the date of the issue of this notice. You must make the payment in accordance with the Payment Instructions.
2. A Demand Notice will be issued in due course. You may ignore the Demand Notice only if you have made prior payment on this notice.
3. If you fail to pay in accordance with the Demand Notice and do not notify the Director of Environmental Protection that you wish to dispute liability for the offence, an additional penalty may be imposed.
4. If you, in purported compliance with a requirement made under section 28C(2) of the Product Eco-responsibility Ordinance (Chapter 603), supply any particular of your date of birth, or the name, address or contact telephone number of you or your business or corporate, which you know to be false or misleading, you will commit an offence and will be liable to prosecution.

PAYMENT INSTRUCTIONS

1. You must pay the Fixed Penalty by one of the following methods—
 - (a) **Payment through Bank Automated Teller Machine (ATM)**

You can pay at any ATM affixed with “Bill Payment” signage. Please select “Government” and then “Plastic Shopping Bags (Fixed Penalty)”, and key in the 16-digit serial number shown at the lower portion of this notice.

You can also pay at most ATMs affixed with a “JET Payment” signage. Please select “Merchant Code Entry” and key in “6746”, then key in the 16-digit serial number shown at the lower portion of this notice.
 - (b) **Payment by Phone using “PPS”**

Before making payment, please dial 18011 to register this notice. Please key in the “Merchant Code” of “6246”. For making payment, please dial 18031 and follow the instructions to enter the information required. For enquiries, please call “PPS” Hotline: 2311 9876.

- (c) **透過互聯網繳款**
你可透過銀行及「繳費靈」(<http://www.ppschk.com>) 在互聯網上提供的繳費服務繳付款項(詳情請瀏覽庫務署網站 <http://www.try.gov.hk>)。繳款時,請選擇「塑膠購物袋(定額罰款)」。
- (c) **Payment through Internet**
You can pay through the bill payment service provided by banks and “PPS” (<http://www.ppschk.com>) on the Internet (for details, please visit the Treasury’s website <http://www.try.gov.hk>). Please select “Plastic Shopping Bags (Fixed Penalty)” for payment.
- (d) **透過電話理財服務繳款**
你可使用銀行提供的電話理財服務,透過有關的繳費服務繳付款項。
- (d) **Payment through Phone-banking Service**
You can pay through the bill payment service by using the phone-banking service provided by banks.
- (e) **以郵遞方式繳款**
你可把支票、銀行匯票或本票連同本通知書下半部的「郵遞繳款回條」寄往香港告士打道郵政局信箱28000號庫務署收。請將本通知書下半部所示的16位數字編號寫在支票、銀行匯票或本票背面。請勿郵寄現金。請注意:以郵遞方式繳款將不會獲發收據。有關的郵戳日期會被視作繳款的日期。
- (e) **Payment by Post**
You can pay by sending a cheque, bank draft or cashier order, together with the “Slip for Payment by Post” at the lower portion of this notice, to the Treasury, P.O. Box Number 28000, Gloucester Road Post Office, Hong Kong. Please write the 16-digit serial number shown at the lower portion of this notice on the back of the cheque, bank draft or cashier order. You must not send cash through the post. Please note that no receipt will be issued for payment by post. The date of the relevant post mark will be regarded as the date of payment.
- (f) **透過郵政局櫃位繳款**
你可在任何郵政局(流動郵政局除外)的櫃位繳付款項。請保持本通知書**完整**並於繳款時出示。繳款後本通知書會發回作收據。如欲查詢各郵政局地址及辦公時間,請致電香港郵政熱線:2921 2222或瀏覽香港郵政網站 <http://www.hongkongpost.com>。
- (f) **Payment at Post Office Counters**
You can pay at a counter of any post office (other than a mobile post office). Please keep this notice **intact** and produce it at the time of payment. It will be receipted and returned to you upon payment. For addresses and opening hours of post offices, please call the Hongkong Post’s Hotline: 2921 2222 or visit Hongkong Post’s website <http://www.hongkongpost.com>.
2. 如你透過自動櫃員機、使用「繳費靈」、透過互聯網或電話理財服務繳款,請輸入本通知書下半部所示的16位數字編號。於到期日午夜前繳款會被視作準時繳交。
2. If you make a payment through ATM, by “PPS”, through Internet or phone-banking service, please key in the 16-digit serial number shown at the lower portion of this notice for making payment. Payment made before midnight on the due date will be regarded as on-time payment.
3. 任何支票、銀行匯票或本票均須以「香港特別行政區政府」或「香港特區政府」為收款人,並加以劃線。以支票付款,只在支票首次提交付款銀行獲得兌現的情況下,繳款方為有效。期票不予接受。
3. Any cheque, bank draft or cashier order should be made payable to “The Government of the Hong Kong Special Administrative Region” or “The Government of the HKSAR” and crossed. For payment made by cheque, payment is valid only when the cheque is honoured on the first presentation to the drawee bank. Post-dated cheques will not be accepted.

如就本通知書有任何查詢,請致電環境保護署的查詢熱線電話。

For any enquiry about this notice, please call the enquiry hotline of the Environmental Protection Department.

Product Eco-responsibility (Amendment) Ordinance 2014

Part 3
Section 26

Ord. No. 4 of 2014
A237

通知書編號：
Notice Serial Number:

表格 2
FORM 2

《產品環保責任條例》(第 603 章)
PRODUCT ECO-RESPONSIBILITY ORDINANCE (Chapter 603)

繳付定額罰款通知書 (第 28D(2) 條)
NOTICE DEMANDING PAYMENT OF FIXED PENALTY (Section 28D(2))

致：..... 全名 (先寫姓氏) / 業務或法團名稱 *
To: Full Name (Surname first) / Name of Business or Corporate*

地址 / 註冊或主要辦事處地址 * 為
of Address / Registered or Principal Office Address*

於 年 月 日 時 分, 在
(地點) 發生一宗違反《產品環保責任條例》(第 603 章) 第 18A(2)(a) / 18A(3)* 條的罪行, 你須
為此事件負法律責任。

On (day) (month) (year) at (hour) (minute) at
..... (location) an offence of section 18A(2)(a) / 18A(3)*
of the Product Eco-responsibility Ordinance (Chapter 603) was committed for which you are
liable.

本人現要求你在本通知書送達當日後的 10 天內繳付定額罰款 \$2,000。如你意欲就該罪行的法律責任提出抗辯, 你必須在本通知書送達當日後的 10 天內使用附上的通知表格以書面通知本人。

I now demand payment of the Fixed Penalty of \$2,000 within 10 days after the date of service of this notice. If you wish to dispute liability for the offence, you must notify me in writing within 10 days after the date of service of this notice using the attached notification form.

如你沒有按照本通知書繳付定額罰款, 亦沒有按照本通知書以書面通知本人你意欲就該罪行的法律責任提出抗辯, 本人將向裁判官申請作出命令, 命令你繳付定額罰款、相等於該項定額罰款數額的附加罰款及訟費 \$300, 即合共 \$4,300。

If you fail to pay the Fixed Penalty and do not notify me in writing that you wish to dispute liability for the offence in accordance with this notice, an application will be made to a magistrate for an order that you pay the Fixed Penalty, an additional penalty equal to the amount of the Fixed Penalty and \$300 by way of costs, totalling \$4,300.

* 請刪去不適用者。 * Please delete where appropriate.

Product Eco-responsibility (Amendment) Ordinance 2014

Part 3
Section 26

Ord. No. 4 of 2014
A239

日期
Date

.....
環境保護署署長 (代行)
()
For Director of Environmental Protection

請注意 Please note:

1. 如你已繳付上述指明的定額罰款，則無須理會本通知書。
If you have paid the Fixed Penalty specified above, you can ignore this notice.
2. 你應按照背頁所載的繳款辦法繳付款項。
You should make the payment according to the payment instructions set out overleaf.

機印所示款項收訖。 Received the sum printed.

.....
郵遞繳款回條 Slip for Payment by Post

CRC	表格 FORM	編號 SERIAL NUMBER												金額 AMOUNT			
139	2																HK\$2,000

<< 預印條紋碼 Preprinted Bar Code >>

繳款辦法

1. 你須按下述任何一種方法繳付定額罰款——

(a) 透過銀行自動櫃員機繳款

你可在任何貼有「繳費服務」標誌的自動櫃員機繳付款項。請選擇「政府機構」，然後選擇「塑膠購物袋（定額罰款）」，並輸入本通知書下半部所示的 16 位數字編號。

你亦可在大部分貼有「繳費易」標誌的自動櫃員機繳付款項。請選擇「輸入商戶編號」及輸入「6746」，然後輸入本通知書下半部所示的 16 位數字編號。

(b) 用電話使用「繳費靈」繳款

繳款前，請先致電 18013 登記本通知書。請輸入「商戶編號」6246」。如欲繳款，請致電 18033，並按照指示輸入所需資料。如需查詢，請致電「繳費靈」熱線：2311 9876。

(c) 透過互聯網繳款

你可透過銀行及「繳費靈」(<http://www.ppshk.com>) 在互聯網上提供的繳費服務繳付款項（詳情請瀏覽庫務署網站 <http://www.try.gov.hk>）。繳款時，請選擇「塑膠購物袋（定額罰款）」。

(d) 透過電話理財服務繳款

你可使用銀行提供的電話理財服務，透過有關的繳費服務繳付款項。

(e) 以郵遞方式繳款

你可把支票、銀行匯票或本票連同本通知書下半部的「郵遞繳款回條」寄往香港告士打道郵政局信箱 28000 號庫務署收。請將本通知書下半部所示的 16 位數字編號寫在支票、銀行匯票或本票背面。請勿郵寄現金。請注意：以郵遞方式繳款將不會獲發收據。有關的郵遞日期會被視作繳款的日期。

PAYMENT INSTRUCTIONS

1. You must pay the Fixed Penalty by one of the following methods—

(a) **Payment through Bank Automated Teller Machine (ATM)**

You can pay at any ATM affixed with “Bill Payment” signage. Please select “Government” and then “Plastic Shopping Bags (Fixed Penalty)”, and key in the 16-digit serial number shown at the lower portion of this notice.

You can also pay at most ATMs affixed with a “JET Payment” signage. Please select “Merchant Code Entry” and key in “6746”, then key in the 16-digit serial number shown at the lower portion of this notice.

(b) **Payment by Phone using “PPS”**

Before making payment, please dial 18011 to register this notice. Please key in the “Merchant Code” of “6246”. For making payment, please dial 18031 and follow the instructions to enter the information required. For enquiries, please call “PPS” Hotline: 2311 9876.

(c) **Payment through Internet**

You can pay through the bill payment service provided by banks and “PPS” (<http://www.ppshk.com>) on the Internet (for details, please visit the Treasury’s website <http://www.try.gov.hk>). Please select “Plastic Shopping Bags (Fixed Penalty)” for payment.

(d) **Payment through Phone-banking Service**

You can pay through the bill payment service by using the phone-banking service provided by banks.

(e) **Payment by Post**

You can pay by sending a cheque, bank draft or cashier order, together with the “Slip for Payment by Post” at the lower portion of this notice, to the Treasury, P.O. Box Number 28000, Gloucester Road Post Office, Hong Kong. Please write the 16-digit serial number shown at the lower portion of this notice on the back of the cheque, bank draft or cashier order. You must not send cash through the post. Please note that no receipt will be issued for payment by post. The date of the relevant post mark will be regarded as the date of payment.

- (f) **透過郵政局櫃位繳款**
你可在任何郵政局（流動郵政局除外）的櫃位繳付款項。請保持本通知書**完整**並於繳款時出示。繳款後本通知書會發回作收據。如欲查詢各郵政局地址及辦公時間，請致電香港郵政熱線：2921 2222 或瀏覽香港郵政網站 <http://www.hongkongpost.com>。
2. 如你透過自動櫃員機、使用「繳費靈」、透過互聯網或電話理財服務繳款，請輸入本通知書下半部所示的 16 位數字編號。於到期日午夜前繳款會被視作準時繳交。
3. 任何支票、銀行匯票或本票均須以「香港特別行政區政府」或「香港特區政府」為收款人，並加以劃線。以支票付款，只在支票首次提交付款銀行獲得兌現的情況下，繳款方為有效。期票不予接受。
- (f) **Payment at Post Office Counters**
You can pay at a counter of any post office (other than a mobile post office). Please keep this notice **intact** and produce it at the time of payment. It will be receipted and returned to you upon payment. For addresses and opening hours of post offices, please call the Hongkong Post's Hotline: 2921 2222 or visit Hongkong Post's website <http://www.hongkongpost.com>.
2. If you make a payment through ATM, by "PPS", through Internet or phone-banking service, please key in the 16-digit serial number shown at the lower portion of this notice for making payment. Payment made before midnight on the due date will be regarded as on-time payment.
3. Any cheque, bank draft or cashier order should be made payable to "The Government of the Hong Kong Special Administrative Region" or "The Government of the HKSAR" and crossed. For payment made by cheque, payment is valid only when the cheque is honoured on the first presentation to the drawee bank. Post-dated cheques will not be accepted.

意欲就罪行的法律責任提出抗辯者請注意

1. 如你意欲就罪行的法律責任提出抗辯，你須簽署附上的通知表格，並在本通知書送達當日後 10 天內將之交付環境保護署署長，以通知環境保護署署長你有此意欲。在裁判官裁定有關申訴前請**不要**繳付定額罰款。
2. 如你通知環境保護署署長意欲就罪行的法律責任提出抗辯，裁判官將按照《產品環保責任條例》（第 603 章）裁定有關申訴，傳票將會在適當時候向你送達。
3. 如你在通知環境保護署署長意欲就罪行的法律責任提出抗辯後，在裁判官席前應訊時你並沒有提出免責辯護或你提出瑣屑無聊或無理取鬧的免責辯護，則在定額罰款及有關法律程序中命令的訟費之外，可被判繳付相等於有關定額罰款數額的附加罰款。

NOTES FOR THOSE WHO WISH TO DISPUTE LIABILITY FOR OFFENCE

1. If you wish to dispute liability for the offence, you should notify the Director of Environmental Protection by signing the attached notification form and delivering it to the Director of Environmental Protection within 10 days after the date of service of this notice for notification of dispute. Please **do not** pay the Fixed Penalty before the complaint is determined by a magistrate.
2. If you notify the Director of Environmental Protection that you wish to dispute liability for the offence, a magistrate will determine the complaint in accordance with the Product Eco-responsibility Ordinance (Chapter 603) and you will be served with a summons in due course.
3. If, having notified the Director of Environmental Protection that you wish to dispute liability for the offence, you appear before a magistrate and offer no defence or a defence that is frivolous or vexatious, you are liable to, in addition to the Fixed Penalty and any costs ordered in the proceedings, an additional penalty equal to the amount of the Fixed Penalty.

如就本通知書有任何查詢，請致電環境保護署的查詢熱線電話。

For any enquiry about this notice, please call the enquiry hotline of the Environmental Protection Department.

Product Eco-responsibility (Amendment) Ordinance 2014

Part 3
Section 26

Ord. No. 4 of 2014
A245

通知書編號：
Notice Serial Number:

《產品環保責任條例》(第 603 章)
PRODUCT ECO-RESPONSIBILITY ORDINANCE (Chapter 603)

致環境保護署署長意欲就罪行的法律責任提出抗辯的通知表格 (第 28D(2) 條)
NOTIFICATION FORM TO DIRECTOR OF ENVIRONMENTAL PROTECTION
OF WISH TO DISPUTE LIABILITY FOR OFFENCE (Section 28D(2))

致：
環境保護署署長
香港灣仔軒尼詩道 130 號
修頓中心 25 樓
環境保護署
環保法規管理科

To:
The Director of Environmental Protection
Environmental Compliance Division
Environmental Protection Department
25th Floor, Southorn Centre,
130 Hennessy Road,
Wan Chai, Hong Kong

就貴署根據《產品環保責任條例》(第 603 章) 第 28D(2) 條所送達的通知書 (詳情本人經已閱悉)，本人意欲就該通知書所指明的罪行的法律責任提出抗辯，特此通知。

Please take notice that I wish to dispute liability for the offence specified in your notice (particulars of which I have taken notice) served under section 28D(2) of the Product Eco-responsibility Ordinance (Chapter 603).

在適當方格內加「✓」。Tick the appropriate box.

<input type="checkbox"/>	中文全名 Full name in English (in block letters)
<input type="checkbox"/>	中文全名 為 (業務或法團名稱) 的董事 / 秘書 / 授權人 * (請刪去不適用者) Full name in English (in block letters) being the director / secretary / authorized person* (please delete where appropriate) of (name of business or corporate)
	公司印章 Company chop

日期
Date

簽名
Signature

Product Eco-responsibility (Amendment) Ordinance 2014

Part 3
Section 26

Ord. No. 4 of 2014
A247

- * 授權人請附上有關授權書。
* For authorized person, please submit a letter of authorization.

表格 3
FORM 3

《產品環保責任條例》(第 603 章)
PRODUCT ECO-RESPONSIBILITY ORDINANCE (Chapter 603)
繳款通知書郵遞證明書 (第 28D(5) 條)
CERTIFICATE OF POSTING OF DEMAND NOTICE (Section 28D(5))

現證明已於 年 月 日郵寄一份《產品環保責任條例》(第 603 章) 第 28D(2) 條所指的繳款通知書。該繳款通知書的詳情如下——

This is to certify that on (day) (month) (year) a Demand Notice under section 28D(2) of the Product Eco-responsibility Ordinance (Chapter 603) was posted. The particulars of the Demand Notice are as follows—

編號
Serial Number 繳款通知書的日期
Date of Demand Notice

收件人姓名
Name of Addressee

地址
Address

日期
Date

.....
環境保護署署長 (代行)
()
For Director of Environmental Protection

表格 4
FORM 4

《產品環保責任條例》(第 603 章)
PRODUCT ECO-RESPONSIBILITY ORDINANCE (Chapter 603)

證據證明書 (第 28G(5)(c) 條)
EVIDENTIARY CERTIFICATE (Section 28G(5)(c))

現證明——
This is to certify that—

- (a) 於 年 月 日，在 發生了一宗違反《產品環保責任條例》(第 603 章) 第 18A(2)(a) 條的罪行，即未有在出售貨品時，就直接或間接向顧客提供的每個塑膠購物袋或經預先包裝的每份為數 10 個或以上的塑膠購物袋，向顧客收取不少於 5 角的款額 / 違反《產品環保責任條例》(第 603 章) 第 18A(3) 條的罪行，即向顧客提供回贈或折扣，以直接抵銷須就出售貨品時直接或間接向顧客提供的每個塑膠購物袋或經預先包裝的每份為數 10 個或以上的塑膠購物袋，向顧客收取的款額或其任何部分 *， 被指稱須對該罪行負法律責任；
- on (day) (month) (year), at an offence of failing to charge the customer an amount not less than 50 cents for each plastic shopping bag or each pre-packaged pack of 10 or more plastic shopping bags provided directly or indirectly to the customer at the time of the sale, contrary to section 18A(2)(a) / offering rebate or discount to the customer with the effect of directly offsetting the amount or any part of the amount charged for each plastic shopping bag or each pre-packaged pack of 10 or more plastic shopping bags provided directly or indirectly to the customer at the time of the sale, contrary to section 18A(3)* of the Product Eco-responsibility Ordinance (Chapter 603) has been committed for which is alleged to be liable;
- (b) 於 年 月 日， 的地址 / 註冊或主要辦事處地址 * 為 ；
- on (day) (month) (year), the address / registered or principal office address* of was ;
- (c) 於 年 月 日前，(a) 段所指明的人士 / 業務或法團 * 沒有就根據《產品環保責任條例》(第 603 章) 第 28D(2) 條送達、日期為 年 月 日的繳款通知書 (編號) 內所指明的罪行繳付定額罰款，亦沒有通知環境保護署署長其意欲就該罪行的法律責任提出抗辯。
- before (day) (month) (year), the person / business or corporate* specified in paragraph (a) had not paid the Fixed Penalty in respect of the offence specified in Demand Notice Serial Number dated (day) (month) (year) served under section 28D(2) of the Product Eco-responsibility Ordinance (Chapter 603) and had not notified the Director of Environmental Protection that the person / business or corporate* wished to dispute liability for the offence.

