

# **立法會**

## ***Legislative Council***

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### **Panel on Environmental Affairs**

**Meeting on 28 November 2023**

### **Background brief on producer responsibility schemes**

#### **Purpose**

This paper provides background information on producer responsibility schemes (“PRSs”). It also gives a brief account of the major views and concerns expressed by Members when related issues were discussed by relevant committees of the Legislative Council (“LegCo”) in recent years.

#### **Background**

2. PRS is one of the key policy tools in the waste management strategy in Hong Kong. Based on the principle of “polluter-pays” and the concept of “eco-responsibility”, PRS requires relevant stakeholders, including manufacturers, importers, wholesalers, retailers and consumers to share the responsibility for the collection, recycling, treatment and disposal of end-of-life products. Since the enactment of the Product Eco-responsibility Ordinance (Cap. 603) (“PERO”) in July 2008, the Government has fully implemented PRSs for plastic shopping bags, waste electrical and electronic equipment, and glass beverage containers respectively.

#### *Proposed common legislative framework for producer responsibility schemes*

3. At present, PERO stipulates the detailed provisions for the PRS for each type of products. To implement new PRSs more promptly and effectively, the Administration has proposed to amend PERO to establish a common legislative framework applicable to PRSs for different products (“the common legislative framework”). The amendments will set out the general operational arrangements, responsibilities of relevant stakeholders, etc., while the operational details

applicable to individual products will be prescribed in subsidiary legislation. With reference to the experiences in other places, the Administration is inclined to adopt a “market-based model” for implementing new PRSs in the future, and relevant regulatory requirements will be introduced for individual products taking into account their recycling operation.

4. The Administration plans to introduce a bill into LegCo in 2024 to establish the common legislative framework. After the passage of the bill, the Administration will then introduce the relevant subsidiary legislation for different products into LegCo for positive vetting, with a view to gradually implementing PRSs for five types of products starting from 2025, including plastic beverage containers, beverage cartons, vehicle tyres and lead-acid batteries, and electric vehicle (“EV”) batteries.

#### Considerations for introducing a producer responsibility scheme

5. According to the Administration, when considering the introduction of a PRS for a certain type of product, the Administration takes into account the necessity, the situation of recycling, the outlets for recycled materials, its priority among other products, and, in particular, whether the local recycling market is already equipped with the necessary technology and capacity for transforming the product into materials with market value, as well as the environmental problems caused by the product concerned and its burden on landfills. The Administration reviews various types of products from time to time to determine the priority of implementing PRSs for them. The Administration’s current direction is to introduce a PRS on plastic beverage containers and beverage cartons first under the common legislative framework.

#### **Major views and concerns expressed by Members**

6. Issues relating to the implementation of PRSs were raised at various meetings of the Panel on Environmental Affairs (“EA Panel”) in recent years. Relevant issues were also brought up at the meetings of the Bills Committee on Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 and the Subcommittee to Study Policy Issues Relating to Municipal Solid Waste Charging, Recovery and Recycling. Members also raised questions on PRSs during the examination of the Estimates of Expenditure. Members’ major views and concerns are summarized in the ensuing paragraphs.

## Producer responsibility scheme on plastic beverage containers

### *Targets*

7. Members in general expressed support for the implementation of a PRS for plastic beverage containers (“PPRS”) to require relevant parties in the supply chain to take up the eco-responsibilities. They asked about the targets for reducing waste plastic containers disposed of at landfills, and the measures to ensure the effectiveness of PPRS to achieve such targets.

8. The Administration advised that the recycling rates of plastic beverage containers ranged generally from about 60% to 90% in some other places. The recycling rate could be affected by such factors as the rebate level (if any) and the coverage of the network of return points for used containers under a PRS. Besides, publicity and public education would play a pivotal role in driving behavioural change towards waste generation and disposal. Among other initiatives, the Pilot Scheme on Reverse Vending Machines (“RVMs”) could enable members of the public to gain first-hand experience of clean recovery of used plastic containers through RVMs. The Administration had also taken the lead in reducing the use of plastic bottles and increased the number of water dispensers for public use in government venues.

### *Designated return points*

9. Members noted that some members of the retail trade opposed the proposal of mandating retail stores to serve as designated return points for used plastic beverage containers, for reasons such as the high operating and opportunity costs concerned, and the potential environmental hygiene problems given rise by the storage and transportation of used containers. There was a view that after implementation of the municipal solid waste (“MSW”) charging scheme, generation of MSW in general would be reduced significantly, rendering it unnecessary to impose a mandatory take-back scheme at the retail level for used plastic beverage containers. Some other Members, on the other hand, opined that as plastic-bottled beverages were usually consumed on the go, certain types of facilities with high foot traffic, such as shopping centres, should be required to serve as designated return points for used plastic beverage containers.

10. The Administration advised that it would endeavour to establish a reasonably convenient network of designated return points. As many retailers in Hong Kong were small and medium enterprises with rather limited shop space, it did not seem practicable to require all retailers to provide the take-back service. The Administration would continue to explore the options for designated return points and discuss the arrangements with the retail sector.

*Promotion of green packaging for beverages*

11. Members urged the Administration to encourage beverage manufacturers/suppliers to use greener packaging materials and/or packaging designs for beverages.

12. The Administration advised that the purpose of PPRS was not to completely eliminate the use of plastic packaging for beverages, but to encourage the public to think twice before using plastics, better utilize plastics' life spans, and join hands in taking up the eco-responsibilities for the use of plastic beverage containers. The Administration would continue to promote the use of environmentally friendly packaging designs and related service arrangements by beverage manufacturers/suppliers. Some of the green measures adopted or being explored by the industry included thinner bottles, bottles with more recycled contents, providing non-detachable caps to the bottles (which could facilitate the recycling of plastic caps together with the bottles), and the provision of beverage refilling services.

13. As regards whether the Administration would introduce legislation to ban the sale of drinks in plastic bottles in the long run, the Administration advised most countries did not head towards a total ban. In considering whether and how to ban the sale of plastic-bottled beverages through legislation, a prudent balance had to be struck among various considerations, including a consensus at the community level. At this stage, the Administration had no plan to ban the sale of plastic-bottled beverages.

*Recycling of waste plastics*

14. Members urged the Administration to strengthen support for the local recycling chain of waste plastics, with a view to increasing the recycling outlets for waste plastics and enhancing the viability of related businesses.

15. The Administration explained that the recovery rate of waste plastics had been low due to their high transportation costs involved as well as the imposition of stringent import and export control on waste plastics by many jurisdictions. The Administration had therefore stepped up efforts in publicity and public education on clean recycling including encouraging the public to recycle waste plastic bottles, in particular those of beverages. The Administration had also launched the Pilot Scheme on Collection and Recycling Services of Plastic Recyclable Materials to support the recycling of waste plastics.

### Producer responsibility schemes for other recyclables

16. Members enquired whether the PRSs to be taken forward for EV batteries, vehicle tyres and lead-acid batteries would involve the charging of levies; and why the Administration did not plan to implement a PRS for expanded polystyrene (“EPS”) boxes at this stage.

17. The Administration responded that a PRS would require manufacturers, importers, wholesalers, retailers and consumers to take on their eco-responsibilities. Generally speaking, a levy would be charged if the Administration, or a government-appointed contractor, was responsible for the operation of a PRS. The current plan was to establish a common legislative framework for PRSs and adopt a “market-based model” for these PRSs, under which the business model for the recovery and recycling of end-of-life products would be decided by the market. As there was still a lack of suitable alternatives to EPS boxes in certain applications, such as protective packaging for fresh food during transportation, the Administration did not consider it practicable at this stage to put in place a PRS for this product type. The Administration would continue to monitor market situations and study measures for reducing waste from EPS boxes.

### Packaging materials for products

18. Members expressed concern that it would be consumers instead of manufacturers or sellers to bear the cost for disposal of packaging materials of products after commencement of MSW charging. They enquired about how the Administration would reduce excessive packaging of products purchased locally or online and promote the use of recyclable packaging materials. The Administration advised that it had issued guidelines in May 2022 on how retailers such as supermarket operators could help reduce excessive packaging. With a view to preparing more guidelines on packaging waste reduction, the Administration would continue to communicate with relevant stakeholders including online traders. Reference would also be made to the relevant guidelines of the Mainland and other jurisdictions.

### **Council questions**

19. Members raised questions in relation to management of waste plastic containers and other recyclables in recent years. The questions and the Administration’s replies are hyperlinked in the **Appendix**.

### **Latest development**

20. At the meeting on 28 November 2023, the Administration will brief EA Panel on the establishment of a common legislative framework for PRSs.

### **Relevant papers**

21. A list of relevant papers is set out in the **Appendix**.

Council Business Division 1 and Public Complaints Office  
Legislative Council Secretariat  
23 November 2023

## Producer responsibility schemes

## List of relevant papers

Committee	Date of meeting	Paper
Panel on Environmental Affairs	29 April 2019	<a href="#">Agenda</a> Item IV: Mid-term review of the Recycling Fund  <a href="#">Minutes</a>
	28 October 2019	<a href="#">Agenda</a> Item III: Briefing by the Secretary for the Environment on the Chief Executive's 2019 Policy Address  <a href="#">Minutes</a>
	25 May 2020	<a href="#">Agenda</a> Item IV: Management of waste plastics  <a href="#">Administration's response</a>  <a href="#">Minutes</a>
	25 January 2021	<a href="#">Agenda</a> Item IV: Waste Management Strategies for Hong Kong
	22 March 2021	<a href="#">Agenda</a> Item IV: Public consultation on a producer responsibility scheme on plastic beverage containers  <a href="#">Minutes</a>
	25 April 2022	<a href="#">Agenda</a> Item IV: Progress of the implementation of Waste Blueprint for Hong Kong 2035  <a href="#">Minutes</a>
	14 July 2023	<a href="#">Agenda</a> Item III: Implementation of municipal solid waste charging  <a href="#">Minutes</a>
	30 October 2023	<a href="#">Agenda</a> Item III: Briefing by the Secretary for Environment and Ecology on the Chief Executive's 2023 Policy Address

Committee	Date of meeting	Paper
Bills Committee on Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018	10 July 2020*	<a href="#">Report of the Bills Committee to the House Committee</a>
Finance Committee	9 April 2019	<a href="#">Administration's written replies to Members' initial questions on the Estimates of Expenditure 2019-2020</a>  (Reply serial numbers: ENB051, 060, 141, 148, 164, 275 and 293)
	6 April 2020	<a href="#">Administration's written replies to Members' initial questions on the Estimates of Expenditure 2020-2021</a>  (Reply serial numbers: ENB038, 082, 098, 114, 115, 140, 234 and 282)
	13 April 2021	<a href="#">Administration's written replies to Members' initial questions on the Estimates of Expenditure 2021-2022</a>  (Reply serial numbers: ENB 076, 109 and 165)
	11 April 2022	<a href="#">Administration's written replies to Members' initial questions on the Estimates of Expenditure 2022-2023</a>  (Reply serial numbers: ENB 020, 022 and 024)
	13 April 2023	<a href="#">Administration's written replies to Members' initial questions on the Estimates of Expenditure 2023-2024</a>  (Reply serial numbers EEB(E): 042, 065, 066, 095, 112 and 149)

\*Issue date of paper



Government bureau	Document
Environment Bureau (February 2021)	<a href="#">Waste Blueprint for Hong Kong 2035</a> <a href="#">Consultation paper on the Producer Responsibility Scheme on Plastic Beverage Containers</a>

Council meeting	Paper
6 June 2018	<a href="#">Council question 13</a> : Reducing the use of plastic bottles and raising their recycling rate
17 April 2019	<a href="#">Council question 18</a> : Microplastics and waste plastics causing environmental problems
13 November 2019	<a href="#">Council question 11</a> : Reduction of waste plastics
4 November 2020	<a href="#">Council question 3</a> : Use, recovery and recycling of plastics
23 June 2021	<a href="#">Council question 20</a> : Reverse Vending Machine Pilot Scheme
1 September 2021	<a href="#">Council question 17</a> : Handling of waste tyres
15 September 2021	<a href="#">Council question 9</a> : Reverse Vending Machine Pilot Scheme
27 October 2021	<a href="#">Council question 12</a> : Waste glass containers
25 May 2022	<a href="#">Council question 6</a> : Implementation of “GREEN@COMMUNITY” at public housing estates
8 June 2022	<a href="#">Council question 16</a> : Waste reduction and recycling programmes implemented in public housing estates