

**For discussion on
24 October 2022**

**LEGISLATIVE COUNCIL
PANEL ON ENVIRONMENTAL AFFAIRS**

PRODUCT ECO-RESPONSIBILITY (AMENDMENT) BILL

Purpose

This paper seeks to consult Members' on the Product Eco-responsibility (Amendment) Bill ("Amendment Bill"), which aims to amend the Product Eco-responsibility Ordinance (Cap. 603) to:

- (i) provide a legal framework for the regulation of disposable plastic tableware and other plastic products; and
- (ii) optimise the operation of the producer responsibility scheme ("PRS") on waste electrical and electronic equipment ("WPRS") and glass beverage containers ("GPRS").

Regulation of disposable plastic tableware and other plastic products

Waste management challenge in Hong Kong

2. Plastic is relatively cheap, light, durable, and is a common material in our daily lives. In 2020, out of the 10,809 tonnes municipal solid waste ("MSW") being disposed of in landfill every day, waste plastics' disposal rate is around 2,312 tonnes per day, contributing around 21% of the MSW daily disposal in the landfill in Hong Kong. Besides, plastics could stay in the environment for a very long period of time, causing far reaching threat to the environment and ecology, especially because plastics could be decomposed into micro-plastics, which could affect the marine ecology or enter the food chain after getting into the sea. In view of this, we need to enhance the policy direction towards "plastic free" so as to reduce the use of plastics at source.

Plastic reduction measures in different places

3. Recently, different places have been reducing the use of plastic materials, in particular single-use plastic products, and exploring other alternatives. In

March this year, a resolution was passed by representatives from 175 countries (including China) at the United Nations Environment Assembly, UNEA-5 to commence drafting a global treaty that aims at alleviating the serious problem of plastic pollution. The Government of Mainland China has also launched different measures to gradually phase out a number of disposable plastic products in the country, including phasing out non-degradable disposable plastic tableware, banning the manufacture and sale of expanded polystyrene (“EPS”) tableware and plastic stemmed cotton buds, banning star hotels from actively providing disposable plastic products, etc. Examples of plastics reduction measures in different places in recent years are set out in Annex 1. With the society’s growing concern about climate change and sustainable development, the public is becoming more willing to make changes in their life to protect the environment. We consider Hong Kong should keep pace with the world and our own country in the plastic reduction by regulating disposable plastic products.

Regulation of disposable plastic tableware

4. Disposable plastic tableware is relatively low in cost, heat-resistant and waterproof, and is widely used in our daily lives. However, recycling and recovering of disposable plastic tableware has posed many challenges as there are various types of tableware made of different mixed materials, and they are also difficult to clean with food remnants on them, costing a lot to recycle. Hence, massive use of disposable plastic tableware is not an environmental friendly way of living.

5. In order to reduce the use of disposable plastic tableware at source, the Environmental Protection Department (“EPD”) conducted a two-month public consultation on the “Scheme on Regulation of Disposable Plastic Tableware” (“Regulation Scheme”) on 9 July 2021 and received over 8 000 submissions, amongst which over 90% of the comments supported to regulate disposable plastic tableware progressively by legislation. A summary of the findings of the public consultation is set out in Annex 2.

6. The consultation document originally proposed that the first phase of the Regulation Scheme is to be implemented around 2025, and 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 be reviewed and decided in about 12 to 18 months upon the implementation of the first phase. During the public consultation, there were quite some views that given many places have already been strengthening the regulation of disposable plastic tableware through legislation or other measures in recent years; and during the epidemic, people tend to use food delivery/takeaway services more frequently, resulting in an increase in the use of disposable plastic tableware; hence there is room to advance

the implementation of the first phase of the regulation before 2025 as suggested in the consultation document. Furthermore, during the course of the public consultation and in the subsequent public engagement on control of single-use plastics conducted by the Council for Sustainable Development (“SDC”) from September to December 2021, there were also views from the food and beverage (“F&B”) sector and other organisations recommending that the sale of disposable plastic tableware at retail outlets should also be prohibited, so as not to undermine the effectiveness of the regulation of disposable plastic tableware. Having considered the views collected in the public consultation, our proposed regulation is detailed as below.

7. The proposed Regulation will cover nine types of disposable plastic tableware (including EPS tableware, straws, stirrers, cutlery (such as forks, knives, spoons), plates, cups, cup lids, food containers, and food container covers), and local sale and provision of disposable plastic tableware by catering premises to customers for dine-in and takeaway services will be prohibited by phase. Owing to the similar nature with dine-in services, catering services (involving the provision of food and beverage and catering staff) for private events are also suggested to be included under the scope of dine-in services.

8. The first phase of regulation consists of banning the sale and provision of EPS tableware and other disposable plastic tableware that are small in size and difficult to be recycled or to which there are mature alternatives (such as stirrers, straws, knives, forks, spoons and plates etc.), while exclusions will be provided under special circumstances. Besides, in view that most catering premises with dine-in services have already been equipped with tableware washing facilities or have arranged a third-party service to provide tableware cleaning, they should be capable of providing reusable tableware for dine-in customers and avoiding the use of disposable plastic tableware (or even all disposable tableware). Hence, the first phase of regulation will also include the prohibition of providing any disposable plastic tableware to dine-in customers at catering premises. As regards the second phase of regulation, it is suggested to go plastic-free for all types of disposable tableware by prohibiting both local sale and provision of any disposable plastic tableware for both dine-in and takeaway customers. In accordance with the above recommendations, details of the proposed phased regulatory framework are as follows:

Types of disposable plastic tableware	Phase 1	Phase 2
EPS tableware	To prohibit the sale to local end-customers	

	To prohibit the provision by catering premises to customers for dine-in and takeaway services	
Straws	To prohibit the sale to local end-customers	To prohibit the sale to local end-customers To prohibit the provision by catering premises to customers for dine-in and takeaway services
Stirrers		
Cutlery (forks, knives, spoons)	To prohibit the provision by catering premises to customers for dine-in and takeaway services	
Plates		
Cups	To prohibit the provision by catering premises to customers for dine-in services	
Cup lids		
Food containers		
Food container covers		

Exclusions

9. The proposed regulation will exclude the following:
- (a) Pre-packaged food or drink products (e.g. disposable plastic straws attached to beverage cartons, disposable plastic cutlery provided inside cup noodles and ice cream cups etc.). However, the disposable plastic tableware shall not be exempted if it does not form part of the commodity, or it is added after the product is manufactured;
 - (b) Provision of disposable plastic straws to customers with medical needs at retail and catering premises; and
 - (c) Some specified premises that need to use disposable plastic tableware due to medical or security needs (e.g. hospital wards and correctional facilities).

Implementation Timetable

10. To speed up the pace of reducing plastics, we propose to advance the first phase implementation of the proposed regulation from 2025, as originally proposed, to six months after the passage of the Amendment Bill (in the fourth quarter of 2023 at the earliest), to allow time for the community to get prepared. We notice that, at present, most of the suppliers in the market are already able to provide non-plastic alternatives (e.g. paper, soft wood, etc.) to disposable plastic straws, stirrers, cutlery and plate that are covered by the first phase of the

regulation, and their prices are generally comparable to the corresponding plastic ones. As regards those plastic tableware (i.e. including cups, cup lids, food containers, and food container covers) that are covered by the second phase of the regulation, as the number of suppliers in the market that can provide suitable alternatives are relatively limited, the launch date of the second phase shall depend on the availability and affordability of the non-plastic alternatives. Tentatively, we plan to implement the second phase of the regulation in 2025.

Regulation of other plastic products

11. At the invitation of the Government, the SDC conducted a public engagement from September to December last year on the control of single-use plastics. The SDC submitted 24 recommendations (see [Annex 3](#)) to the Government on 14 April this year on the types of single-use plastic products (excluding plastic beverage containers and disposable tableware provided by catering premises) to be tackled, the priority, the approach for managing them (such as voluntary measures or regulation) and the timeline. Among other recommendations, the SDC recommended that the Government implement suitable control measures based on the characteristics of different single-use plastic products, including:

- (i) to ban the sale of single-use plastic products with readily available alternatives or products that are not essential, such as disposable plastic tableware sold at retail outlets, plastic stemmed cotton buds, cheer sticks and balloon sticks for parties/celebrations, etc.;
- (ii) to ban the free distribution of single-use plastic products that are currently distributed to the public for free, such as umbrella bags and hotel toiletries, etc.; and
- (iii) to ban the manufacturing, sale and distribution of certain single-use plastic products, such as oxo-degradable plastic products, etc.

12. The Government welcomes the 24 recommendations of the SDC. Taking into account experience in other places and the local situation, we propose to implement a control scheme on certain disposable plastic products¹. The control measures and the products covered are listed below:

¹ The SDC's recommendation on banning the sale of disposable plastic tableware at retail points will be featured in the control scheme of disposable plastic tableware (see paragraph 8 above).

Control measures	Disposable plastic products
Ban on sale and free distribution	<p>Phase 1</p> <ol style="list-style-type: none"> 1. cotton buds 2. balloon sticks for parties/celebrations 3. inflatable cheer sticks 4. glow sticks 5. party hats 6. oxo-degradable plastic products (regardless of the disposability) 7. cake toppers 8. umbrella bags 9. food sticks 10. plastic toothpicks <p>Phase 2</p> <ol style="list-style-type: none"> 1. multi-pack rings 2. table cloths 3. non-medical use transparent gloves 4. dental floss
Ban on free distribution	<p>Phase 1</p> <ol style="list-style-type: none"> 1. hotel toiletries (including plastic-handled toothbrushes, plastic combs, etc.) and plastic-bottled water provided in the hotel rooms 2. plastic packaged tissue paper for promotional use <p>Phase 2</p> <ol style="list-style-type: none"> 1. ear plugs
Ban on manufacture	<ol style="list-style-type: none"> 1. oxo-degradable plastic products (regardless of the disposability)

13. Similar to the regulation of disposable plastic tableware, we plan to ban the manufacture, sale and/or free distribution of relevant disposable plastic products by phase. The products proposed to be regulated in the first phase have had established alternatives in the market. Taking the example of disposable umbrella bags, we note that in recent years there are more and more malls, commercial buildings, etc. actively providing greener and convenient umbrella dryers to replace disposable umbrella bags. Besides, we consider that most products to be regulated under the first phase are not necessities (for example,

inflatable cheer sticks, glow sticks, cake toppers, etc.), or have non-plastic or reusable alternatives (for example, food sticks or plastic toothpicks could be replaced by wooden toothpicks, plastic-handled toothbrush and comb could be replaced by wooden products), hence we propose to include those products under Phase 1 of the regulation.

14. As regards the regulation of oxo-degradable plastic products, since oxo-degradable plastics is added with specific additives which will cause the plastics to break down into micro-plastics after oxidation or chemical decomposition, which will enter into the sea or the food chain and create micro-plastics pollution, harming the environment and human beings. The SDC also recommended the Government to make reference to other places' experience (for example, Western Australia, European Union and New Zealand) to regulate oxo-degradable plastic products so as to alleviate the impact on the environment brought by micro-plastics. Therefore, we propose to prohibit any person from manufacturing, selling or distributing for free oxo-degradable plastic products in the course of their business.

15. As regards the regulation of hotel toiletries, we propose to ban the free distribution of disposable toiletries (including plastic-handled toothbrushes, plastic combs, shampoo, shower gel, etc.) and in-room plastic-bottled water by local licensed hotels and guesthouses in the course of their accommodation business. We are glad to see that recently there are more and more hotels refraining from providing these types of disposable toiletries, or replacing them with non-plastic products, such as wooden-handled toothbrush, glass-bottled water, or even providing reusable containers for customers to get water from specific spots in the hotel, in order to reduce the use of disposable plastic water bottles.

Exemption

16. Noting that there may be situations in daily life genuinely warranting the use of disposable plastic products, we are considering exempting the manufacture, sale and/or free distribution of disposable plastic products under certain specific circumstances, including medical or public health needs, scientific, forensic or study purposes, security and public security, emergency situation, etc.

Implementation Timetable

17. In line with the above-mentioned regulation of disposable plastic tableware, we propose that the first phase of the proposed regulation of other plastic products commence six months after the passage of the Amendment Bill (in the fourth quarter of 2023 at the earliest), to allow time for the community to

get prepared. As for the second phase of regulation, it will depend on the availability and affordability of the non-plastic or reusable alternatives. We will review the implementation of the first phase of the control scheme, and decide on the next step.

Penalties and the Fixed Penalty System

18. Having regard to the penalty provision of the Product Eco-responsibility Ordinance, it is proposed that any person who contravenes the relevant requirements commits an offence, and is liable to a maximum fine at Level 6². We also suggest that a fixed penalty system be established under the general regulation framework. Law enforcement officers could issue a fixed penalty notice to the relevant person (for example, retailers or person-in-charge of the catering premises) demanding for a fixed penalty of \$2,000³, so as to enhance the law enforcement efficiency and to maintain the deterrent effect.

Publicity, education and support

19. In order to encourage the early adoption by the trade of more environmental-friendly tableware that is made of non-plastic materials (such as paper or plant fibre) in lieu of disposable plastic ones, and facilitate them to get a better understanding of alternatives that can meet the requirements of the regulation, we are building an online information platform for reference by the F&B trade, tableware suppliers and the public. The platform is expected to be launched by end 2022. We will also explore establishing an information platform on disposable plastics to share with the public the characteristics and pros and cons of different alternatives to plastics, so that the public could choose appropriate products.

20. We will continue to promote cutting down on disposable plastic tableware through different channels (for example, through collaboration with F&B industry to carry out the publicity and public education campaign “Plastic-free Takeaway, Use Reusable Tableware”, funding community reusables lending programmes, etc.), so as to encourage more members of the public and eateries to participate in going “plastic-free” and waste reduction at source. We will also further strengthen the promotion and publicity work according to the phased regulation of disposable plastic tableware and other disposable plastic products.

² According to Schedule 8 of the Criminal Procedure Ordinance (Cap. 221), a fine at level 6 is \$100,000.

³ Save for non-compliance with the requirement relating to oxo-degradable plastic products.

Enhancement of the operation of the two PRSs

WPRS

21. The WPRS has been fully implemented since 2018, covering regulated electrical equipment (“REE”), namely air-conditioners, refrigerators, washing machines, televisions, computers, printers, scanners and monitors. The Waste Electrical and Electronic Equipment Treatment and Recycling Facility (“WEEE•PARK”), with a designed capacity of 30,000 tonnes per year, also commenced full operation in March 2018 to underpin WPRS through its treatment and recycling process to turn the regulated waste electrical and electronic equipment (“WEEE”) into valuable secondary raw materials, including copper, aluminium, iron, plastic, etc. As at June 2022, more than 90,000 tonnes of regulated WEEE have been processed.

22. Taking into account the views from the trade and the public on the implementation of WPRS over the past few years, we propose to expand the coverage of the three existing REE items to include (i) refrigerators with a larger capacity (by raising the cap of the rated storage volume from 500 litres to 900 litres); (ii) washing machines with a larger capacity (by raising the cap of the rated washing capacity from 10 kg to 15 kg) and stand-alone clothes dryers; and (iii) dehumidifiers⁴.

23. We propose that the amount of recycling levies for the newly added REE items under the enhanced WPRS to be set at the same level as the existing REE with similar product characteristics (i.e. the stand-alone cloth dryers share the same levy level with washing machines, and dehumidifiers share the same levy level with air conditioners). The amount of recycling levy per item of equipment (including the newly added REE items) are listed as follows:-

Television; and Refrigerator	Washing Machine; Stand-alone Clothes Dryer*; Air Conditioner; and Dehumidifier*	Monitor	Computer; Printer; and Scanner
\$165 / piece	\$125 / piece	\$45 / piece	\$15 / piece

* Newly added REE items under the enhanced WPRS

24. Besides, according to existing provisions, registered suppliers and sellers have to provide recycling labels when distributing REE items; and the authority

⁴ We propose including stand-alone clothes dryer and dehumidifier as new REE items under “Washing Machine” and “Air Conditioner” respectively, and rename these two classes of REE as “Laundry Appliance” and “Air Conditioning Appliance” for regulatory control.

is required to serve payment and assessment notices only by post in the prescribed manner. Taking into account the actual implementation of WPRS, we propose to remove the requirements in relation to provision of recycling labels under the WPRS (but the requirement that sellers must include in the receipt the recycling levy payable for the REE items, when distributing REE items to consumers, will be maintained), and to allow the authority to serve payment and assessment notices to registered suppliers through electronic means, with a view to facilitating the WPRS process.

25. The implementation of the above proposals requires amendment to the Product Eco-responsibility Ordinance and Product Eco-responsibility (Regulated Electrical Equipment) Regulation (Cap. 603B). The enhanced WPRS is expected to be implemented in the fourth quarter of 2024 at the earliest.

GPRS

26. Since the enactment of the Promotion of Recycling and Proper Disposal (Product Container) (Amendment) Ordinance 2016 by the Legislative Council (“LegCo”) in June 2016, EPD has been making arrangement to put in place the GPRS progressively, including the appointment of glass management contractors to provide regional collection and treatment services for waste glass containers across the territory and the drafting of the relevant subsidiary legislation⁵ to provide for the operation details of the GPRS. The subsidiary legislation was submitted to the LegCo for scrutiny in June this year⁶, and we aim at fully implementing the GPRS in 2023.

27. After the full implementation of the GPRS, it is envisaged that there will be more than 2 000 returns submitted by registered suppliers to be processed each quarter. We will also have to calculate the amounts of container recycling levy payable based on the information of the returns, and issue payment notices to the concerned registered suppliers by post to collect the levies. To enhance the operational efficiency of the GPRS, we propose to amend the Product Eco-responsibility Ordinance to allow serving payment notices to registered suppliers by means of fax, email and a designated electronic system in addition to by mail, so as to streamline the administrative work. To this end, EPD is setting up the relevant designated electronic system to allow registered suppliers to submit returns and receive payment notices through registered accounts of the electronic system.

⁵ That is the Product Eco-responsibility (Regulated Articles) Regulation.

⁶ A subcommittee formed under the House Committee of the LegCo has completed scrutinising the subsidiary legislation. We plan to move a motion at the Council meeting on 2 November for approval of the subsidiary legislation.

Legislative Timetable

28. We are stepping up the drafting of the Amendment Bill, and aim at introducing the Amendment Bill to the LegCo in early 2023.

Advice Sought

29. Members are invited to note and comment on the proposed amendments made under the Amendment Bill.

Environment and Ecology Bureau
October 2022

Summary of Recent Moves of Various Jurisdictions on Plastic Waste Reduction

Jurisdiction	Recent moves				
Global	<ul style="list-style-type: none"> On 2 March 2022, a resolution was passed by representatives from 175 countries (including China) at the United Nations Environment Assembly, to commence drafting a global treaty that aims at alleviating the serious problem of plastic pollution. Countries will formulate a comprehensive and legally binding treaty which addresses issues throughout the full lifecycle of plastics, from production, design to disposal, and commence negotiation within the year, with the target to complete negotiations of the content by 2024. 				
Mainland China	<ul style="list-style-type: none"> Announced the plan in January 2020 to phase out disposable plastics across the country with effect by end of 2020 and progressively until 2025, covering the following products: <table border="1" data-bbox="421 1137 1409 1960"> <tr> <td data-bbox="421 1137 568 1608">By end 2020</td><td data-bbox="568 1137 1409 1608"> <ul style="list-style-type: none"> Prohibit the use of non-degradable plastic bags in large scale supermarkets and malls in main cities, and to extend to other cities by end 2022 Prohibit the catering sector to use non-degradable disposable plastic straws; progressively prohibit the use of non-degradable disposable plastic tableware for dine-in services Prohibit the production and sale of EPS tableware and plastic stemmed cotton buds </td></tr> <tr> <td data-bbox="421 1608 568 1960">By end 2022</td><td data-bbox="568 1608 1409 1960"> <ul style="list-style-type: none"> Prohibit the use of non-degradable plastic packaging for delivery services in major cities, and to extend the prohibition to the whole country in 2025 Star hotels cannot actively provide disposable plastic products, and to extend the prohibition to the whole hotel sector in 2025 </td></tr> </table> 	By end 2020	<ul style="list-style-type: none"> Prohibit the use of non-degradable plastic bags in large scale supermarkets and malls in main cities, and to extend to other cities by end 2022 Prohibit the catering sector to use non-degradable disposable plastic straws; progressively prohibit the use of non-degradable disposable plastic tableware for dine-in services Prohibit the production and sale of EPS tableware and plastic stemmed cotton buds 	By end 2022	<ul style="list-style-type: none"> Prohibit the use of non-degradable plastic packaging for delivery services in major cities, and to extend the prohibition to the whole country in 2025 Star hotels cannot actively provide disposable plastic products, and to extend the prohibition to the whole hotel sector in 2025
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Jurisdiction	Recent moves		
	By end 2025	- Consumption of disposable plastic tableware by takeaway services in major cities to decrease by 30%	
Macao	<ul style="list-style-type: none">• Import and transshipment of single-use EPS tableware has been banned since January 2021; import and transshipment of non-degradable single-use plastic straws and stirrers has been banned since January 2022; import of non-degradable single-use plastic knives, forks and spoons will be banned from January 2023.		
Taiwan	<ul style="list-style-type: none">• The use of disposable plastic straws and disposable plastic tableware for government departments, department stores, some catering sector and schools, etc. have been banned since 2002, and the measures to control single-use takeaway beverage cups have been enhanced in 2022; a comprehensive ban to be implemented by 2030.		
Japan	<ul style="list-style-type: none">• Required large retailers, F&B business, hotels and laundry business, etc. to review and reduce the free distribution of 12 disposable plastic products□ including disposable tableware, toothbrushes and razors since April 2022.		
Singapore	<ul style="list-style-type: none">• Aim to increase overall plastic recycling rate to 70% in 2030, encourage the use of reusables and reduce the use of disposables. No specific regulation for disposable plastic tableware so far.		
European Union	<ul style="list-style-type: none">• Adopted the “A European Strategy for Plastics in a Circular Economy” with the following targets:<ul style="list-style-type: none">- the consumption of single-use plastics will be reduced; and- intentional use of micro-plastics will be restricted• The Single-use Plastic Directive was endorsed in 2019, including:<ul style="list-style-type: none">- Banned ten types of single-use plastic products (such as cutlery, straws, stirrers, EPS food containers and cups, cotton bud sticks and oxo-degradable plastics) since July 2021;- PET plastic bottles need to contain 25% recycled plastics by 2025, and to raise the rate to 30% in 2030 and to extend to all types of plastic bottles; and- The plastic bottle recycling rate to be raised to 90% by 2029		

Jurisdiction	Recent moves
England	<p>Provision and sale of disposable plastic straws, cotton bud sticks and stirrers by businesses have been banned since October 2021</p> <ul style="list-style-type: none"> • “Plastic packaging tax” required to be paid by importers or manufacturers for packaging materials with lower than 30% recycled plastics since April 2022.
France	<ul style="list-style-type: none"> • The sale of single-use plastic cups and plates has been banned since 2020; the sale of plastic straws, stirrers, disposable cutlery and EPS meal boxes etc. has been banned since 2020; the provision of single-use tableware to dine-in customers by the catering sector (including fast food chains) will be banned from 2023.
Seattle, United States	<ul style="list-style-type: none"> • The use of EPS food container and cups in the catering sector has been banned since 2009; the use of non-recyclable or non-compostable disposable tableware in the catering sector has been banned since 2010; the use of plastic straws and cutlery, etc. in the catering sector has been banned since 2018.
Canada	<ul style="list-style-type: none"> • Announced “Single-use Plastics Prohibition Regulations” in June 2022 to gradually prohibit the sale, manufacture, import and export of six categories of single-use plastic products by end 2022, including checkout bags, straws, stir sticks, ring carriers, cutlery and food service ware. • The Government also planned to specify that certain plastic products must contain 50% recycled plastic by 2030. • Raised the target to reach zero-plastic waste by 2030.
Australia	<p>Western Australian Government :</p> <ul style="list-style-type: none"> • Fast-track the Plan for Plastics Reduction, with the following two phases to reduce disposable plastics: <ul style="list-style-type: none"> - Phase 1 : To ban the use of plastic plates, bowls, cutlery, stirrers, straws, thick plastic bags, EPS food containers, etc. from January 2022 - Phase 2 : To ban the use of produce bags, microbeads, EPS packaging and cups, coffee cups and cup lids, bowls, container lids, cotton buds and oxo-degradable plastics from February 2023

Jurisdiction	Recent moves
	<p>South Australian Government :</p> <ul style="list-style-type: none"> • Ban the sale of disposable plastic straws, cutlery and stirrers from March 2021 • Ban the sale of EPS cups, bowls, plates, clam-shell containers and oxo-degradable plastics, etc. from March 2022

Public Consultation on the Scheme on Regulation of Disposable Plastic Tableware

Summary of Findings

Introduction

In order to reduce the use of disposable plastic tableware at source with a view to minimising the impacts of plastic pollution on the marine environment and human health and mitigating climate change, the Environmental Protection Department (“EPD”) conducted a two-month public consultation on the Scheme on Regulation of Disposable Plastic Tableware (“the Regulation Scheme”) on 9 July 2021. The findings of the public consultation are summarised as follows.

Public consultation process

2. To allow and encourage more members of the public to express their views on the Regulation Scheme, the EPD made use of TV and radio announcements, posters, leaflets and the dedicated website, and collect views from the public and stakeholders via online view collection form. Over 430 000 visits were recorded for the dedicated website of the public consultation exercise. Members of the public could also submit their views by post, email or fax by completing the response form.

3. The two-month public consultation completed on 8 September 2021. A total of 8 552 submissions were received, of which 65% were submitted via the online view collection form, while the remainder were submitted via the response form or in writing via email, post or fax.

4. In addition, consultation forums also served as an important platform for gauging public and stakeholders’ views on the issues set out in the public consultation document. Amid the epidemic, EPD engaged the Hong Kong Productivity Council to hold five online public consultation forums. Over 250 members of the public and representatives from the food & beverage (“F&B”) trade, tableware suppliers, green groups, healthcare sector, retail sector, chambers of commerce and recycling industry were invited to attend the forums, and about 60 of them expressed their views on the Regulation Scheme at the fora.

5. During the public consultation, EPD also kept a close watch over the media coverage of the Regulation Scheme, of which there are nine media reports

and 70 online articles and comments posted on social media.

6. Furthermore, among the more than 8 500 submissions, some members of the public and stakeholders chose written submission over the response form to submit their views on the Regulation Scheme. During the public consultation period, EPD also received 47 and 35 written submissions put forward by organisations and individuals, respectively.

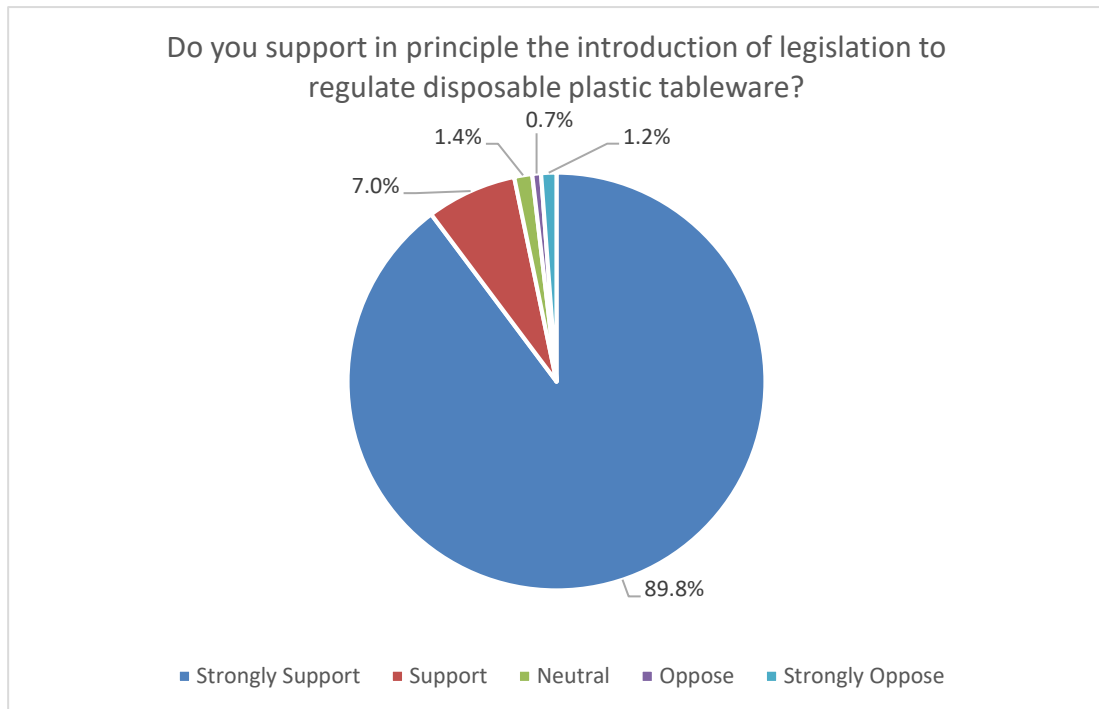
Key Findings of the Public Consultation

7. During the two-month public consultation period, EPD received a total of 8 552 responses, the majority of which were submitted by individuals. The distribution is set out as follows:

Stakeholders	Submission (no.)	Percentage
Individuals	8 333	97.4%
F&B industry/union	28	0.3%
Tableware supplier	23	0.3%
Green group	40	0.5%
Professional organisation / Academic institution	28	0.3%
Others	100	1.2%
Total	8 552	100%

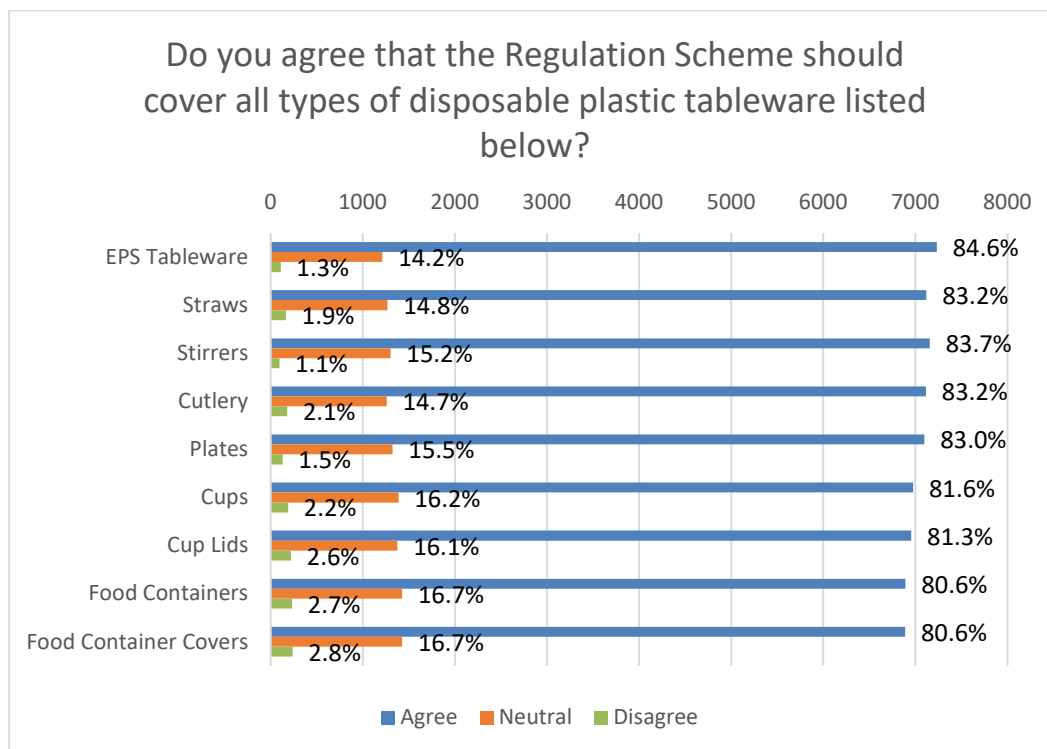
8. The results and analysis of the questions set out in the consultation document are summarised as follows:

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



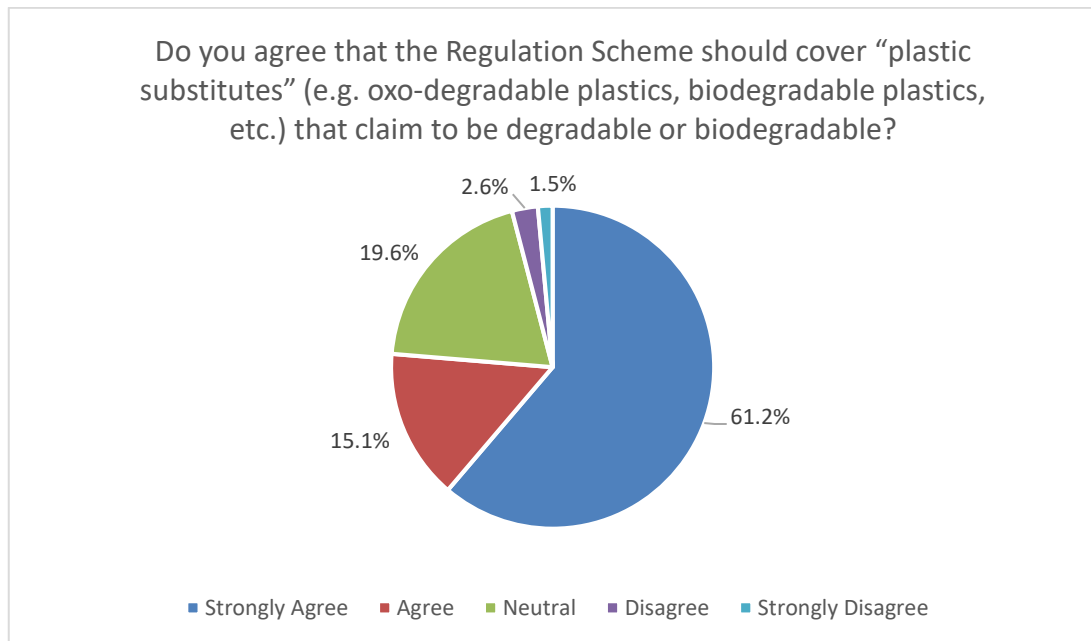
- Over 90% of the comments supported in principle the introduction of legislation to regulate disposable plastic tableware progressively in Hong Kong. Some of the comments suggested that the Government might consider implementing the regulation as soon as possible since disposable plastic tableware had far-reaching impacts on the environment. Only less than 2% of the respondents opposed the introduction of legislation to regulate disposable plastic tableware.

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



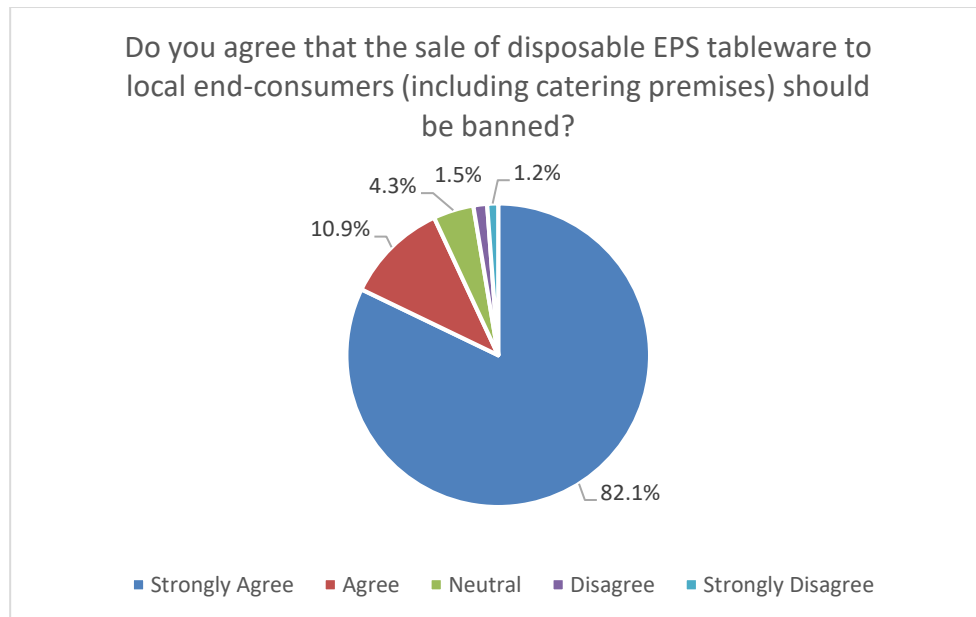
- Over 80% of the comments agreed that the Regulation Scheme should cover the nine types of disposable plastic tableware. The majority (about 70 to 80%) of the comments from the catering sector and tableware suppliers agreed with the regulation of expanded polystyrene (EPS) tableware, straws, stirrers, cutlery and plates (i.e. tableware small in size and with proven alternatives), and about 60 to 70% of the comments agreed with regulating cups, cup lids, food containers and food container covers (i.e. tableware without many matured alternatives in the market). Only less than 2% to 3% of the comments disagreed.

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?



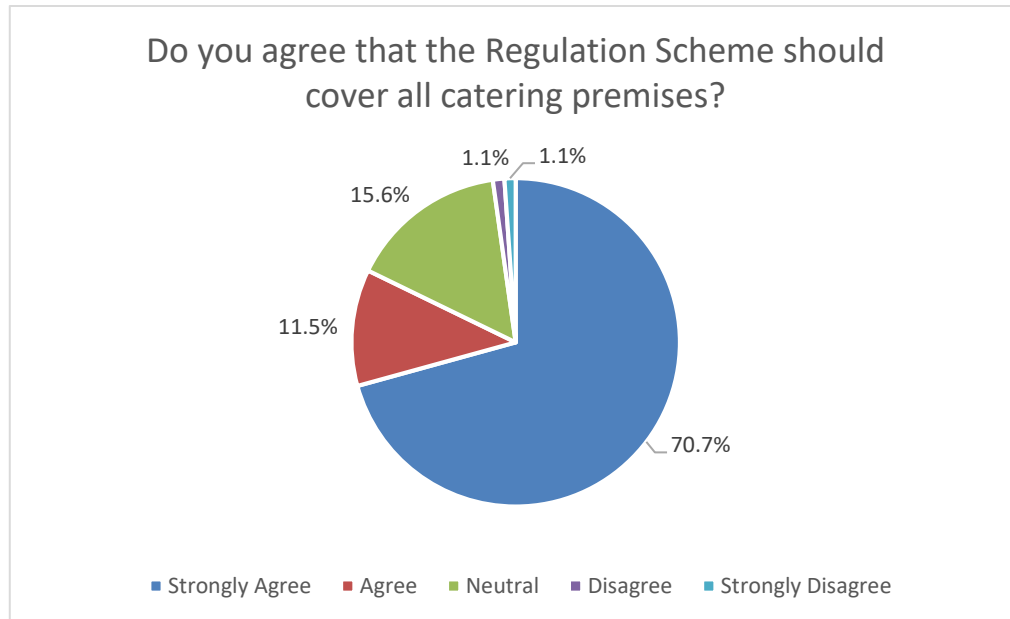
- Over 70% of the comments agreed that the Regulation Scheme should cover “plastic substitutes” that claim to be degradable or biodegradable. Only about 4% of the comments disagreed with the regulation of “plastic substitutes”.

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



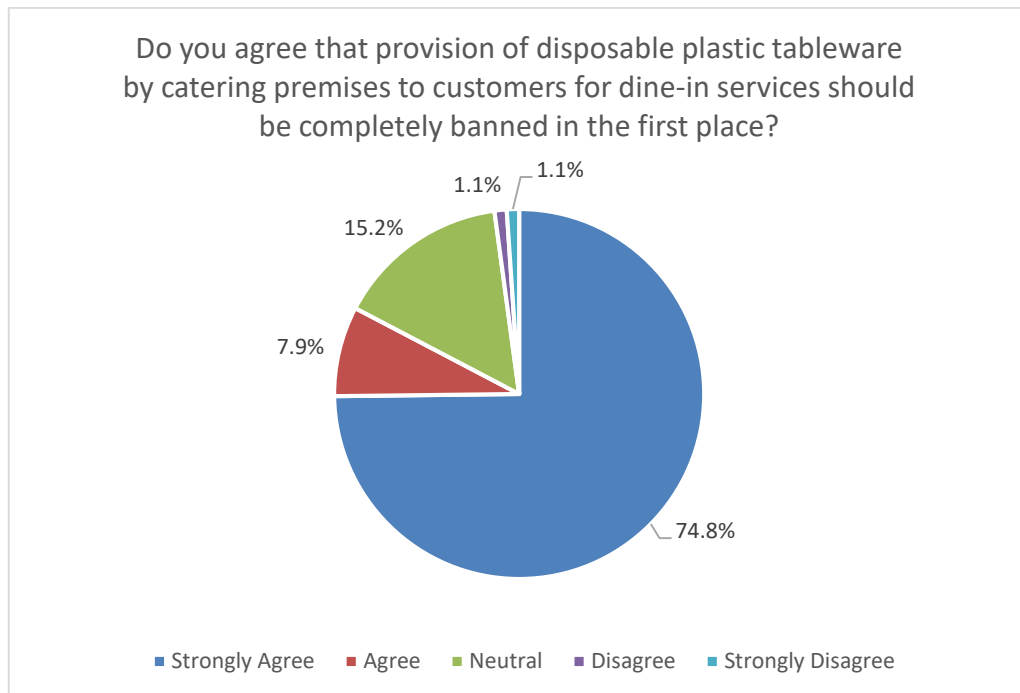
- Over 90% of the comments agreed that the sale of disposable EPS tableware to local end-consumers should be banned under the Regulation Scheme, while only less than 3% disagreed.

Question 4: Do you agree that the Regulation Scheme should cover all catering premises?



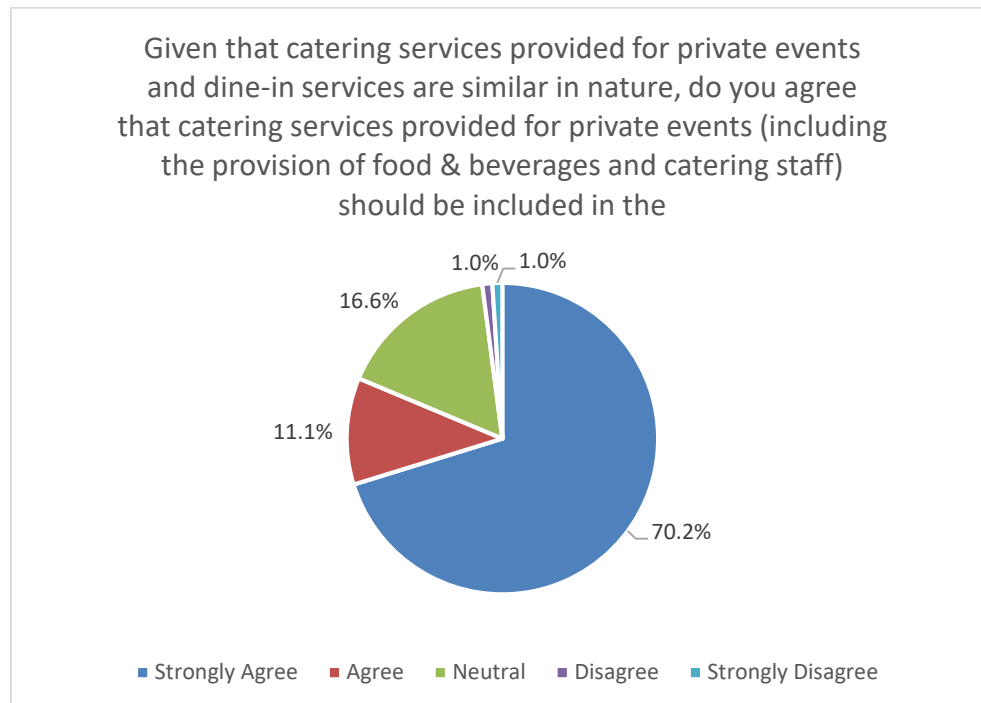
- Over 80% of the comments agreed that the Regulation Scheme should cover all catering premises (i.e. including restaurants, fast-food shops, Chinese restaurants, congee shops, staff canteens, school canteens, cooked food stalls operating in markets, etc.), while only less than 3% disagreed.

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?



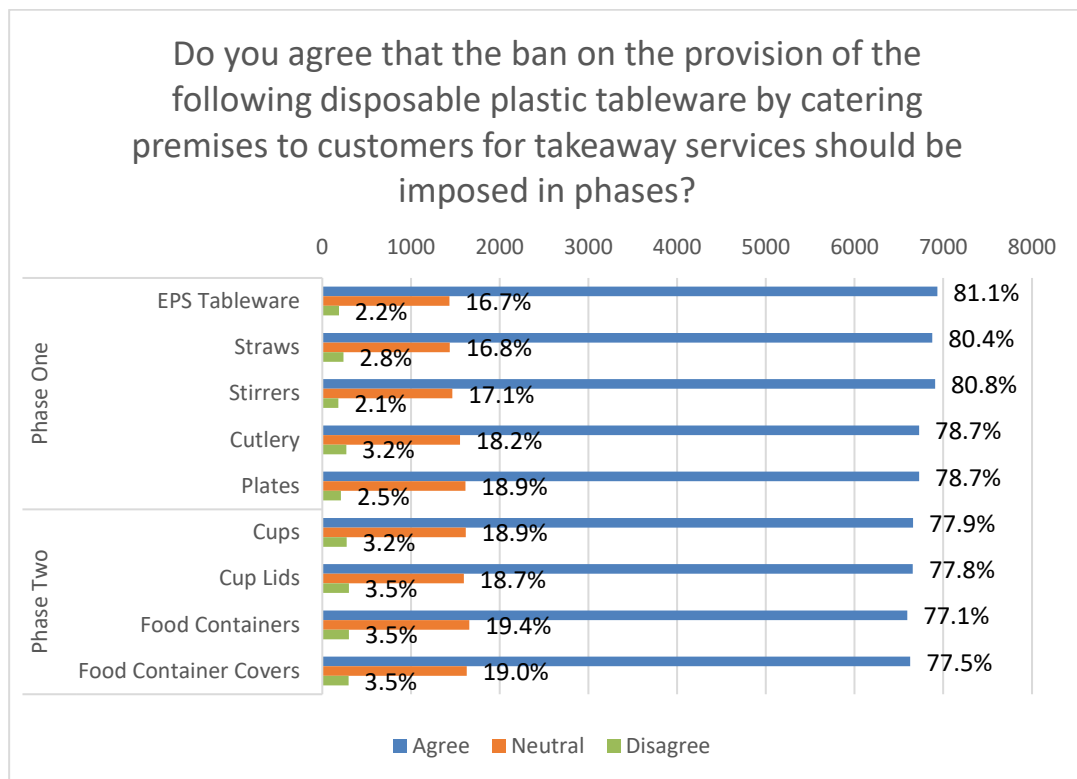
- Over 80% of the comments agreed with the ban, while over 15% were neutral. Only less than 3% of them disagreed.

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?



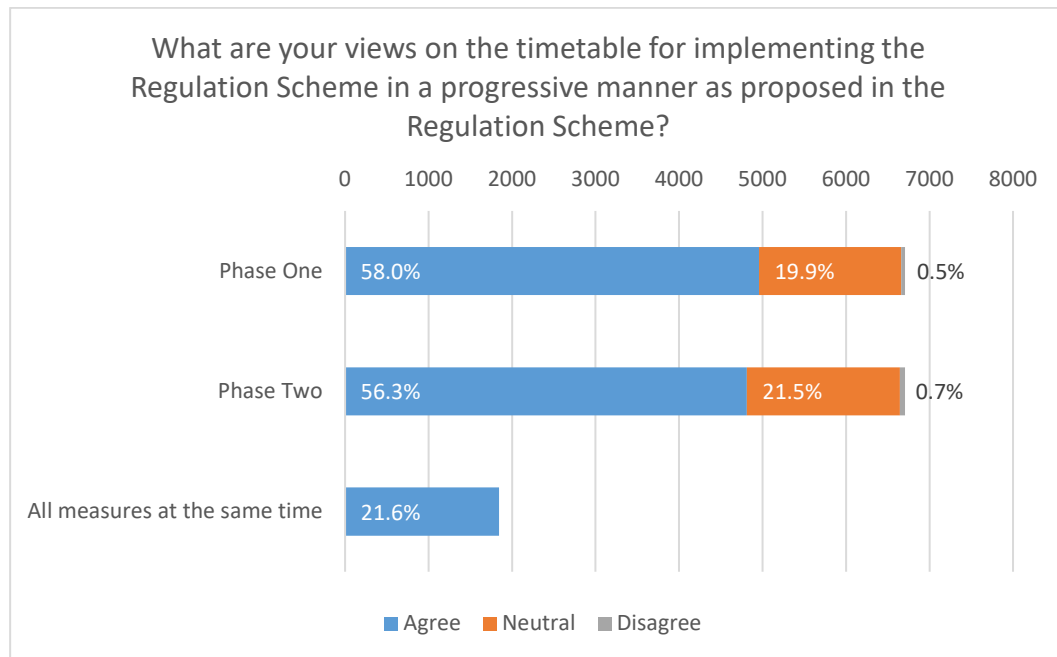
- Over 80% of the comments agreed that catering services be included, while over 15% were neutral. Only 2% of them disagreed.

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?



- Over 80% of the comments supported the proposal to progressively regulate the provision of various types of disposable plastic tableware to customers for takeaway services in two phases, while only about 2 to 4% disagreed.

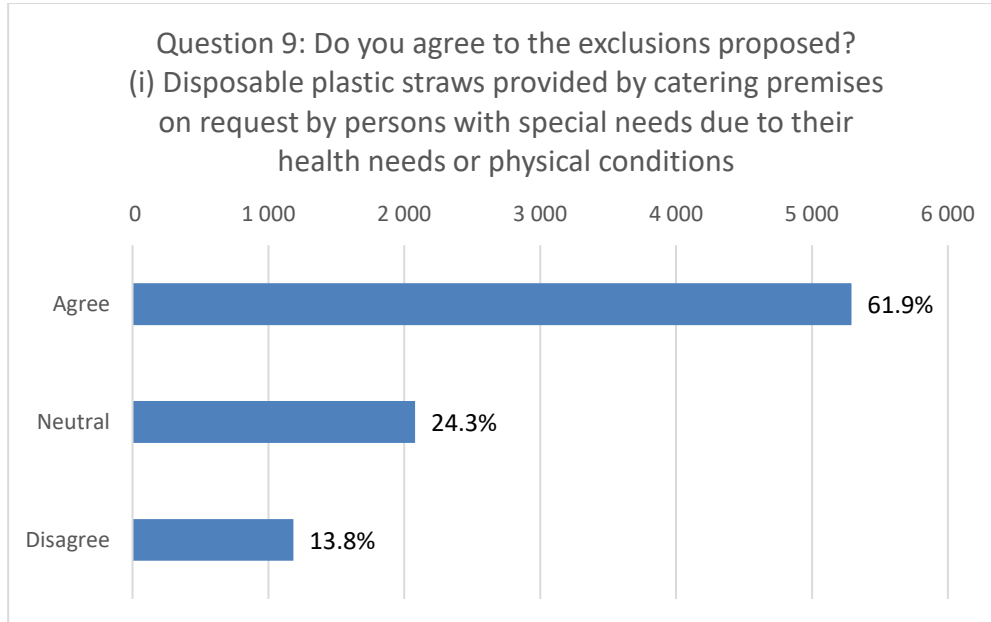
Question 8: What are your views on the timetable for implementing the Regulation Scheme in a progressive manner as proposed in the Regulation Scheme?



- More than half of the comments agreed with the implementation details of the two phases, while about 20% opined that all measures of the Regulation Scheme should be implemented at the same time instead.

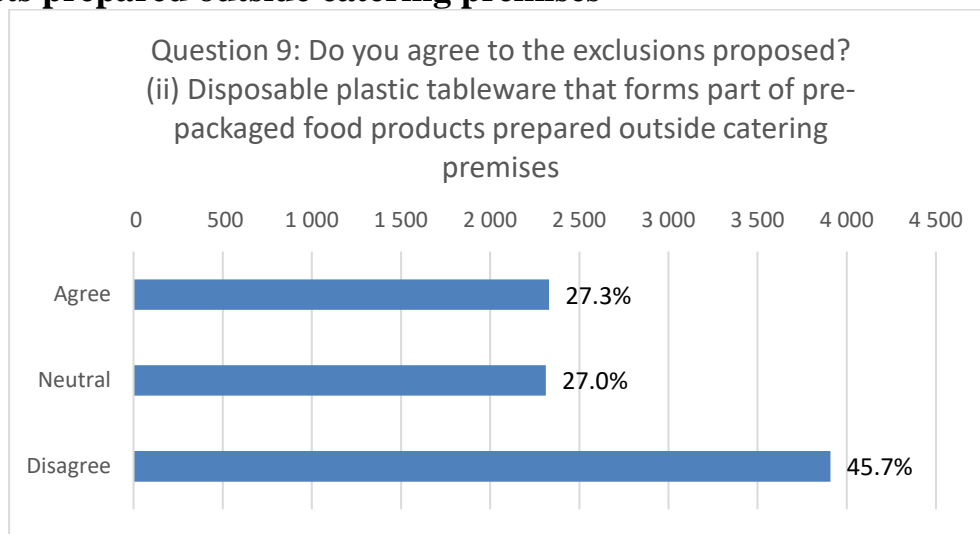
Question 9: Do you agree to the exclusions proposed?

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



- About 60% of the comments supported the provision of disposable plastic straws by catering premises to persons with medical needs, while only 10% disagreed.

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



- About half of the comments either agreed or stayed neutral to the proposed exclusion, of which most of them acknowledged that the disposable plastic tableware forms part of the commodity in nature as they are usually manufactured by local or even overseas food manufacturers in factories outside catering premises, it would be difficult for the catering premises to control. On the other hand, about 45% opposed the exclusion and considered that this might create a loophole.

3. Recommendations

3.1. All the views and feedback collected and received from the engagement events held, telephone interviews and the public interaction phase have been recorded and analysed. The results are summarised in **Chapter 5** below. These results provide a solid basis for SDC to formulate recommendations proposing the key directions for Hong Kong's control of single-use plastics.

3.2. The SDC has put forth 24 recommendations across five key areas:

- A. General principles on prioritising the control of single-use plastics
- B. New control measures
- C. Enhancing the Plastic Shopping Bag (PSB) Charging Scheme
- D. Publicity and public education
- E. Green merchandise

3.3. The recommendations consist of a series of short-term (within 3 years) and medium-term (3 - 5 years) initiatives, ranging from new control measures, enhancement of current scheme, stepping up education and raising awareness, to embracing green lifestyle.

A. General principles on prioritising the control of single-use plastics

3.4. The Government should demonstrate its determination to promote a plastic-free culture in society. The Government should stand steadfast in inculcating the concept of eliminating / minimal use of single-use plastics in the community. Single-use plastic items should only be used when they are absolutely essential (e.g. for health or hygiene reasons) and without non-plastic alternatives. Even when the above principles are met, the environmental impact of single-use plastics should still be minimised via reuse, recycle and proper disposal. When considering which single-use plastic products to tackle, it is recommended that the following key factors be taken into account:

- Degree of necessity
- Availability of reasonable alternatives
- Whether the plastic material is difficult to recycle

3.5. Currently, landfills are the major waste treatment outlet in Hong Kong. There is a lack of evidence that various “new plastics” in the market, including but not limited to biodegradable, compostable and bio-based plastics, would fully degrade in the actual and anaerobic landfill environment. Hence, any control measure on single-use plastics shall cover such “new plastics” as well. Besides, the mixing of these “new plastics” with plastics collected through current channels and processed by existing machineries will affect the recyclability of the latter as their material properties are different and the “new plastics” are difficult to be separated.

B. New control measures**i. Banning the sale of single-use plastic product**

3.6. Imposing a ban on the sale of certain single-use plastic products is a powerful control measure suitable for single-use plastic products with readily available alternatives, or products that are not essential. The Government should review the effectiveness of relevant control measures from time to time and make adjustments where necessary.

Short-term measure

- B1) Disposable plastic tableware sold at retail outlets, plastic stemmed cotton buds, inflatable cheer sticks and balloon sticks for parties / celebrations are some examples of such items as reflected in the public engagement process. Noting that the Government is planning to restrict the distribution of disposable plastic tableware at catering premises in phases, imposing a similar ban on the sale of such single-use plastic items at retail outlets, with exclusions under special circumstances, will serve to strengthen the effectiveness of the control measure in reducing disposable plastic tableware. The Government may also explore banning the sale of other single-use plastic products.



ii. Banning the free distribution of single-use plastic product

- 3.7. Some single-use plastic products are currently distributed to consumers for free. For such products, banning their sale may not be the most effective way of control. Instead, it is recommended that the Government explores banning the free distribution of such products.

Short-term measure

- B2) As reflected from the public engagement process, some examples of such product include umbrella bag and hotel toiletries. The Government may also explore banning the free provision / distribution of other single-use plastic products.
- B3) Appropriate alternatives like the use of umbrella dryer, installation of wall-mounted dispensers for shampoo / shower gel, providing water filter jugs instead of plastic bottled water should also be promoted.



iii. Banning the manufacturing, sale and distribution of single-use plastic product

- 3.8. Throughout the public engagement, the public has indicated concern towards various surge of “degradable plastic” products in the market, in particular, the fact that such product may not be able to fully degrade in Hong Kong’s waste management system.

Short-term measure

- B4) In view of the environmental concerns of oxo-degradable plastics³, there is a trend of banning the manufacturing, sale and distribution of oxo-degradable plastic products in other places (e.g. Australia, European Union (EU), Scotland, New Zealand), the Government should follow suit on this front.

³ Oxo-degradable plastics are produced by adding degradable 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.

- B5) The Government may also explore banning the manufacturing / sale / distribution of other single-use plastic products, say, certain expanded polystyrene (EPS) (i.e. polyfoam) product as they are much bulkier and more difficult to recycle comparing with other plastics.



iv. Other regulatory / voluntary measures

- 3.9. Certain trade-specific single-use plastic products such as different types of packaging are serving key functions from logistics, hygiene and merchandise-protection perspectives.
- 3.10. It is recognised under the EU Directive on Packaging and Packaging Waste that packaging has a vital social and economic function, and any legislative requirements under the Directive should apply without prejudice to other relevant legislative requirements governing the quality and transport of packaging or packaged goods.
- 3.11. Further, it is pointed out in the said Directive that the amount of packaging shall be kept “to the minimum amount to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer”. Sustainable packaging should be used to minimise environmental impact and carbon footprint.

Short-term measure

- B6) Throughout the PE process, it is generally recognised that it would be more difficult to phase out all packaging entirely due to logistics, hygiene and merchandise-protection reasons. At the same time, a strong call from the society to regulate excessive packaging is noted, especially those made of single-use plastics for use in retail, logistics trade and online shopping, as reflected in the views collected during the PE process. The Government should, with reference to the experiences of the governments and businesses in the Mainland and overseas, request the relevant trades to proactively reduce the use of plastic packaging materials (including polyfoam). Meanwhile, the Government should also explore using administrative and legislative means for effective control. Take local packaging as an example, local supermarkets may explore further plastic-reduction measures, such as avoiding the use of polyfoam for add-on packaging; minimising the repackaging of imported goods, and, if repackaging is necessary, to use non-plastic packaging / plastic packaging with recycled content as far as possible.



- B7) There are views suggesting that the Government should, regardless of the origin of products, impose control measures across the board on plastic packaging materials of both local and imported products. The Government may take this into account when formulating suitable control measures on packaging.

Medium-term measure

- B8) Consumers in general are willing to support brands which have shouldered more “corporate environment responsibility”. The Government should explore ways to enhance the transparency of environmental measures being put forward by the private sector.

v. Preparatory arrangement is required for all regulatory measures

- 3.12. Before introducing any regulatory measures, the trade considers it necessary to introduce a preparatory period for allowing manufacturers, retailers and consumers to get prepared for the new arrangement and to clear existing stock. The Government may, with reference to the implementation of past regulatory measures / the practice of other places, design suitable transitional arrangement as appropriate. However, the transition period is suggested not to be too long and the regulatory measures should be reviewed from time to time to evaluate their effectiveness.

C. Enhancing the Plastic Shopping Bag (PSB) Charging Scheme

- 3.13. The ultimate goal is to phase out free PSB. Shoppers are strongly encouraged to bring their own shopping bags (including freezer bags) and / or containers.

Short-term measure

- C1) The scope of exemption under the PSB Charging Scheme in place should be tightened in order to further reduce the use of PSB. Clear definitions of exempted products and implementation guidelines should be given to avoid grey areas.

- C2) Many consider the present exemption for PSBs carrying frozen / chilled foodstuff can be removed. This may be due to the fact that most frozen / chilled foodstuff is already in airtight packaging, and that PSBs cannot serve any function to prevent the condensation of water droplets on frozen / chilled foodstuff or maintain their temperature.



- C3) There are concerns towards multiple layers of packaging under the present Scheme, as PSBs carrying foodstuff in “non-airtight packaging” are exempted from PSB charge. It is recommended that for foodstuff that is already fully wrapped by any packaging, a free PSB should not be provided.



- C4) The public generally consider the use of PSBs is necessary for carrying foodstuff without any packaging like raw meat and fresh fish and vegetables. For such cases, exemption should be provided.

- C5) However, the public also consider the number of free PSB to be provided under this exemption (referring to recommendation C4) should be limited to one. That said, the public have no clear indication towards whether one free PSB should be provided for every piece of exempted product or should carry several pieces of one or more types of exempted products. As the matter would be affected by the types, sizes and quantities of the products in each purchase, it is recommended that flexibility be allowed, and more detailed guidelines on the operational arrangement be provided to avoid confusion.

- C6) To remind the public that using PSBs is “with cost” and to further discourage their use, the present charging level of 50 cents is recommended to be increased with reference to the charging level of other cities.
- C7) On the appropriate charging level, the public generally prefer a rounded amount to the nearest dollar, and raising the charge to \$1 or \$2 is considered useful in driving behavioural change. The retailers should be encouraged to use the PSB charge received for supporting or organizing green programmes or promotions. The Government may provide guidelines in this aspect.
- C8) The Government should prepare detailed guidelines targeting different affected retail outlets to ensure smooth implementation of the enhanced Scheme.
- C9) Tightening the scope of exemption is a substantial change to the Scheme. Retail outlets that are distributing free PSBs under the current exemptions may not be able to do so in the future, e.g. stores at the wet markets. Considering the potential impact on the retail sector’s operational arrangement, a preparatory period is recommended to allow smooth transition.
- C10) With the passage of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 in August 2021, under which the public will be required to use designated bags⁴ for waste disposal, there is room to explore whether there could be synergy between the MSW Charging Scheme and the PSB Charging Scheme. For instance, whether the use of “dual use bags” that serve the functions of both PSBs and designated bags could be promoted.



Short-term or medium-term measure

- C11) Retailers should be encouraged to offer designated bags at cashiers in lieu of PSBs to promote the use of “dual use bags” upon the implementation of MSW charging.
- 3.14. Quite some respondents have expressed concern towards the indiscriminate use of flat-top bags. In some retail outlets, flat-top bags are placed next to the fruit / vegetable section for customers’ free use without any supervision.
- 3.15. At the same time, it was noted that some local retailers / supermarkets had adopted the green practice of providing flat-top bags to customers only at check-out counters.

⁴ Price of designated bags: \$0.11 per litre with nine different sizes and two designs (T-shirt and flat-top bag); for example 10L (\$1.1); 15L (\$1.7) and 20L (\$2.2)

Short-term measure

C12) There is a need for retail outlets to step up their monitoring of flat-top bag distribution. The present practice of some retailers of allowing customers to take flat-top bags freely may lead to potential abuse. Some good practices include:

- Do not place flat-top bags at the fresh fruit / vegetable stalls;
- Provide flat-top bags to customers only upon request; and
- Place a reminder next to the flat-top bags that they are not free unless exempted.



D. Publicity and public education

3.16 Publicity and public education are essential for promoting green lifestyle. We recommend that the Government could explore the following measures:

Short-term measure

D1) Green business practices are effective and efficient in reducing the generation of single-use plastics at source. The Government should prepare and promote green business practices in collaboration with sectors concerned.

D2) Green information-sharing is essential for reducing the society's reliance on single-use plastics and keeping the public informed of the characteristics, including the pros and cons, of available alternatives, such as those made of non-plastic materials, bio-degradable plastics, etc. for making well-informed choices. The Government should, in consultation with different stakeholders, including businesses, material suppliers and consumers, explore the development of an effective information-sharing platform on single-use plastics.

D3) The Government should step up public education to promote green concepts, for instance, the "Waste Hierarchy" where waste prevention should be the most preferred option and disposal the least; introduce readily available plastic alternatives and share waste statistics in relation to single-use plastics.



D4) Research and development (R&D) on plastic alternatives should be supported by relevant research fund such as Green Tech Fund and scholarships.

E. Green merchandise

3.17. Consumers express their desire to purchase “greener products”, for instance, refillable / reusable products, products that are made of “green material” like recycled plastics, and products in simple packaging. During the public engagement, different ranges of “additional cost that consumers are willing to pay for greener products” were listed for respondents’ consideration, and the option of “additional 5 – 10% of product price” gained the most popularity. We recommend that the trades should take the above into account and assimilate green elements in their product designs / day-to-day operations / store policies (e.g. including more refill products, setting up a dedicated section for sustainable products, setting up refill stations, catering businesses to engage contractors to clean reusable cutleries instead of using disposable ones, considering providing discount / offer / reward on green or sustainable products, etc).



3.18. Consumers indicate that it is sometimes difficult to identify which single-use plastic merchandise is in fact “greener”, e.g. whether the product could be recycled, whether it contains recycled content, etc. A good practice for local manufacturers is to indicate relevant “green” information on their merchandise as far as possible, including the raw material of the product, how to recycle the product, etc.



3.19. A “carrot and stick” approach should be taken in the control of single-use plastics. On top of the possible regulatory measures mentioned above, it would be helpful to promote “plastic-free” by reward schemes. Some examples include providing discount to customers who bring their own containers / opt for no packaging / opt for in-store pick-up instead of delivery, trade awards for outstanding green brands / retail outlets, offering returnable shopping bags for a fee or deposit (i.e. customers can borrow a reusable bag and return it for a refund).

3.20. Retailers have a key role to play when it comes to promoting plastic alternatives and green lifestyle. Some ideas include:

- Encourage customers to bring their own freezer bag;
- Promote or sell reusable cotton / linen bags and turn it into a fashionable lifestyle, attracting the younger generation to change their habit;
- Re-use certain plastic packaging like boxes as far as possible;
- Replace single-use foam containers by reusable containers; and
- Provide suitable training to frontline staff for explaining green measures to customers.



- 3.21. Hong Kong Stock Exchange (HKEX) has published an Environmental, Social and Governance (ESG) Reporting Guide to facilitate all listed companies' preparation of their annual ESG report. Some companies have made plastic free pledge. SDC recommends that the HKEX should encourage the listed companies in Hong Kong to formulate a holistic waste management plan, which includes the management / reduction of single-use plastic in their operation as well as setting goals for achieving carbon neutrality. The aforementioned information-sharing platform will facilitate companies to adopt green corporate culture. Instilling changes at corporate level can bring about effective influence on their clients in shifting to greener lifestyle.