



**CONSULTATION ON REGULATION OF
DISPOSABLE PLASTIC TABLEWARE
THE LAW SOCIETY'S SUBMISSIONS**

The Law Society has reviewed a consultation paper by the Environmental Protection Department ("EPD") on *Schemes on Regulation of Disposable Plastic Tableware* issued on 9 July 2021 ("Consultation Paper").

Our responses to the questions in the Consultation Paper, save and except those for Questions 7 and 10 thereto, are set out in the completed Response Formⁱ attached to this paper.

For Question 7, i.e. "*Do you agree that the ban on the provision of the following disposable plastic tableware by catering premises to customers for takeaway services should be imposed in phases?*", we respond and state that

- (a) we do NOT agree that the ban should be implemented in phases;
- (b) we consider that all the measures proposed in the Regulation Schemes should be implemented by the date the EPD now proposes for Phase One i.e. in around 2025;
- (c) bans should be imposed on
 - (i) EPS tableware, straws, stirrers, cutlery (such as fork, knife and spoon) and plates by catering premises to customers for takeaway;
 - (ii) plastic cups, lids and containers and cutlery by catering premises to customers dining in as well as to customers for takeaway, unless there is a recyclable alternative; and
- (d) provision of recyclable cutlery or charging for single use EPS takeaway cutlery should seriously be considered as we do with plastic bags.

For Question 10, i.e. "*Do you have any other opinions on the "Scheme on Regulation of Disposable Plastic Tableware" and other relevant issues?*", we state that any policy formulated should be sensitive to needs of different sector / groups in the community, given that the implementation of the policy (to be formulated) would have implications upon the habits and the livelihood of Hong

Kong people. One example is construction workers working outdoors not having cutlery for eating takeaways.

By way of passing remarks, we are quite disappointed with the Consultation Paper, as the questions posed therein are not too helpful in formulating a policy on reducing plastic wastes. Some questions seem to be self-serving, in that they only yield answers which must be obvious (e.g. Question 3 – *Do you agree that the sale of disposable EPS tableware to local end-consumers (including catering premises) should be banned?* - when the Consultation Paper clearly alludes to “*the serious potential impacts of EPS tableware on global marine ecosystem*” (para 3.5 thereof). We do not consider that any sensible respondent who has read the Consultation Paper would opt for “no” or “strongly disagree” to answer this question). Question 6 is another example.

Other questions are (with respect) too general, without in-depth analysis on issues that could possibly arise from the proposed bans, e.g. we expect viability of and availability of any alternatives to the EPS tableware, and the financial impact upon the community of using these alternatives (if available), be more meaningfully canvassed in the Consultation Paper. The impact of these alternatives on our environment should also be raised. We anticipate that if legislation is the way forward (and we strongly agree that that is the case), the issues to be considered in the legislation, and the time-tabling of the legislation exercise, should be laid out and be explained to the public.

In our views, irrespective of any legislation to be enacted on the matter, there should be a fundamental change to the habit of using and disposing of disposable tableware. Education on the use of recyclable disposable tableware is a must.

We note the EPD has carried out and has tabulated various researches on Plastic Control Policies in various regions (see page 23 of the Consultation Paper). These are helpful in the discussion of the above issues and should be elaborated for the public.

One matter which in our view has not been covered in the consultation is the position in the Region. E.g. according to our desk research, the National Development and Reform Commission of Mainland China released a schedule/blueprintⁱⁱ on tackling plastic pollution on 16 January 2020. It plans to prohibit the production, selling and use of single-use disposable plastic products separately step by step in 2020, 2022 and 2025. Some major cities in the Mainland China have embraced policies to completely prohibit the production and sale of plastic tableware, reportedly in late 2020ⁱⁱⁱ (depending on the types of plastic tableware, the prohibition would be implemented in some cities in phases). Additionally, it was also reported that Mainland China will prohibit the import of plastic waste in 2025^{iv}. The above developments seemingly are relevant to the question as to whether and if so how the environmental policy of the Hong Kong SAR under consideration in this consultation should (or should not) correlate to the above.

The United Nation’s Intergovernmental Panel on Climate Change has on about 9 August 2021 issued a “Code Red” on the fast-rising global temperatures^v. Hong Kong SAR should contribute its efforts to help save the environment and avoid climate change the trend of which has been described as a “catastrophe”.

**The Law Society of Hong Kong
31 August 2021**

ⁱ The blank Response Form appears on pages 27-30 of the Consultation Paper.

ⁱⁱ 国家发展改革委 生态环境部关于进一步加强塑料污染治理的意见

https://www.ndrc.gov.cn/xxgk/zcfb/tz/202001/t20200119_1219275.html?code=&state=123

ⁱⁱⁱ “[【走塑】中國宣佈禁止生產與使用一次性塑膠製品 本年底於部份行業與地區生效](#)” 立場報道 2020/01/21

^{iv} “[“多国限塑搅动塑料行”](#) 环球时报 2020-01-21 <https://finance.huanqiu.com/article/3whfV7E12sZ>

^v <https://www.ipcc.ch/report/ar6/wg1/>

Appendix 4

Response Form "Scheme on Regulation of Disposable Plastic Tableware"

Email: rdpt@epd.gov.hk

Post: Waste Reduction and Recycling Group, Environmental Protection Department
2/F, East Wing, Island West Transfer Station, 88 Victoria Road, Kennedy Town, Hong Kong

Fax: 2872 0389

Part I: Basic Information

Which of the following identities are you using to respond to this response form? (Please select one option)

<input type="checkbox"/> Professional Bodies / Academic Institutions	<input type="checkbox"/> Public Organisations	<input type="checkbox"/> Green Groups
<input type="checkbox"/> Industry Associations	<input type="checkbox"/> Companies	<input type="checkbox"/> Others
Name of Organisations / Companies: <u>The Law Society of Hong Kong</u>		
<input type="checkbox"/> Individuals		

Email Address: _____

Part II: Consultation Questions

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

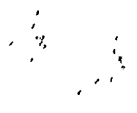
- Strongly Support Support Neutral Oppose Strongly Oppose

If oppose, the reason is:

Question 2a: Do you agree that the Regulation Scheme should cover all types of disposable plastic tableware listed in Section 3.1?

- | | | | |
|--|---|----------------------------------|---|
| (i) EPS Tableware | <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Neutral | <input type="checkbox"/> Disagree, the reason is: |
| (ii) Straws | <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Neutral | <input type="checkbox"/> Disagree, the reason is: |
| (iii) Stirrers | <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Neutral | <input type="checkbox"/> Disagree, the reason is: |
| (iv) Cutlery (such as fork, knife and spoon) | <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Neutral | <input type="checkbox"/> Disagree, the reason is: |
| (v) Plates | <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Neutral | <input type="checkbox"/> Disagree, the reason is: |
| (vi) Cups | <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Neutral | <input type="checkbox"/> Disagree, the reason is: |
| (vii) Cup Lids | <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Neutral | <input type="checkbox"/> Disagree, the reason is: |
| (viii) Food Containers | <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Neutral | <input type="checkbox"/> Disagree, the reason is: |
| (ix) Food Container Covers | <input checked="" type="checkbox"/> Agree | <input type="checkbox"/> Neutral | <input type="checkbox"/> Disagree, the reason is: |

Others (please specify):



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?

- Strongly Agree Agree Neutral Disagree Strongly Disagree

If disagree, the reason is :

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

- Strongly Agree Agree Neutral Disagree Strongly Disagree

If disagree, the reason is :

Question 4: Do you agree that the Regulation Scheme should cover all catering premises? (Note: Catering premises refer to any premises where a catering business is carried out by selling or supplying food or beverages to customers for immediate consumption within or outside the premises.)

- Strongly Agree Agree Neutral Disagree Strongly Disagree

If disagree, the reason is :

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?

- Strongly Agree Agree Neutral Disagree Strongly Disagree

If disagree, the reason is :

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?

- Strongly Agree Agree Neutral Disagree Strongly Disagree

If disagree, the reason is :

Question 7: Do you agree that the ban on the provision of the following disposable plastic tableware by catering premises to customers for takeaway services should be imposed in phases?

Phase One

- (i) EPS Tableware Agree Neutral Disagree, the reason is:
- (ii) Straws Agree Neutral Disagree, the reason is:
- (iii) Stirrers Agree Neutral Disagree, the reason is:
- (iv) Cutlery (such as fork, knife and spoon) Agree Neutral Disagree, the reason is:
- (v) Plates Agree Neutral Disagree, the reason is:

Others (Please specify): PLEASE REFER TO THE LAW SOCIETY'S SUBMISSION OF 31 AUGUST 2021

Phase Two

- (i) Cups Agree Neutral Disagree, the reason is:
- (ii) Cup Lids Agree Neutral Disagree, the reason is:
- (iii) Food Containers Agree Neutral Disagree, the reason is:
- (iv) Food Container Covers Agree Neutral Disagree, the reason is:

Others (Please specify): PLEASE REFER TO THE LAW SOCIETY'S SUBMISSION OF 31 AUGUST 2021

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

(i) Phase One

EPS tableware: a complete ban on the sale and provision of EPS tableware to customers for dine-in and takeaway services;

Dine-in: a complete ban on the provision of all types of disposable plastic tableware;

Takeaway: a ban on the provision of certain types of disposable plastic tableware

Subject to the views received and the ensuing legislative procedures, the first phase of the Regulation Scheme can be implemented in around 2025.

- Agree Neutral Disagree, the reason is:

(ii) Phase Two

EPS tableware: a complete ban on the sale and provision of EPS tableware to customers for dine-in and takeaway services;

Dine-in and takeaway: a complete ban on the provision of all types of disposable plastic tableware

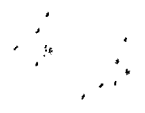
Subject to the outcome of the first phase as well as the maturity of the market for alternatives in future, the launch date of the second phase will be reviewed and determined about 12 to 18 months upon the implementation of the first phase. It is also initially proposed to provide the second phase with a similar preparatory period.

- Agree Neutral Disagree, the reason is:

Or

- (iii) Disagree that the Regulation Scheme is to be implemented in phases. All the measures should be implemented at the same time.

Others (Please specify):



Question 9: Do you agree to the exclusions proposed in Sections 3.22 to 3.25?

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

Agree Neutral Disagree, the reason is:

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

Agree Neutral Disagree, the reason is:

Others (Please specify):

Question 10: Do you have any other opinions on the “Scheme on Regulation of Disposable Plastic Tableware” and other relevant issues?

PLEASE REFER TO THE LAW SOCIETY'S SUBMISSION OF 31 AUGUST 2021

❖❖❖ **Thank you for your views** ❖❖❖

After completion, please send the response form to the Environmental Protection Department by email, post or fax on or before 8 September 2021.