

Product Eco-responsibility Ordinance

Resolution

(Under section 21 of the Product Eco-responsibility Ordinance (Cap. 603))

Resolved that the Product Eco-responsibility Ordinance (Amendment of Schedule 2) Order 2022, made by the Secretary for the Environment on *7 June* 2022, be approved.

Product Eco-responsibility Ordinance (Amendment of Schedule 2) Order 2022

(Made by the Secretary for the Environment under section 21 of the Product Eco-responsibility Ordinance (Cap. 603) after consultation with the Advisory Council on the Environment and subject to the approval of the Legislative Council)

1. Commencement

This Order comes into operation on 31 December 2022.

2. Product Eco-responsibility Ordinance amended

The Product Eco-responsibility Ordinance (Cap. 603) is amended as set out in section 3.

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

(1) Schedule 2, section 1(1)—

Repeal paragraph (d).

(2) Schedule 2, before section 1(1)(e)—

Add

“(da) a bag provided in a single transaction if the bag is the only bag so provided that only contains specified edible items;

(db) 2 or more bags provided in a single transaction and only containing specified edible items, if not providing any one of such bags—

(i) would make carrying all those items in other such bags (*remaining bags*) impracticable owing to—

(A) the constraint on the size or volume of the remaining bags;

(B) the need to spend an unreasonable amount of time to distribute all those items into, and arrange them within, the remaining bags; or

(C) the risk that any of the remaining bags breaks; or

(ii) would prejudice the quality of any of those items;”.

(3) Schedule 2, after section 1(3)—

Add

“(4) In this section—

preparation (製備) includes manufacture and any form of cooking or other treatment or preparation for sale;

single transaction (單一交易) means a sale for which—

(a) one single invoice or receipt is issued; or

(b) (if no invoice or receipt is issued) one single payment is made;

specified edible item (指明可食用物品) means—

(a) an item of food, drink or medicine for human or animal consumption that is—

(i) not contained in any packaging; or

(ii) not wholly contained in any packaging; or

(b) an item of food, drink or medicine for human or animal consumption sold at a place and—

(i) that is ready for immediate consumption;

(ii) the preparation of which is carried out at the place;

(iii) that is intended, at the time of the sale of the item, by the seller for consumption outside the place; and

(iv) that is not contained in airtight packaging;
wholly contained (完全載於), in relation to a specified edible item, means that the item is wholly wrapped or enclosed in, or covered by, any packaging, irrespective of whether there is any hole on the packaging or whether the opening of the packaging is sealed or folded.”.



Secretary for the Environment

7 June 2022

Explanatory Note

Section 18A of the Product Eco-responsibility Ordinance (Cap. 603) (*Ordinance*) provides that a retail seller of goods must charge a customer a prescribed amount for plastic shopping bags provided in certain circumstances. Schedule 2 to the Ordinance prescribes the kinds of plastic shopping bags to which the Ordinance does not apply.

2. This Order amends Schedule 2 to the Ordinance so as to tighten the scope of exemptions for plastic shopping bags provided by a seller.
3. The Order comes into operation on 31 December 2022.