

**For discussion
on 23 August 2021**

**LEGISLATIVE COUNCIL
PANEL ON ENVIRONMENTAL AFFAIRS**

**PUBLIC CONSULTATION ON THE SCHEME ON
REGULATION OF DISPOSABLE PLASTIC TABLEWARE**

Introduction

In order to reduce the use of disposable plastic tableware at source, the Government launched a two-month public consultation on 9 July 2021 to consult the public on the Scheme on Regulation of Disposable Plastic Tableware (“Regulation Scheme”). This paper seeks Members’ views on the above proposal.

Background

2. Disposable plastic tableware refers generally to single-use catering utensils made of plastics. Disposable plastic tableware materials in Hong Kong are divided into two main groups, namely expanded polystyrene (EPS) and non-expanded polystyrene (non-EPS). Common examples include plastic straws, stirrers, forks, knives, spoons, cups, bowls, plates, etc. In recent decades, disposable plastic tableware is becoming more widely used in our daily lives, or even abused at times. According to the findings of a survey¹, Hong Kong citizens dine out four to five times and buy takeaway meals about four times on average every week, when a large quantity of disposable plastic tableware is often used.

3. According to statistics in 2019, the average daily disposal quantity of waste plastics in Hong Kong was about 2 320 tonnes, accounting for about 21% of municipal solid waste (MSW) disposal quantity at Hong Kong landfills. Most of these waste plastics were plastic bags, followed by discarded plastic tableware, which amounted to around 200 tonnes each day. Of the discarded

¹ Nielsen (28 April 2020). Nielsen: Eating at Home Will Remain the New Reality for Asian Consumers, Especially Hong Kong, Post COVID-19. Retrieved from <https://en.prnasia.com/releases/apac/nielsen-eating-at-home-will-remain-the-new-reality-for-asian-consumers-especially-hong-kong-post-covid-19-278643.shtml>

plastic tableware, the majority was disposable plastic tableware.

4. In February 2021, the Government announced the Waste Blueprint for Hong Kong 2035 (“the Blueprint”) advocating the vision of “Waste Reduction·Resources Circulation·Zero Landfill”. The Blueprint outlines the strategies, goals and measures to tackle the challenge of waste management up to 2035 by leading the advancement of various policies and measures as well as building circular economy and sustainable living environment. The Blueprint sets out six major areas of action with “Waste Reduction” being the top priority. One of the key measures under this area is the Government’s proposed phased regulation of disposable plastic tableware. The Consultation Paper is at **Annex**.

Justifications

5. Disposable plastic tableware is harmful to our marine environment. The prevalent types of marine refuse in Hong Kong mostly come from plastic pieces and foam plastic fragments². Plastics are difficult to decompose naturally. The decomposition process may take over a hundred years, during which the plastics will be fragmented into plastic particles. If disposable plastic tableware accidentally enters the sea, not only will it affect the marine ecosystem, its plastic particle fragments or microplastics will also enter into human food chain if absorbed by marine organisms, thereby threatening human health. “Use Less and Waste Less”, including using less disposable products, can also help reduce carbon emissions and mitigate climate change.

6. Besides, as various types of tableware are made of different materials and they are usually stained with various food remnants after use, they are often difficult to be cleaned and recycled. Extra care is required in the process of recycling such tableware, which would pose adverse implication to the public resources and the cost required. Among the disposable plastic tableware, recycling of EPS tableware is even more challenging than other plastic tableware. In general, EPS products are composed of 98% air and only 2% plastic materials. Due to their lightweight and bulky volume, EPS products have very low recycling value. The light and fragile features of EPS render it a threat to the environment because it can enter the ecosystem along with wind and water easily when being improperly disposed of.

2 The Refuse Characteristics Survey conducted by the Environmental Protection Department (from April 2013 to March 2014)
https://www.epd.gov.hk/epd/clean_shorelines/files/common2015/en/Top10RefuseType.pdf

7. Given this, many places (such as the Mainland and European Union) have generally inclined to adopt the “prohibition of sale” approach in recent years in order to cut the use of disposable EPS tableware at source. On the other hand, many places are also inclined to accord priority to formulation of regulatory measures for non-EPS tableware that are small in size and relatively difficult to be recycled or have proven alternatives, such as straws, stirrers, forks, knives, spoons and plates, etc.

8. With the growing concern over the issue of disposable plastics across the world, the market for reusable tableware and greener non-plastic disposable tableware alternatives (such as paper, softwood, plant fibre materials, etc.) has developed rapidly in recent years, driving down the prices continuously to levels that are becoming competitive with those of conventional disposable plastic tableware. Coupled with the increasing “plastic-free” awareness of the public, it should be an opportune time now to put forward the proposed regulation of the use of disposable plastic tableware progressively in Hong Kong.

9. At present, the more common non-plastic disposable tableware alternatives available in the market are mainly those made of paper, bamboo, soft wood, plant fibre materials (e.g. wood pulp, straw pulp, bagasse), etc. Among them, the development of alternatives for straws, stirrers, forks, knives, spoons and plates, etc, which are proposed to be regulated under Phase 1 regulation on takeaway services, is more mature, and a wide application has gradually been seen in the market. The first phase of the Regulation Scheme is expected to be implemented in around 2025. We believe that with the advancement in technologies and the rising global demand, more economical, reliable and eco-friendly alternatives for all types of disposable plastic tableware would be available in the market. The Government will maintain close communication with the trades and suppliers, and provide more comprehensive information on non-plastic disposable tableware alternatives to facilitate the trades to better understand different choices offered by the market.

The Proposal

10. We propose introducing a phased regulatory scheme comprising the following nine types of disposable plastic tableware-

- (i) EPS tableware
- (ii) Straws
- (iii) Stirrers
- (iv) Cutlery (such as forks, knives and spoons)
- (v) Plates
- (vi) Cups
- (vii) Cup lids
- (viii) Food containers (such as bowls and boxes)
- (ix) Food container covers

11. In the aspect of plastics materials, the Regulation Scheme will cover disposable tableware made of all kinds of plastics, including “plastic substitutes” (e.g. oxo-degradable plastics and biodegradable plastics) which claim to be degradable or biodegradable. This is because most of these “plastic substitutes” products can only turn into microplastic flakes or be biodegraded under specific conditions, such as exposure to ultraviolet radiation or heat, and those required conditions are often absent in the natural marine environment.

Scope of coverage

Prohibition of the sale of disposable EPS tableware

12. As mentioned above, due to the low recycling rate of EPS tableware and its easiness to be carried into the ecosystem, EPS tableware poses significant potential threat to the natural environment, in particular the marine ecosystem. In view of this, many places in the world have generally started to regulate the use of disposable EPS tableware at source, for example, the Mainland has banned the production and sale of disposable EPS tableware since January 2021. With reference to the regulation approaches of other places, we propose that the local sale of disposable EPS tableware to local end-consumers (including catering premises) should be completely banned in the first place.

Prohibition of provision of disposable plastic tableware by catering premises to customers

(i) Dine-in services

13. At present, disposable plastic tableware is mainly used in catering takeaway services of the catering sector, and to a lesser extent, in dine-in services. In general, most of the catering premises providing dine-in services have been equipped with tableware washing facilities or arranged for a third party to provide tableware cleaning services. They should be capable of providing reusable

tableware for dine-in customers, thus avoiding the use of disposable plastic tableware.

14. In order to reduce the use of disposable plastic tableware at source, we therefore propose to impose a complete ban on the provision of various types of disposable plastic tableware (including EPS and non-EPS tableware) by the catering premises to customers for dine-in services in the first place. Owing to similar nature to dine-in services, those catering services including provision of food and beverage and catering staff for some private events are also considered to be included in the scope of dine-in services.

(ii) Takeaway services

15. Takeaway services generally refer to the preparation of food or beverages by the catering operators for sale to customers for consumption off their business premises. Compared with dine-in services, takeaway services are inclined to rely more on the use of disposable plastic tableware. Taking into account the difficulties in recycling the tableware and the availability of proven alternatives, we propose to adopt a progressive approach to regulate different types of disposable plastic tableware for takeaway services.

16. Amongst the non-EPS disposable plastic tableware, we propose prioritizing the regulation of those tableware that is small in size and relatively difficult to be recycled or has proven alternatives, including straws, stirrers, forks, knives, spoons and plates. It will be followed by the regulation of the rest of the disposable plastic tableware (i.e. cups, cup lids, food containers and food container covers) in the next phase.

Phased Implementation

17. The Regulation Scheme is proposed to be implemented in two phases

Phase 1

- (i) *Disposable EPS tableware:* A full control on disposable EPS tableware by banning the local sale of disposable EPS tableware, as well as the provision of EPS tableware by catering premises to customers for both dine-in and takeaway services.
- (ii) *Dine-in services:* A complete ban on the provision of disposable plastic tableware (including disposable EPS and non-EPS tableware) by catering premises to customers for dine-in service.

- (iii) *Takeaway services*: A ban on the provision of certain types of disposable plastic tableware including straws, stirrers, forks, knives, spoons and plates, etc. by catering premises to customers for takeaway services.

Phase 2

- (iv) *Regulating takeaway services in the same manner as dine-in services*: A complete ban on the provision of all types of disposable plastic tableware for dine-in and takeaway services.

18. The proposed phased regulation is summarised as below –

Types of disposable plastic tableware	Phase 1	Phase 2
EPS tableware	Prohibits the sale to local end-consumers (including catering premises)	
	Prohibits the provision by catering premises to customers for dine-in and takeaway services	
Straws	Prohibits the provision by catering premises to customers for dine-in and takeaway services	Prohibits the provision by catering premises to customers for dine-in and takeaway services
Stirrers		
Cutlery (e.g. forks, knives, spoons)		
Plates		
Cups	Prohibits the provision by catering premises to customers for dine-in services	
Cup lids		
Food containers		
Food container covers		

Exclusions

19. By drawing on the experience of other places, we propose the following exclusion conditions -

- (i) *Medical reasons*

20. Persons with special needs (e.g. patients or persons with disabilities) who dine in or order takeaway at catering premises may have the genuine need to use disposable plastic straws. To cater for the need of the above group of people, we propose an exemption for the provision of disposable plastic straws by catering premises on request by persons with special needs due to their medical needs or physical conditions under the Regulation Scheme.

(ii) Food products pre-packaged outside catering premises

21. Pre-packaged food products are usually manufactured by local or even overseas food manufacturers in factories outside catering premises. Considering that disposable plastic tableware attached to the pre-packaged food products is part of the commodity in nature, we also propose to exclude these products from the scope of disposable plastic tableware under the Regulation Scheme.

Timetable

22. Taking into account the needs to amend the relevant legislation and to provide members of the public with an adaptation period, especially for the catering sector which may require reasonable time to adjust the supply chain amid the pandemic, and subject to the views received and the ensuing legislative procedures, the first phase of the Regulation Scheme is expected to be implemented in around 2025.

23. Subject to the outcome of the first phase after implementation for about 12 to 18 months as well as the maturity of the market for alternatives in future, we will review and determine the launch date of the second phase. It is also proposed to provide the second phase with a similar preparatory period.

Advice Sought

24. Members are invited to offer views on the above proposal.

Environmental Protection Department
August 2021



Regulation of Disposable Plastic Tableware

Public
Consultation

9 July – 8 September

2021



Disposable plastic tableware for a meal creates harm for hundreds of years

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Foreword

Having three meals a day is a norm for many of us, but have you ever imagined that you are not only eating food but also plastics at the same time?



While it appears that disposable plastic tableware brings much convenience to our lives, it also poses unprecedented challenges to our ecosystem. “Disposable plastic tableware for a meal creates harm for hundreds of years”. Not only is used disposable plastic tableware difficult to decompose, much of such tableware entering the ocean will also have adverse impacts on our environment and ecology. For instance, if marine plastic waste is ingested accidentally by marine animals, it can cause intestinal blockage in these animals that may lead to death. During coastal clean-up events, it is common to find that disposable plastic tableware, such as plastic straws, spoons, forks, knives, cups and plates, scattered everywhere. Countless waste plastics enter the natural environment, including the ocean, each year. They will eventually be fragmented into microplastics and enter the human food chain.

As explained in the Waste Blueprint for Hong Kong 2035 just announced by the Environment Bureau, practising “plastic-free” at source is the most fundamental way to achieve “waste free seas”. The Government is now conducting a public consultation on the “Scheme on Regulation of Disposable Plastic Tableware” to collate views from the public, the trades and relevant stakeholders, with a view to mapping out the way forward.

I sincerely invite your views on the proposals in this consultation document. Let us join hands to reduce waste and carbon emissions in our daily lives, protect the marine environment and safeguard the health of the community!

KS Wong
Secretary for the Environment
June 2021



Chapter

1

Background

1.1

Given the potential impacts of plastic waste on global marine ecology, human health, climate change and many other aspects, plastic waste has become an imminent problem worldwide. In recent years, places around the world have been committed to discouraging the use of single-use plastic products (including disposable plastic tableware), exploring the use of other alternatives, and gradually strengthening the regulation of disposable plastic tableware through legislation or other measures (see Appendix 1 for details).

1.2

As a coastal city, Hong Kong has to pay extra attention to the problem of plastic pollution and adopt suitable measures to reduce the impacts of plastic waste on marine ecology and human health. As early as in 2009, the Government has taken the lead in implementing the Plastic Shopping Bag Charging Scheme, and was well ahead of certain neighbouring regions. Regarding disposable plastic tableware, we have also set an example by implementing different policies (see Appendix 2 for details) to promote a “plastic-free” culture proactively and bring about changes in public behaviour progressively.



1.3

We have conducted a study on the feasibility, scope and mechanism of regulating disposable plastic tableware. By making reference to overseas experience and giving consideration to the local situations, the study report suggests introducing legislation to regulate various types of disposable plastic tableware commonly used by the catering sector with exclusions under special circumstances.

1.4

As members of the public have been more willing to practise “plastic-free” in recent years, we believe that it is now an opportune time to move forward and seek public views on how to regulate disposable plastic tableware.

Chapter

2

Considerations



What is disposable plastic tableware?

2.1

Disposable plastic tableware, as its name suggests, refers to single-use catering utensils made of plastics. Common examples include various kinds of expanded polystyrene (EPS) tableware and other plastic straws, stirrers, forks, knives, spoons, cups, bowls, plates, etc.

2.2

Disposable plastic tableware materials in Hong Kong are divided into two main groups¹, namely EPS and non-expanded polystyrene (non-EPS).

2.3

Disposable plastic tableware is relatively low-cost, heat-resistant and waterproof, and is widely used in our daily lives in recent decades. According to the findings of a survey², Hong Kong citizens dine out four to five times and buy takeaway meals about four times on average every week, when a large quantity of disposable plastic tableware is often used.

2.4

Moreover, recycling and recovering disposable plastic tableware has posed many challenges to us as these various types of tableware are made of different materials, and they are also difficult to clean with food remnants on them, thus making the cost of recycling very high. Hence, massive use of disposable plastic tableware is extremely non-environmentally friendly.



¹ EPS tableware is mainly made of expanded polystyrene, while non-EPS tableware is mainly made of plastic materials including polyethylene terephthalate (PET), polypropylene (PP) and polystyrene (PS).

² Nielsen (28 April 2020). Nielsen: Eating at Home Will Remain the New Reality for Asian Consumers, Especially Hong Kong, Post COVID-19. Retrieved from <https://en.prnasia.com/releases/apac/nielsen-eating-at-home-will-remain-the-new-reality-for-asian-consumers-especially-hong-kong-post-covid-19-278643.shtml>

Of the around 200 tonnes plastic tableware discarded each day, the majority was disposable plastic tableware.

Equivalent to

14,600,000,000



pieces of plastic cutlery being disposed of throughout the year

Environmental impacts of disposable plastic tableware

2.5

Disposable plastic tableware places a heavy burden on our landfills. According to statistics in 2019, the average daily disposal quantity of waste plastics was about 2 320 tonnes, accounting for about 21% of municipal solid waste (MSW) disposal quantity at Hong Kong landfills. Most of these waste plastics were plastic bags, followed by discarded plastic tableware, which amounted to around 200 tonnes each day. Of the discarded plastic tableware, the majority was disposable plastic tableware. It is equivalent to roughly about 14.6 billion pieces of plastic cutlery being disposed of throughout the year, representing about 1 940 pieces per person.

2.6

Disposable plastic tableware is harmful to our marine environment. The top ten prevalent types of marine refuse in Hong Kong mostly come from plastic pieces and foam plastic fragments³. Plastics are difficult to decompose naturally. The process may take over a hundred years, during which the plastics will be fragmented into plastic particles. If disposable plastic tableware accidentally enter the sea, it will continuously pose threats to the marine ecosystem.

2.7

Waste plastics will enter the human food chain and affect human health. This is because waste plastics will be eventually fragmented into microplastics. If these microplastics are drifted into the sea, not only will they affect the marine ecosystem, they will also enter the human food chain if absorbed by marine organisms, thereby threatening human health.

2.8

Use less, waste less, including using less disposable products, can also help reduce carbon emissions and mitigate climate change.

³ The Refuse Characteristics Survey conducted by the Environmental Protection Department (from April 2013 to March 2014) https://www.epd.gov.hk/epd/clean_shorelines/files/common2015/en/Top10RefuseType.pdf

Difficulties in recycling

2.9

EPS tableware accounts for about 20% of the plastic tableware being disposed of in Hong Kong every day, or about 40 tonnes per day. In general, EPS products are composed of 98% air and only 2% plastic materials. Due to their light weight and bulky volume, EPS products have low recycling value, making it more challenging to recycle EPS products than other plastic tableware.

2.10

Besides, EPS is light and fragile, rendering it easier to be carried into the ecosystem by wind and water if being disposed of wantonly, thus affecting the environment. In view of this, many countries (such as the Mainland and European Union) have generally inclined to adopt the approach of "prohibition of sale" in recent years, so as to cut the use of disposable EPS tableware at source.

2.11

In addition, among the non-EPS tableware, many countries are also inclined to accord priority to formulation of regulatory measures for those tableware that is small in size and difficult to be recycled or has proven alternatives, such as straws, stirrers, forks, knives, spoons and plates, etc.

40
tonnes
being disposed of
per day



Market for alternatives

2.12

As there is a growing concern over the issue of disposable plastics and an increasing awareness of environmental protection across the world, the market for reusable tableware and greener non-plastic disposable tableware alternatives has developed rapidly in recent years, driving down the prices continuously to levels that are becoming competitive as compared with those of conventional disposable plastic tableware.



2.13

At present, the more common non-plastic disposable tableware alternatives available in the market are mainly those made of paper, bamboo, soft wood, aluminium foil, plant fibre materials (e.g. wood pulp, straw pulp, bagasse) (see Appendix 3 for details). These products have their unique characteristics and are suitable for different purposes. Among them, the development of alternatives for straws, stirrers, forks, knives, spoons and plates is more mature, and a wide application has gradually been seen in the market.

2.14

Although the cost of non-plastic disposable tableware is now slightly higher than that of similar plastic ones, when such products are widely accepted in the market, economic benefits arising from mass production will continuously narrow the price difference.



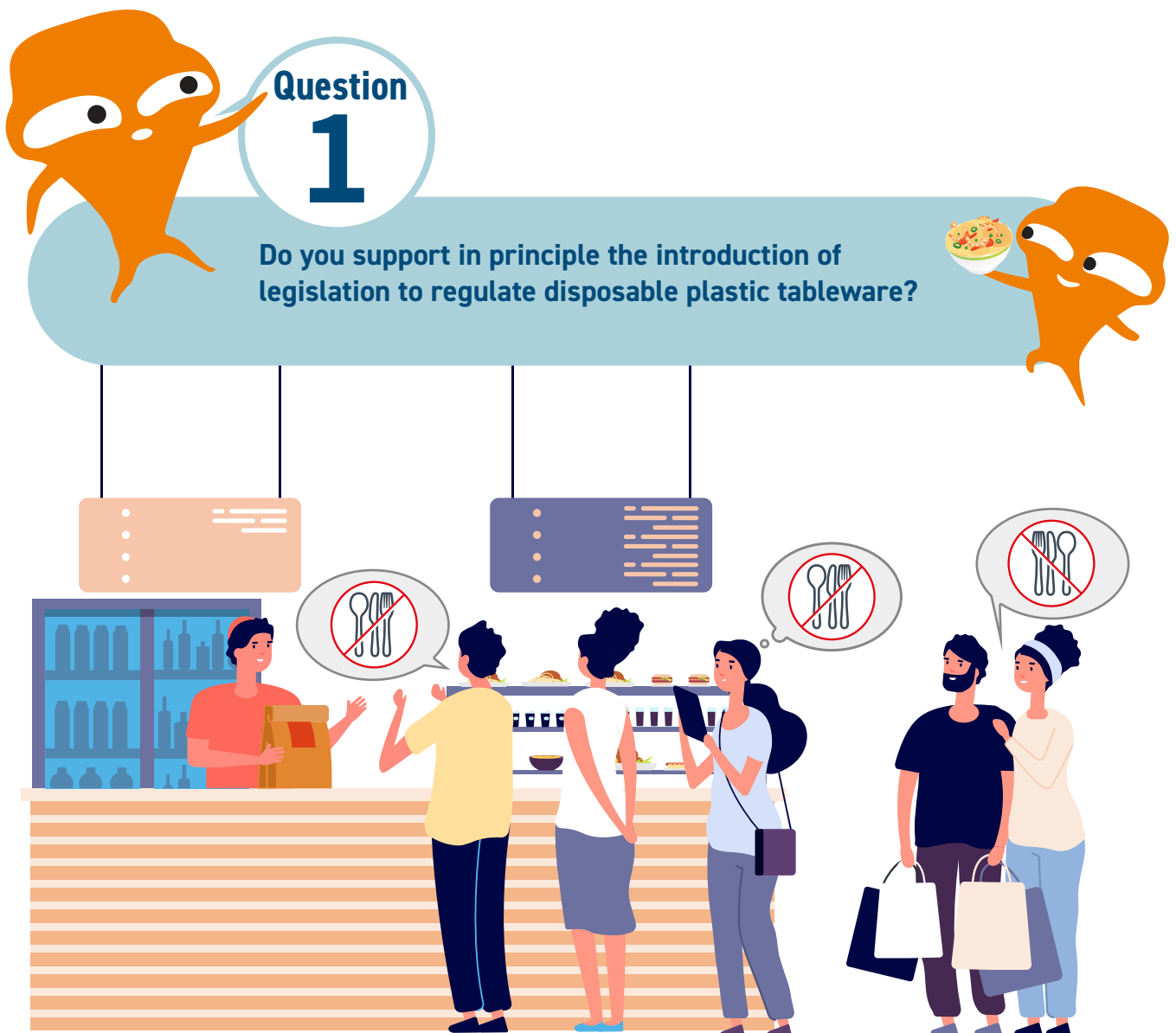
Public participation

2.15

In recent years, as various sectors of the community have strived to promote a “plastic-free” culture, many eateries and members of the public have actively practised a “plastic-free” lifestyle by avoiding the use and distribution of disposable plastic tableware for dine-in and takeaway services in eateries. There is already a common consensus in the community that disposable plastic tableware is one of the many single-use plastic products that need to be regulated. Reducing the use of disposable plastic tableware also helps promote low-carbon transformation and the development of a circular economy in our society.

2.16

Therefore, we propose taking forward a “Scheme on Regulation of Disposable Plastic Tableware” (“Regulation Scheme”) and introducing legislation to regulate the use of disposable plastic tableware.



Chapter

3

Scheme on Regulation of Disposable Plastic Tableware

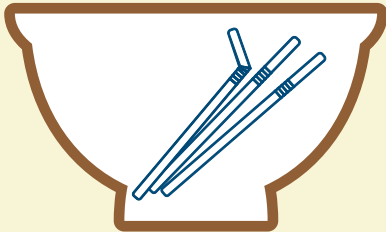


Disposable plastic tableware to be brought under regulation

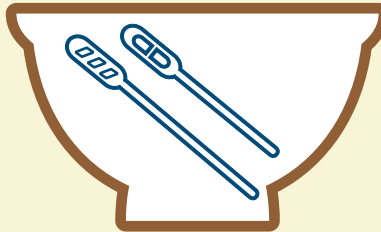
3.1

In view of the diverse culinary culture of Hong Kong, we propose that the Regulation Scheme should cover various types of disposable plastic tableware, including

Straws

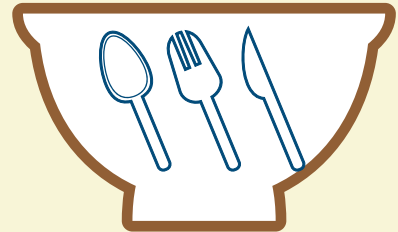


Stirrers

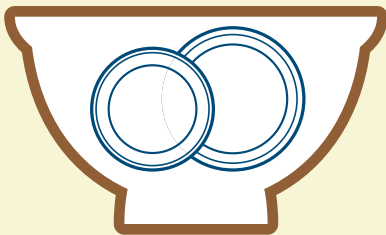


Cutlery

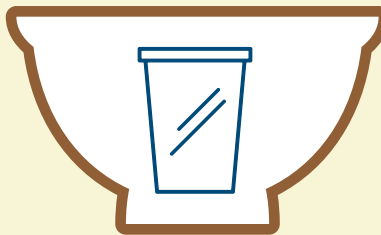
(such as forks, knives and spoons)



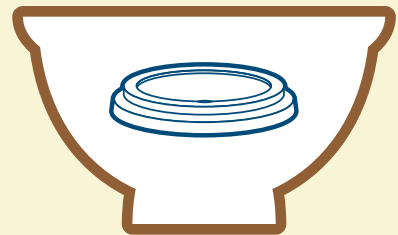
Plates



Cups

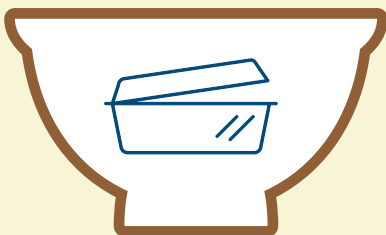


Cup lids

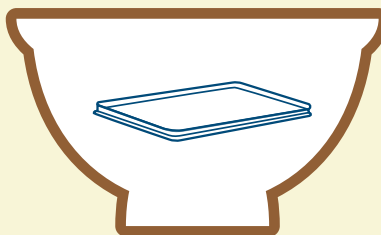


Food containers

(such as bowls and boxes)



Food container covers



EPS tableware



3.2

In recent years, quite a number of “plastic substitutes” (e.g. oxo-degradable plastics, biodegradable plastics, etc.) which claim to be degradable or biodegradable are available in the market. These “plastic” products mostly can only accelerate their fragmentation into microplastic flakes or be biodegraded under specific conditions, such as exposure to ultraviolet radiation or heat, and those required conditions are often absent in the natural marine environment. Since there has not been sufficient evidence to prove that such products can be completely biodegraded in a reasonable time in the marine environment, we suggest that the Regulation Scheme should cover disposable tableware made of all kinds of plastics, including oxo-degradable plastics and biodegradable plastics.

3.3

Nevertheless, as a matter of principle, we should reduce waste at source and avoid using disposable tableware. If the use of disposable tableware is unavoidable, more environmentally friendly tableware made of non-plastic materials should be used.



Question 2

- a: Do you agree that the Regulation Scheme should cover all types of disposable plastic tableware listed in Section 3.1?
- b: Do you agree that the Regulation Scheme should cover “plastic substitutes” (e.g. oxo-degradable plastics, biodegradable plastics, etc.) that claim to be degradable or biodegradable?



Prohibition of the sale of EPS tableware

3.4

Since the end of 2020, the Mainland has banned the production and sale of disposable EPS tableware. Other regions, such as Europe, the United States of America and Australia, have also implemented different measures to ban the sale or use of EPS tableware.

3.5

In view of the serious potential impacts of EPS tableware on global marine ecosystem, Hong Kong has the responsibility to work with the Mainland and the international community to join the fight against this “white” pollution.

3.6

We propose that the Regulation Scheme should comprehensively regulate disposable EPS tableware in the first place by imposing a ban on the local sale of disposable EPS tableware to local end-consumers (including catering premises).



Question 3

Do you agree that the sale of disposable EPS tableware to local end-consumers (including catering premises) should be banned?



Regulation of premises using disposable plastic tableware

Starting from Dine-in Services

3.7

Currently, there are about 30 000+ catering premises in Hong Kong, with about 55% providing dine-in services. Undoubtedly, the disposable plastic tableware used is mostly generated from dine-in and takeaway services of the catering sector.

3.8

For dine-in services in general, not only do the catering operators sell or supply food or beverages, they also provide a dining setting for customers, such as seats or tables. Common catering premises operating dine-in services include restaurants, fast-food shops, Chinese restaurants, congee shops, staff canteens, school canteens, cooked food stalls operating in markets, etc.

3.9

In general, most of the catering premises providing dine-in services have been equipped with tableware washing facilities or arranged for a third party to provide tableware cleaning services. As such, they are capable of providing reusable tableware for dine-in customers, thus avoiding the use of disposable plastic tableware, or even all disposable tableware.



3.10

In fact, the Government has set an example by taking the lead in requesting the restaurants within government venues not to provide any types of disposable tableware to dine-in customers since 2019, so as to bring a demonstrative effect. The arrangement has received positive response from the customers since its implementation.

3.11

As such, in order to reduce the use of disposable plastic tableware at source, we consider that this is an opportune time to impose a complete ban on the provision of various types of disposable plastic tableware by the catering premises to customers for dine-in services in the first place.

3.12

Regarding the catering services provided for some private events⁴, as their nature is similar to that of dine-in services, it is also proposed that they should be included in the scope of dine-in services.

⁴ Including the provision of food & beverages and catering staff



Takeaway Services

3.13

Takeaway services generally refer to the preparation of food or beverages by the catering operators for sale to customers for consumption off their business premises. There are different types of catering premises providing takeaway services. Besides the common catering premises operating dine-in services mentioned above, they also include snack shops, tea shops, bakeries, cooked food counters in supermarkets, ice-cream shops, lo-mei shops, etc.

3.14

Compared with dine-in services, food & beverage takeaway services rely more on the use of disposable plastic tableware. Taking into account the difficulties in recycling the tableware and the availability of proven alternatives, we suggest that for food & beverage takeaway services, it is more appropriate to adopt a progressive approach to regulate different types of disposable plastic tableware at this stage.



Question

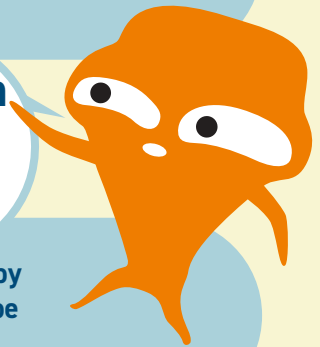
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Do you agree that the Regulation Scheme should cover all catering premises?

Question

5

Do you agree that provision of disposable plastic tableware by catering premises to customers for dine-in services should be completely banned in the first place?



Question

6

Given that catering services provided for private events and dine-in services are similar in nature, do you agree that catering services provided for private events (including the provision of food & beverages and catering staff) should be included in the scope of dine-in services?



Regulation of disposable plastic tableware in phases

3.15

We propose that disposable plastic tableware should be regulated progressively in **two phases**.

Phase One

3.16 **A comprehensive regulation of disposable EPS tableware**

We propose imposing a comprehensive regulation of disposable EPS tableware by banning the local sale of disposable EPS tableware, as well as the provision of EPS tableware by catering premises to customers for both dine-in and takeaway services.

3.17 **A ban on the provision of disposable plastic tableware for dine-in services**

We propose imposing a complete ban on the provision of disposable plastic tableware (including disposable EPS and non-EPS tableware) by catering premises to customers for dine-in services in the first place.

3.18 **A ban on the provision of straws, stirrers, forks, knives, spoons, and plates for takeaway services**

As for takeaway services, we propose regulating disposable plastic tableware that is small in size and difficult to be recycled or has proven alternatives, including straws, stirrers, forks, knives, spoons, plates, etc. by imposing a ban on the provision of such disposable plastic tableware by catering premises to customers for takeaway services. As far as we know, there are already many suppliers in the market that can provide various types of non-plastic alternatives to such plastic tableware.

Phase Two

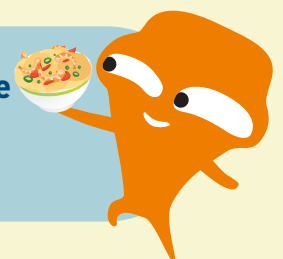
3.19 **Regulating takeaway services in the same manner as dine-in services**

We propose regulating takeaway services in the same manner as dine-in services, i.e. imposing a complete ban on the provision of all types of disposable plastic tableware for dine-in and takeaway services. Currently, some disposable plastic tableware, such as cups, cup lids, food containers and food container covers, has only a few types of non-plastic alternatives or is more expensive. We believe that with the advancements in technologies and the rising global demand, more economical, reliable and eco-friendly alternatives for all types of disposable plastic tableware should be available in the market when the second phase commences.



Question 7

Do you agree that a ban on the provision of disposable plastic tableware by catering premises to customers for takeaway services should be imposed in phases?



Timetable

3.20

Taking into account the needs to amend the relevant legislation and to provide members of the public with an adaptation period, especially for the catering sector which requires more time to adjust the supply chain amid the pandemic, subject to the views received and the ensuing legislative procedures, the first phase of the Regulation Scheme can be implemented in around 2025.

3.21

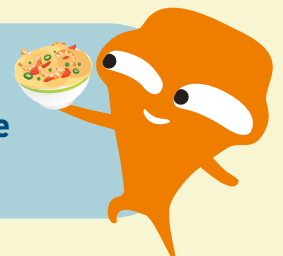
Subject to the outcome of the first phase as well as the maturity of the market for alternatives in future, the launch date of the second phase will be reviewed and determined about 12 to 18 months upon the implementation of the first phase. It is also initially proposed to provide the second phase with a similar preparatory period.

Types of disposable plastic tableware	Phase One	Phase Two
EPS tableware	Prohibits the sale to local end-consumers (including catering premises)	Prohibits the provision by catering premises to customers for dine-in and takeaway services
	Prohibits the provision by catering premises to customers for dine-in and takeaway services	
Straws	Prohibits the provision by catering premises to customers for dine-in and takeaway services	
Stirrers		
Cutlery (e.g. forks, knives, spoons)		
Plates	Prohibits the provision by catering premises to customers for dine-in and takeaway services	
Cups		
Cup lids		
Food containers		
Food container covers		



Question 8

What are your views on the timetable for implementing the Regulation Scheme in a progressive manner as proposed in the Regulation Scheme?



Exclusions

Medical reasons

3.22

Some persons with special needs (e.g. patients or persons with disabilities) who dine in or order takeaway at catering premises may have the need to use disposable plastic straws for medical care reasons.

3.23

As such, drawing on the experience of other regions, we consider that the provision of disposable plastic straws by catering premises on request by persons with special needs due to their medical needs or physical conditions should not be covered by the Regulation Scheme to be implemented.



Food products pre-packaged outside catering premises

3.24

Besides, we propose that the Regulation Scheme to be implemented should exclude disposable plastic tableware that forms part of pre-packaged food products prepared outside catering premises.



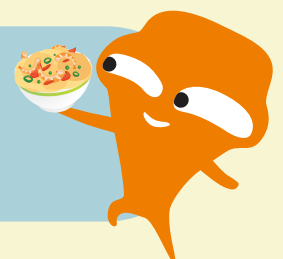
3.25

As this kind of disposable plastic tableware is part of a commodity in nature and is usually manufactured by local or even overseas food manufacturers in factories outside catering premises, we consider that this kind of disposable plastic tableware should not fall within the scope of disposable plastic tableware to be provided by catering premises. However, takeaway food & beverage products filled and sealed (e.g. beverages contained in plastic cups and sealed with plastic films) on the spot at catering premises before being sold do not fall within the scope of exclusion



Question
9

Do you agree to the exclusions proposed in Sections 3.22 to 3.25?



Turning risks into opportunities

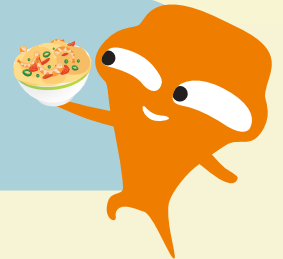
3.26

It is an international trend to “regulate disposable plastic tableware”, which is considered as a challenge but also an opportunity. Exploring non-plastic alternatives helps promote low-carbon transformation and the development of a circular economy. As long as the government, members of the public and people from all sectors work together, we are confident that we can realise our vision of living a “plastic-free” life progressively.



Question 10

Do you have any other opinions on the “Scheme on Regulation of Disposable Plastic Tableware” and other relevant issues?



Chapter

4

**Share
Your Views
with Us**



Share your views with us

4.1

We invite different sectors of society and members of the public to give their views on the implementation of the “Scheme on Regulation of Disposable Plastic Tableware”. This can help us formulate an effective and practicable proposal after considering the views from different perspectives.

4.2

For the ease of responding to this consultation document and facilitating the subsequent analysis, please visit the dedicated website below for filling in and submitting “Online View Collection Form” direct. You may also fill in the “Response Form” provided at Appendix 4 and send it to the Environmental Protection Department (EPD) by email, post or fax.

Deadline and Ways of Submission

Please submit your views and comments on or before
8 September 2021 via the following channels:

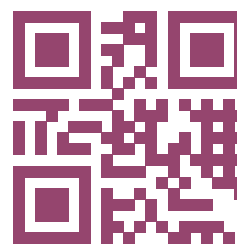
Website: www.rdpt.hk

Email: rdpt@epd.gov.hk

Post: Waste Reduction and Recycling Group
Environmental Protection Department
2/F., East Wing, Island West Transfer Station,
88 Victoria Road,
Kennedy Town, Hong Kong

Fax No.: 2872 0389

Website



Please scan

Important Disclaimer

Please note that the Government would wish, either in discussion with others or in any subsequent report, whether privately or publicly, to be able to refer to and attribute views submitted in response to this consultation paper. Any request to treat all or part of a response in confidence will be respected, but if no such request is made, it will be assumed that the response and the identity for submitting such response is not intended to be confidential.

The names and comments (except personal data) provided by individuals or groups to the EPD in the course of the public consultation will be disclosed, either wholly or partly, to the public (including disclosure on the relevant websites). If you do not wish such information to be disclosed, please advise us at the time of submission.

Personal Information Collection Statement

1. The personal data provided by means of this form will only be used for the above public consultation conducted by the EPD and any directly related purpose.
2. You have the right of access and correction with respect to personal data as provided by means of this form. For enquiries or making correction concerning the personal data, please email to rdpt@epd.gov.hk.

◀◀◀ Thank you for your views and support! ▶▶▶

Appendix 1

Brief Descriptions of Plastic Control Policies in Various Regions

Region	Brief descriptions of Plastic Control policies
South Australia, Australia	Since 2021, the sale of disposable plastic straws, cutlery and stirrers has been banned; the sale of EPS cups, bowls, plates and clamshell containers, etc. will be banned from 2022.
Vancouver, Canada	Since 2020, the use of EPS food containers and cups as well as plastic straws in the catering sector has been banned. Provision of disposable cutlery for dine-in or takeaway services has been prohibited unless requested by customers.
European Union	The European Parliament has endorsed the Single-use Plastic Directive. All member states of the European Union must impose a complete ban on single-use plastic products (such as plastic straws, cotton bud sticks, plastic trays, plastic knives and forks) and EPS food containers and cups by 2021.
France	Since 2020, the sale of single-use plastic cups and plates has been banned; since 2021, the sale of plastic straws, stirrers, disposable cutlery and EPS meal boxes etc. has been banned; the provision of single-use tableware to dine-in customers by the catering sector (including fast food chains) will be banned from 2023.
Mainland China	Since 2021, the production and sale of single-use EPS tableware have been banned, the use of non-degradable single-use plastic straws in the catering sector across the country has been banned, and the use of non-degradable single-use plastic tableware for dine-in services will be banned in a progressive manner. By 2025, such consumption in respect of takeaway services in major cities will have decreased by 30%.
Taiwan	Since 2019, the use of disposable plastic straws and disposable plastic tableware for certain dine-in services in the catering sector has been banned, and the measures to control single-use takeaway beverage cups have been enhanced; a comprehensive plastic ban to be implemented by 2030.
Seattle, United States	Since 2009, the use of EPS food service products in the catering sector has been banned; since 2010, the use of non-recyclable or non-compostable disposable food packaging and service ware in the catering sector has been banned; since 2018, the use of plastic straws and cutlery etc. in the catering sector has been banned.

Appendix 2

Government's Efforts in Promoting "Plastic-free" in Recent Years

Measures taken to reduce disposable plastic tableware

2018

- ▶ **Education and publicity:** In 2018 and 2019, two territory-wide promotional campaigns, namely "Plastic-Free Takeaway, Use Reusable Tableware" and "Plastic-Free Beach, Tableware First", were launched in collaboration with about 700 local eateries of different sizes. About 2.4 million sets of disposable plastic tableware were saved during the campaigns. In addition, the Environmental Protection Department (EPD) and the Environmental Campaign Committee have taken forward various promotion initiatives since 2020 through different channels such as tram and bus bodies, bus and railway stations, outdoor advertisements, news and social media online platforms and mobile applications, etc., to appeal to the public to minimise the use of disposable plastic tableware while fighting the pandemic.

2019

- ▶ **Consultancy study:** In order to tackle the issue of disposable plastic tableware in the long run, the EPD commissioned a consultancy study on feasibility, scope and mechanism of regulating disposable plastic tableware in 2019.
- ▶ **"Take the lead in going plastic-free":** Since 2019, we have progressively ceased the provision of plastic straws and EPS food containers in most government premises and canteens, and we have also stipulated the relevant requirement on the avoidance of using disposable tableware when awarding new contracts or renewing existing contracts. We expect that 90% of the restaurants at government venues will cease using all disposable plastic tableware completely by the end of this year.

2020

- ▶ **Pilot scheme on central collection service of waste plastics:** In 2020, we rolled out a two-year Pilot Scheme on Collection and Recycling Services of Plastic Recyclable Materials (the Pilot Scheme) in Eastern District, Kwun Tong and Sha Tin successively to collect all types of waste plastics from non-commercial and non-industrial sources for proper handling. Contractors engaged for the Pilot Scheme have also participated actively in the "trial scheme on recycling disposable tableware in housing estates" organised by green groups. We are planning to extend the Pilot Scheme from the current three districts to nine districts progressively.
- ▶ **"Plastic-free" School Lunch:** We provide the "Four Treasures" (refrigerators, steam cabinets, dishwashers and disinfection machines) for primary and secondary schools to encourage students to bring their own lunches using reusable food containers. "Plastic-free" School Lunch Pilot Scheme will be run for three school years, and was open for applications from all primary and secondary schools from September to November 2020.

2021

- ▶ **"Plastic-Free" Takeaway:** In early 2021, we provided the catering sector and food delivery platforms with guidelines to encourage the eateries to adopt various measures to minimise the use of disposable plastic tableware.



Other major work to promote “plastic-free”

Plastic Shopping Bag Charging:

Plastic Shopping Bag Charging Scheme is the first Mandatory Producer Responsibility Scheme introduced in Hong Kong. The first phase of the Scheme was implemented on 7 July 2009 and the full implementation of the Scheme in the entire retail sector has taken effect since 1 April 2015.



Installing more water dispensers:

More water dispensers have been progressively installed in government venues with public access since 2018 to inculcate the “bring your own bottle” and “use less, waste less” culture; and the sale of plastic bottled water measuring 1 litre or less at the automatic vending machines of government premises has been ceased progressively.

Producer Responsibility Scheme (PRS) on Plastic Beverage Containers:

The Government will take forward the PRS on plastic beverage containers that requires relevant stakeholders to jointly share their eco-responsibilities. The Government conducted a public consultation on the PRS in the first half of 2021. Subject to the views collected in the public consultation and the legislative procedures required for putting forward the final proposal, it is expected that the PRS can be implemented by 2025 the earliest.

The Government has also commenced a one-year pilot scheme on reverse vending machines, and will decide the way forward for the application of reverse vending machines in Hong Kong after taking into account the outcome of the pilot scheme and the relevant data collected.

Voluntary scheme for phasing out personal care and cosmetic products (PCCPs) containing microbeads:

The Government is planning to launch a two-year voluntary scheme for phasing out PCCPs containing microbeads in 2021, aiming to encourage the trade to stop the production, importation and sale of these products, and to assist consumers in choosing microbead-free products.



Appendix 3

Characteristics of Tableware Using Various Common Materials

Types of tableware		Characteristics
1	Reusable tableware	It is made of durable materials such as metals and ceramics, and it can be washed and reused.
2	Edible tableware (e.g. rice)	It is a more eco-friendly alternative which is made of natural materials and is degradable.
3	Paper/plant-fibre tableware	
4	Bamboo/wooden tableware	
5	Biodegradable plastic tableware*	It is synthesised from renewable resources (e.g. corn starch, cassava roots and sugarcane), and a common example is polylactic acid (PLA). Biodegradable plastic tableware is degradable only under certain conditions. The quality of the recycled plastics will be affected if biodegradable plastic tableware is added in the existing recycling system.
6	Oxo-degradable plastic tableware*	It is produced by adding additives to conventional plastics, which can accelerate the process of fragmentation when the plastics are exposed to UV radiation or heat. However, tiny plastic fragments will still remain after degradation. The quality of recycled plastics will also be affected if oxo-degradable plastic tableware is added in the existing recycling system.
7	General plastic tableware*	It is made of non-renewable petrochemicals, and is difficult to recycle and degrade.
8	Composite plastic tableware*	It is made of a mixture of different raw materials and plastics, and is difficult to degrade and non-recyclable.

* The proposed Regulation Scheme will cover these types of disposable plastic tableware.

Appendix 4

Response Form “Scheme on Regulation of Disposable Plastic Tableware”

Email: rdpt@epd.gov.hk

Post: Waste Reduction and Recycling Group, Environmental Protection Department
2/F, East Wing, Island West Transfer Station, 88 Victoria Road, Kennedy Town, Hong Kong

Fax: 2872 0389

Part I: Basic Information

Which of the following identities are you using to respond to this response form? (Please select one option)

<input type="checkbox"/> Professional Bodies / Academic Institutions	<input type="checkbox"/> Public Organisations	<input type="checkbox"/> Green Groups
<input type="checkbox"/> Industry Associations	<input type="checkbox"/> Companies	<input type="checkbox"/> Others
Name of Organisations / Companies: _____		
<input type="checkbox"/> Individuals		

Email Address: _____

Part II: Consultation Questions

Question 1: Do you support in principle the introduction of legislation to regulate disposable plastic tableware?

<input type="checkbox"/> Strongly Support	<input type="checkbox"/> Support	<input type="checkbox"/> Neutral	<input type="checkbox"/> Oppose	<input type="checkbox"/> Strongly Oppose
If oppose, the reason is:				

Question 2a: Do you agree that the Regulation Scheme should cover all types of disposable plastic tableware listed in Section 3.1?

(i) EPS Tableware	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(ii) Straws	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(iii) Stirrers	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(iv) Cutlery (such as fork, knife and spoon)	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(v) Plates	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(vi) Cups	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(vii) Cup Lids	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(viii) Food Containers	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(ix) Food Container Covers	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:

Others (please specify): _____

Question 2b: Do you agree that the Regulation Scheme should cover “plastic substitutes” (e.g. oxo-degradable plastics, biodegradable plastics, etc.) that claim to be degradable or biodegradable?

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
If disagree, the reason is :				

Question 3: Do you agree that the sale of disposable EPS tableware to local end-consumers (including catering premises) should be banned?

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
If disagree, the reason is :				

Question 4: Do you agree that the Regulation Scheme should cover all catering premises? (Note: Catering premises refer to any premises where a catering business is carried out by selling or supplying food or beverages to customers for immediate consumption within or outside the premises.)

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
If disagree, the reason is :				

Question 5: Do you agree that provision of disposable plastic tableware by catering premises to customers for dine-in services should be completely banned in the first place?

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
If disagree, the reason is :				

Question 6: Given that catering services provided for private events and dine-in services are similar in nature, do you agree that catering services provided for private events (including the provision of food & beverages and catering staff) should be included in the scope of dine-in services?

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
If disagree, the reason is :				

Question 7: Do you agree that the ban on the provision of the following disposable plastic tableware by catering premises to customers for takeaway services should be imposed in phases?

Phase One

(i) EPS Tableware	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(ii) Straws	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(iii) Stirrers	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(iv) Cutlery (such as fork, knife and spoon)	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(v) Plates	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
Others (Please specify):			

Phase Two

(i) Cups	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(ii) Cup Lids	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(iii) Food Containers	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
(iv) Food Container Covers	<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
Others (Please specify):			

Question 8: What are your views on the timetable for implementing the Regulation Scheme in a progressive manner as proposed in the Regulation Scheme?

(i) Phase One

EPS tableware: a complete ban on the sale and provision of EPS tableware to customers for dine-in and takeaway services;

Dine-in: a complete ban on the provision of all types of disposable plastic tableware;

Takeaway: a ban on the provision of certain types of disposable plastic tableware

Subject to the views received and the ensuing legislative procedures, the first phase of the Regulation Scheme can be implemented in around 2025.

<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
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(ii) Phase Two

EPS tableware: a complete ban on the sale and provision of EPS tableware to customers for dine-in and takeaway services;

Dine-in and takeaway: a complete ban on the provision of all types of disposable plastic tableware

Subject to the outcome of the first phase as well as the maturity of the market for alternatives in future, the launch date of the second phase will be reviewed and determined about 12 to 18 months upon the implementation of the first phase. It is also initially proposed to provide the second phase with a similar preparatory period.

<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
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Or

(iii) <input type="checkbox"/> Disagree that the Regulation Scheme is to be implemented in phases. All the measures should be implemented at the same time.
Others (Please specify):

Question 9: Do you agree to the exclusions proposed in Sections 3.22 to 3.25?

(i) Disposable plastic straws provided by catering premises on request by persons with special needs due to their health needs or physical conditions

<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
--------------------------------	----------------------------------	---

(ii) Disposable plastic tableware that forms part of pre-packaged food products prepared outside catering premises

<input type="checkbox"/> Agree	<input type="checkbox"/> Neutral	<input type="checkbox"/> Disagree, the reason is:
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Others (Please specify):

Question 10: Do you have any other opinions on the “Scheme on Regulation of Disposable Plastic Tableware” and other relevant issues?

<<<< **Thank you for your views** >>>>

After completion, please send the response form to the Environmental Protection Department by email, post or fax on or before 8 September 2021.