

LEGISLATIVE COUNCIL BRIEF

Waste Disposal Ordinance (Cap. 354)

Waste Disposal (Specified Requirements for Designated Bag and Designated Label) (Amendment) Notice 2023

INTRODUCTION

Under section 20T of the Waste Disposal Ordinance (Cap. 354) (“WDO”), the Director of Environmental Protection has made the Waste Disposal (Specified Requirements for Designated Bag and Designated Label) (Amendment) Notice 2023 (“the Specified Requirements Amendment Notice”) (**Annex A**) with the aim of amending the designs for designated bags specified for implementing Part IVB of the WDO regarding municipal solid waste (“MSW”) charging. The Specified Requirements Amendment Notice shall come into effect upon gazettal.

BACKGROUND

2. MSW charging sits at the centre of the overall waste reduction strategy of the Government. It encourages the community to reduce waste at source and practise clean recycling by using financial disincentives with a view to reducing the overall waste disposal amount. Since the passage of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Ordinance 2021 by the Legislative Council (“LegCo”) on 26 August 2021, we have been actively taking forward relevant preparatory work, and have decided to implement MSW charging on 1 April 2024 upon consultation with the LegCo Panel on Environmental Affairs (“EA Panel”). The notice to appoint the commencement date of the implementation of MSW charging (i.e. the Waste Disposal (Charging

for Municipal Solid Waste) (Amendment) Ordinance 2021 (Commencement) Notice 2023) was laid before the LegCo on 18 October 2023 for negative vetting.

3. To complement the preparatory work of MSW charging, the Director of Environmental Protection published the Waste Disposal (Specified Requirements for Designated Bag and Designated Label) Notice (Cap. 354 sub. leg. V) (“the Specified Requirements Notice”) in the Gazette on 20 May 2022, specifying requirements for designated bags and designated labels including their designs and sizes etc. Relevant details are set out in the LegCo Brief prepared by the then-Environment Bureau and the Environmental Protection Department in May 2022 (file reference: EP CR 9/65/3/4).

JUSTIFICATIONS

4. We conducted an open tender exercise for the manufacturing contracts for designated bags in June 2022. However, the tender prices of all conforming tenders that could fully comply with the technical requirements were much higher than expected. In order to utilise public financial resources prudently, we cancelled the tender exercise in November 2022 and re-examined the specifications for designated bags and the terms of tender documents with a view to reducing the production costs of designated bags (details are set out in LC Paper No. CB(1)45/2023(01)). Two of the changes made to the specifications for designated bags were (a) to use high-density polyethylene (HDPE) in lieu of low-density polyethylene (LDPE) to produce designated bags of 3-litre to 75-litre capacities with reduced thickness but without changing their loading capacities; and (b) to adjust the requirement for the recycled materials content in designated bags from 50% to not less than 20% to provide greater flexibility to manufacturers for controlling production costs. The Specified Requirements Amendment Notice aims at amending relevant requirements in the schedules to the Specified Requirements Notice to reflect the aforementioned changes.

LEGISLATIVE TIMETABLE

5. The legislative timetable is as follows –

Gazettal of the Notice	20 October 2023
Tabling at the LegCo	25 October 2023

PUBLIC CONSULTATION

6. We reported the relevant changes on the technical specifications for designated bags to the LegCo EA Panel Subcommittee to Study Policy Issues Relating to Municipal Solid Waste Charging, Recovery and Recycling on 31 January 2023 and received no objection.

ENQUIRIES

7. Any enquiries on this brief could be addressed to Mr Clarence CHEANG, Administrative Officer (Municipal Solid Waste Charging Policy) of the Environmental Protection Department (Telephone: 3509 7648).

Environment and Ecology Bureau
Environmental Protection Department
October 2023

Waste Disposal (Specified Requirements for Designated Bag and Designated Label) (Amendment) Notice 2023

Section 1

1

Waste Disposal (Specified Requirements for Designated Bag and Designated Label) (Amendment) Notice 2023

(Made by the Director of Environmental Protection under section 20T of the Waste Disposal Ordinance (Cap. 354))

1. Waste Disposal (Specified Requirements for Designated Bag and Designated Label) Notice amended

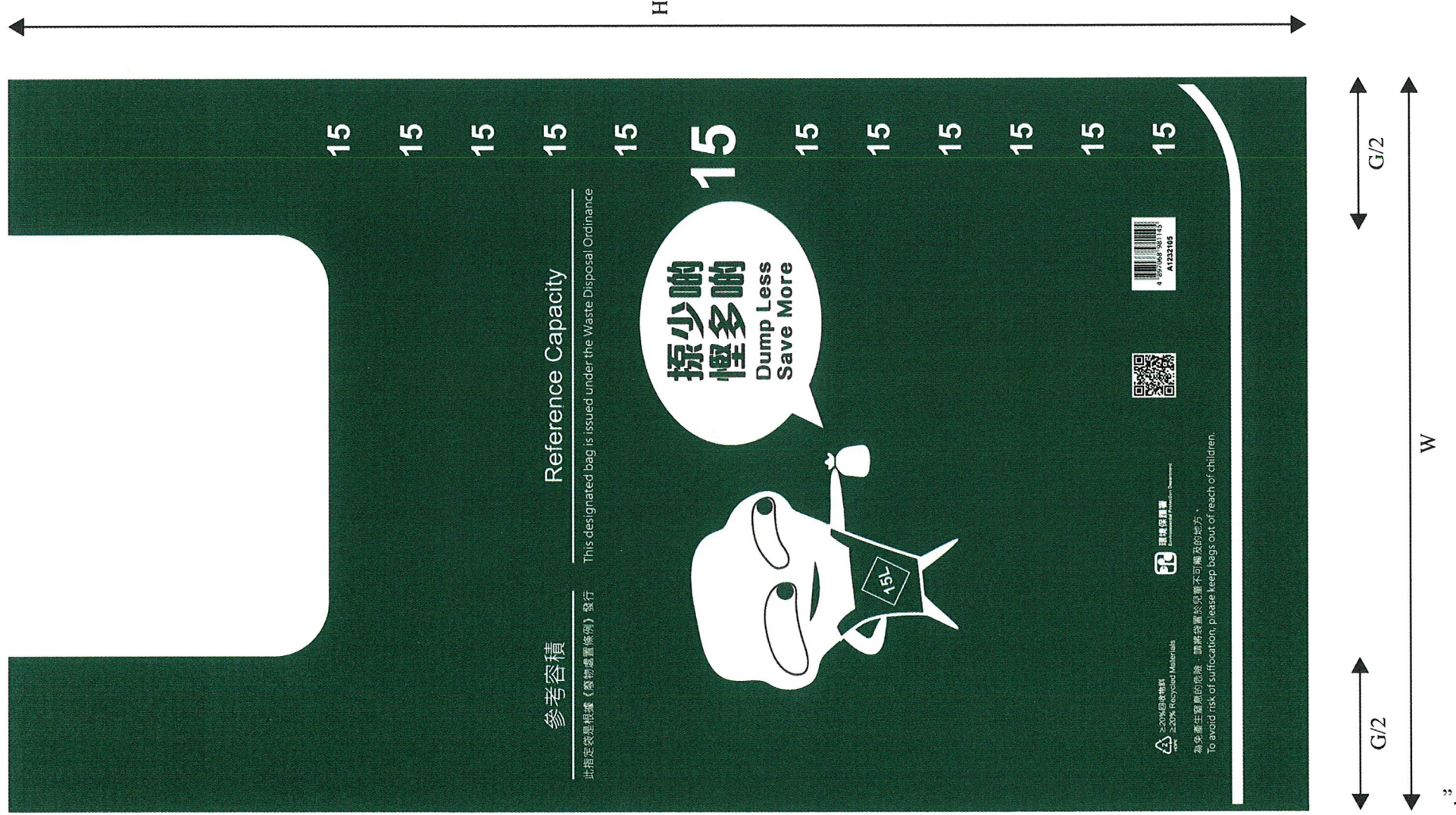
The Waste Disposal (Specified Requirements for Designated Bag and Designated Label) Notice (Cap. 354 sub. leg. V) is amended as set out in sections 2, 3 and 4.

2. Schedule 1 amended (shape, colour and design of t-shirt bag)

(1) Schedule 1, section 1—

Repeal the figure

Substitute



Waste Disposal (Specified Requirements for Designated Bag and Designated
Label) (Amendment) Notice 2023

Section 2

3

(2) Schedule 1, section 2—

Repeal the figure

Substitute

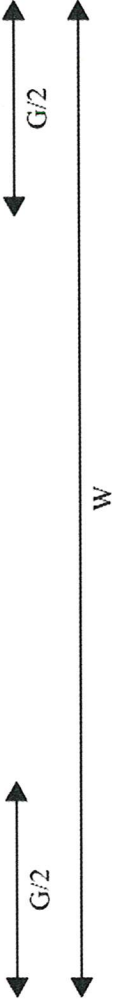


3. Schedule 2 amended (shape, colour and design of flat-top bag)

(1) Schedule 2, section 1—

Repeal the figure

Substitute



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Waste Disposal (Specified Requirements for Designated Bag and Designated
Label) (Amendment) Notice 2023

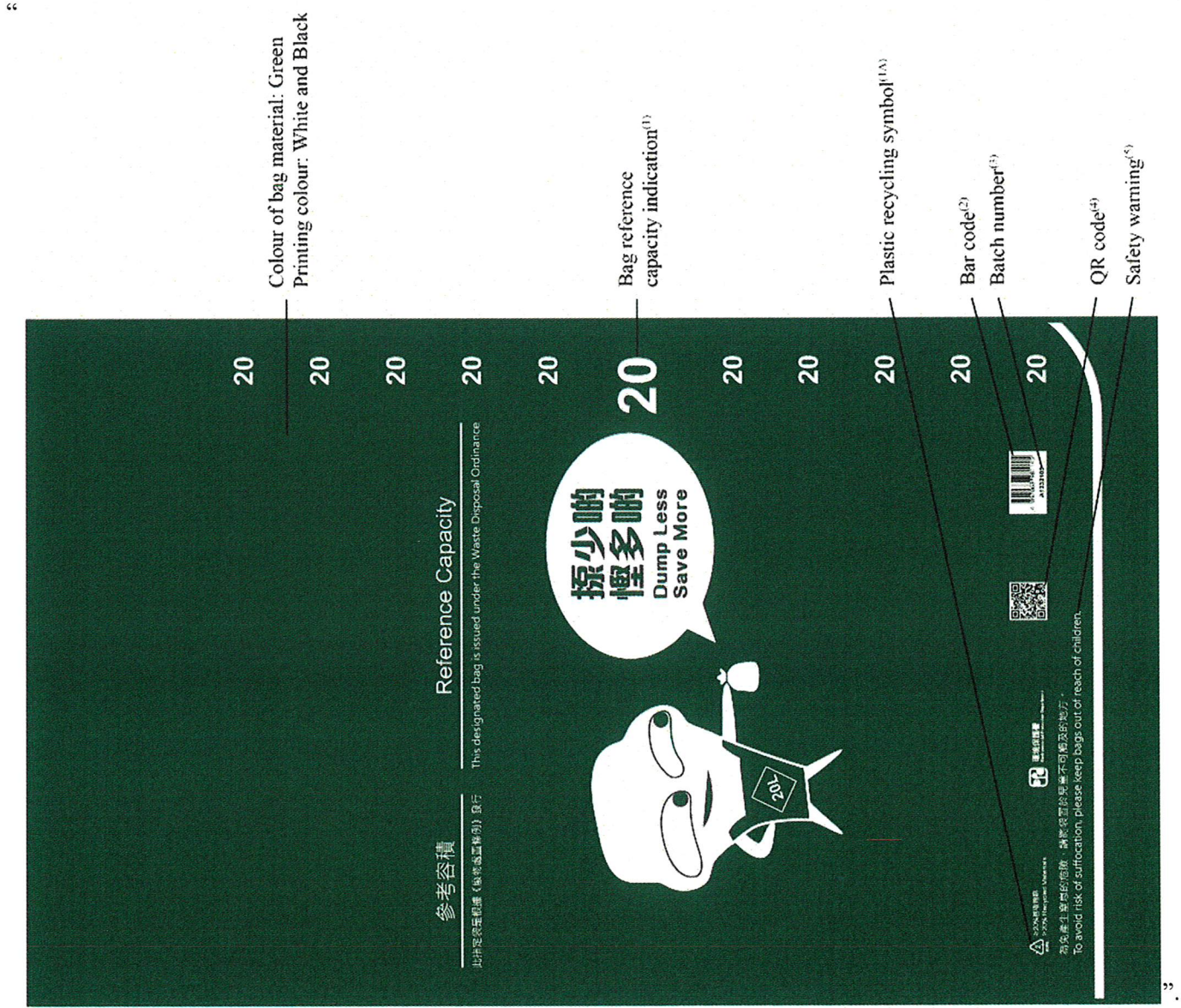
Section 3

7

(2) Schedule 2, section 2—

Repeal the figure

Substitute



- (3) Schedule 2, section 2, after Note (1)—

Add

“(1A) This plastic recycling symbol (*relevant symbol*) represents the type of plastic material used for producing a designated bag. The relevant symbol must be used for a designated bag with a reference capacity of 20 litres, 35 litres, 50 litres or 75 litres. For a designated bag with a reference capacity above 75 litres, the plastic recycling symbol shown in the following figure must be used instead of the relevant symbol—

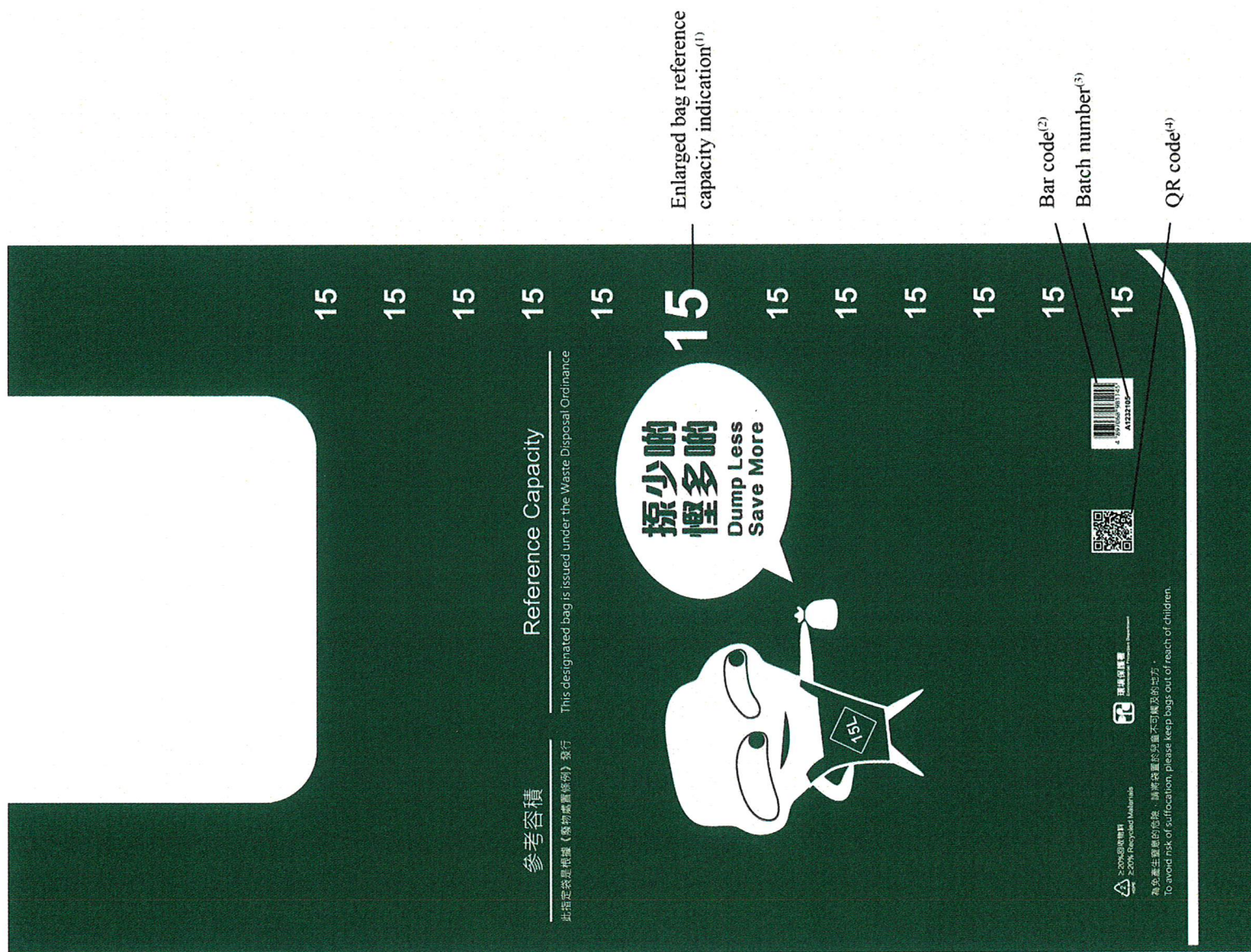


4. Schedule 3 amended (anti-counterfeit features of designated bag)

- (1) Schedule 3, section 1—

Repeal the figure

Substitute



Waste Disposal (Specified Requirements for Designated Bag and Designated
Label) (Amendment) Notice 2023

Section 4

11

(2) Schedule 3, section 2—

Repeal the figure

Substitute



Director of Environmental Protection

2023

Explanatory Note

This Notice amends the Waste Disposal (Specified Requirements for Designated Bag and Designated Label) Notice (Cap. 354 sub. leg. V) to vary the designs of designated bags specified for the purposes of Part IVB of the Waste Disposal Ordinance (Cap. 354).