

LEGISLATIVE COUNCIL BRIEF

Product Eco-responsibility Ordinance
(Chapter 603)

Waste Disposal Ordinance
(Chapter 354)

PROMOTION OF RECYCLING AND PROPER DISPOSAL (PRODUCT CONTAINER) (AMENDMENT) ORDINANCE 2016 (COMMENCEMENT) NOTICE

PRODUCT ECO-RESPONSIBILITY (REGULATED ARTICLES) REGULATION (COMMENCEMENT) NOTICE

WASTE DISPOSAL ORDINANCE (APPLICATION OF SECTION 16) NOTICE 2022

INTRODUCTION

Pursuant to section 1(2) of the Promotion of Recycling and Proper Disposal (Product Container) (Amendment) Ordinance 2016 (“Amendment Ordinance”) and section 1 of the Product Eco-responsibility (Regulated Articles) Regulation (“RAR”), the Secretary for Environment and Ecology has appointed the following dates on which the relevant provisions of the Amendment Ordinance and the RAR will come into operation for the purpose of implementing in phases the producer responsibility scheme on glass beverage containers (“GPRS”), which aims to put in place a system for the proper management and recycling of waste glass beverage containers generated in Hong Kong, and applies to beverages that are pre-packaged in sealed glass containers (hereinafter referred to as “regulated articles” (“RAs”)):

- (a) 1 February 2023 – for provisions relating to the registration of suppliers who distribute RAs in Hong Kong; the

application for exemption from payment of container recycling levy by way of a container waste reduction plan (“CWRP”); and the application for waste disposal licence in respect of container waste; and

- (b) 1 May 2023 – for provisions relating to the prohibition of distribution of RAs by suppliers without registration; obligations of registered suppliers (including payment of container recycling levy and submission of returns and audit reports) and their exemptions; and control over the disposal, and import and export of container waste.

2. In addition, pursuant to section 38 of the Waste Disposal Ordinance (Cap. 354) (“WDO”), the Director of Environmental Protection has appointed 1 May 2023 to be the date from which section 16 of that Ordinance shall apply to container waste. That provision prohibits the use of land or premises for the disposal of waste without a licence.

JUSTIFICATIONS

3. The Amendment Ordinance amended the Product Eco-Responsibility Ordinance (Cap. 603) (“PERO”) and the WDO to provide for the statutory regulatory framework for the GPRS, whereas the operational details are set out in the RAR. Under the amended PERO, suppliers of RAs will be required to register as registered suppliers and pay a container recycling levy for the RAs distributed or consumed in Hong Kong. Exemption will be provided for a registered supplier who has / will have in place a container waste reduction plan for recovery and reuse or recycling of the glass containers of its beverage products if certain criteria are met. New regulatory measures will also be implemented through the amended WDO to impose licence control on the operation of waste disposal facilities for proper disposal of container waste, including its storage, treatment, reprocessing and recycling, and to introduce permit control for import and export of container waste to ensure its recycling and disposal in a proper and environmentally sound manner.

4. Since the enactment of the Amendment Ordinance by the Legislative Council (“LegCo”) in June 2016, the Government has been making arrangements to put in place the GPRS progressively, including the appointment of glass management contractors to provide collection and

treatment services for waste glass containers across the territory since early 2018, and the drafting of the RAR which provides for the operational details for the full implementation of the GPRS.

5. The RAR was approved by the LegCo on 3 November 2022, and Members were generally supportive of implementing the GPRS. With the COVID-19 pandemic being stabilised and the economic environment of Hong Kong recovering gradually, we consider that it is now a suitable time to implement the GPRS in phases. There will be a 3-month period from 1 February 2023 for processing applications for supplier registration, exemptions and container waste disposal licence, in preparation for the full implementation of the GPRS on 1 May 2023. We have informed the beverage trade sector, recyclers and stakeholders of the commencement arrangement for their early preparation.

THE NOTICES

6. The commencement dates for the respective provisions of the Amendment Ordinance, the RAR and the WDO are set out in the three notices at Annexes A to C, as summarised below:

Commencement Date	Relevant Provisions
1 February 2023	<ul style="list-style-type: none"> <li data-bbox="579 1346 1345 1637">• <u>Amendment Ordinance</u>: sections 1, 2, 3, 4, 5, 6 (in so far as it relates to the new sections 47, 49 and 50 of the PERO; the new sections 51, 52 and 53 of the PERO for the purpose only of enabling an application mentioned in the new section 56 of the PERO; and the new sections 55, 56 and 57 of the PERO), 7, 8, 9 and 13 <li data-bbox="579 1682 1345 1850">• <u>RAR</u>: sections 1, 2, 3, 4, 5, 6(1)(a), 6(1)(b), 6(1)(c), 6(1)(d), 6(3), 7, 8, 9, 22, 27, 28, 29, 31, 32, 33, 34(1)(a), 34(1)(b) and 34(2), and the Schedule

Commencement Date	Relevant Provisions
1 May 2023	<ul style="list-style-type: none"> • <u>Amendment Ordinance</u>: remaining provisions uncommenced, i.e. sections 6 (in so far as it relates to the new sections 48 of the PERO, the new sections 51, 52 and 53 of the PERO (in so far as they have not yet come into operation), and the new section 54 of the PERO), 10, 11 and 12 • <u>RAR</u>: remaining provisions uncommenced, i.e. sections 6(1)(e), 6(2), 6(4), 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 30, 34(1)(c), 34(1)(d), 34(1)(e), 34(1)(f), 34(1)(g) and 35 • <u>WDO</u>: the prohibition in section 16 in relation to container waste

7. The three notices are in conformity with the Basic Law, including the provisions concerning human rights.

LEGISLATIVE TIMETABLE

8. The legislative timetable is set out as follows –

Publication in the Gazette	11 November 2022
Tabling at the LegCo	16 November 2022

PUBLICITY

9. A press release will be issued on the date of gazettal of the notices. A Government spokesperson will be available to answer media and public enquiries. We will prepare relevant guidelines for reference of the trade, and arrange briefings to assist suppliers of glass-bottled beverages in applying for registration and exemptions with CWRPs.

ENQUIRIES

10. For enquiries on this brief, please contact Mr Kenneth Cheng, Assistant Director of Environmental Protection (Waste Management Policy) at 3509 8614 or kennethcheng@epd.gov.hk.

**Environment and Ecology Bureau /
Environmental Protection Department
9 November 2022**

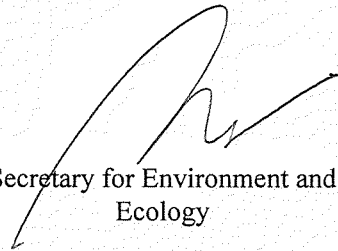
Promotion of Recycling and Proper Disposal (Product Container) (Amendment)
Ordinance 2016 (Commencement) Notice

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**Promotion of Recycling and Proper Disposal (Product
Container) (Amendment) Ordinance 2016
(Commencement) Notice**

Under section 1(2) of the Promotion of Recycling and Proper Disposal
(Product Container) (Amendment) Ordinance 2016 (13 of 2016), I appoint—

- (a) 1 February 2023 as the day on which the following provisions of the Ordinance come into operation—
 - (i) sections 1, 2, 3, 4 and 5;
 - (ii) section 6 in so far as it relates to—
 - (A) the new sections 47, 49 and 50;
 - (B) the new sections 51, 52 and 53 (for the purpose only of enabling an application mentioned in the new section 56); and
 - (C) the new sections 55, 56 and 57;
 - (iii) sections 7, 8, 9 and 13; and
- (b) 1 May 2023 as the day on which the uncommenced provisions of the Ordinance come into operation.

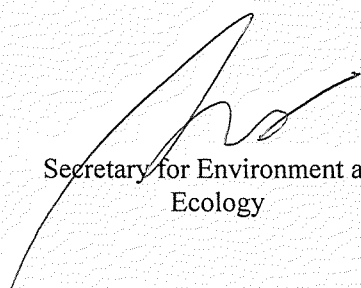

Secretary for Environment and
Ecology

2022 - 11.07

**Product Eco-responsibility (Regulated Articles)
Regulation (Commencement) Notice**

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

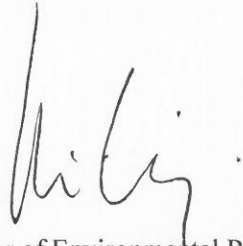
- (a) 1 February 2023 as the day on which the following provisions of the Regulation come into operation—
 - (i) sections 1, 2, 3, 4, 5, 6(1)(a), (b), (c) and (d) and (3), 7, 8, 9, 22, 27, 28, 29, 31, 32, 33 and 34(1)(a) and (b) and (2);
 - (ii) the Schedule; and
- (b) 1 May 2023 as the day on which the uncommenced provisions of the Regulation come into operation.


Secretary for Environment and
Ecology

2022.11.07

**Waste Disposal Ordinance (Application of Section 16)
Notice 2022**

Under section 38 of the Waste Disposal Ordinance (Cap. 354), I appoint 1 May 2023 as the day on and from which section 16 of the Ordinance applies in relation to any container waste that is item 1 in column 3 of Part 2 of Schedule 8 to the Product Eco-responsibility Ordinance (Cap. 603).



Acting Director of Environmental Protection

2022 . 11 . 07

Explanatory Note

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

- 2. This Notice provides for section 16 of the Ordinance to apply in relation to any container waste that is item 1 in column 3 of Part 2 of Schedule 8 to the Product Eco-responsibility Ordinance (Cap. 603) on and from 1 May 2023.