



33/F, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong
香港灣仔告士打道5號稅務大樓33樓

ACE Paper 15/2021
For discussion on 6 September 2021

**Public Consultation on the Scheme
on Regulation of Disposable Plastic Tableware**

PURPOSE

In order to reduce the use of disposable plastic tableware at source, the Government launched a two-month public consultation on 9 July 2021 to consult the public on the Scheme on Regulation of Disposable Plastic Tableware (“Regulation Scheme”). This paper seeks Members’ views on the above proposal.

BACKGROUND

2. Disposable plastic tableware refers generally to single-use catering utensils made of plastics. Disposable plastic tableware materials in Hong Kong are divided into two main groups, namely expanded polystyrene (EPS) and non-expanded polystyrene (non-EPS). Common examples include plastic straws, stirrers, forks, knives, spoons, cups, bowls, plates, etc. In recent decades, disposable plastic tableware is becoming more widely used in our daily lives, or even abused at times. According to the findings of a survey¹, Hong Kong citizens dine out four to five times and buy takeaway meals about four times on average every week, when a large quantity of disposable plastic tableware is often used.

3. According to statistics in 2019, the average daily disposal quantity of waste plastics in Hong Kong was about 2 320 tonnes, accounting for about 21% of municipal solid waste (MSW) disposal quantity at Hong Kong landfills. Most of these waste plastics were plastic bags, followed by discarded plastic tableware, which amounted to around 200 tonnes each day. Of the discarded plastic tableware, the majority was disposable plastic tableware.

¹ Nielsen (28 April 2020). Nielsen: Eating at Home Will Remain the New Reality for Asian Consumers, Especially Hong Kong, Post COVID-19. Retrieved from <https://en.pnasia.com/releases/apac/nielsen-eating-at-home-will-remain-the-new-reality-for-asian-consumers-especially-hong-kong-post-covid-19-278643.shtml>

4. In February 2021, the Government announced the Waste Blueprint for Hong Kong 2035 (“the Blueprint”) advocating the vision of “Waste Reduction·Resources Circulation·Zero Landfill”. The Blueprint outlines the strategies, goals and measures to tackle the challenge of waste management up to 2035 by leading the advancement of various policies and measures as well as building circular economy and sustainable living environment. The Blueprint sets out six major areas of action with “Waste Reduction” being the top priority. One of the key measures under this area is the Government’s proposed phased regulation of disposable plastic tableware. The Consultation Paper is at **Annex**.

JUSTIFICATIONS

5. Disposable plastic tableware is harmful to our marine environment. The prevalent types of marine refuse in Hong Kong mostly come from plastic pieces and foam plastic fragments². Plastics are difficult to decompose naturally. The decomposition process may take over a hundred years, during which the plastics will be fragmented into plastic particles. If disposable plastic tableware accidentally enters the sea, not only will it affect the marine ecosystem, its plastic particle fragments or microplastics will also enter into human food chain if absorbed by marine organisms, thereby threatening human health. “Use Less and Waste Less”, including using less disposable products, can also help reduce carbon emissions and mitigate climate change.

6. Besides, as various types of tableware are made of different materials and they are usually stained with various food remnants after use, they are often difficult to be cleaned and recycled. Extra care is required in the process of recycling such tableware, which would pose adverse implication to the public resources and the cost required. Among the disposable plastic tableware, recycling of EPS tableware is even more challenging than other plastic tableware. In general, EPS products are composed of 98% air and only 2% plastic materials. Due to their lightweight and bulky volume, EPS products have very low recycling value. The light and fragile features of EPS render it a threat to the environment because it can enter the ecosystem along with wind and water easily when being improperly disposed of.

7. Given this, many places (such as the Mainland and European Union) have generally inclined to adopt the “prohibition of sale” approach in recent years in order to cut the use of disposable EPS tableware at source. On the other hand, many places are also inclined to accord priority to formulation of regulatory measures for non-EPS tableware that are small in size and relatively difficult to be recycled or have proven alternatives, such as straws, stirrers, forks, knives, spoons and plates, etc.

2 The Refuse Characteristics Survey conducted by the Environmental Protection Department (from April 2013 to March 2014)
https://www.epd.gov.hk/epd/clean_shorelines/files/common2015/en/Top10RefuseType.pdf

8. With the growing concern over the issue of disposable plastics across the world, the market for reusable tableware and greener non-plastic disposable tableware alternatives (such as paper, softwood, plant fibre materials, etc.) has developed rapidly in recent years, driving down the prices continuously to levels that are becoming competitive with those of conventional disposable plastic tableware. Coupled with the increasing “plastic-free” awareness of the public, it should be an opportune time now to put forward the proposed regulation of the use of disposable plastic tableware progressively in Hong Kong.

9. At present, the more common non-plastic disposable tableware alternatives available in the market are mainly those made of paper, bamboo, soft wood, plant fibre materials (e.g. wood pulp, straw pulp, bagasse), etc. Among them, the development of alternatives for straws, stirrers, forks, knives, spoons and plates, etc, which are proposed to be regulated under Phase 1 regulation on takeaway services, is more mature, and a wide application has gradually been seen in the market. The first phase of the Regulation Scheme is expected to be implemented in around 2025. We believe that with the advancement in technologies and the rising global demand, more economical, reliable and eco-friendly alternatives for all types of disposable plastic tableware would be available in the market. The Government will maintain close communication with the trades and suppliers, and provide more comprehensive information on non-plastic disposable tableware alternatives to facilitate the trades to better understand different choices offered by the market.

THE PROPOSAL

10. We propose introducing a phased regulatory scheme comprising the following nine types of disposable plastic tableware –

- (i) EPS tableware
- (ii) Straws
- (iii) Stirrers
- (iv) Cutlery (such as forks, knives and spoons)
- (v) Plates
- (vi) Cups
- (vii) Cup lids
- (viii) Food containers (such as bowls and boxes)
- (ix) Food container covers

11. In the aspect of plastics materials, the Regulation Scheme will cover disposable tableware made of all kinds of plastics, including “plastic substitutes” (e.g. oxo-degradable plastics and biodegradable plastics) which claim to be degradable or biodegradable. This is because most of these “plastic substitutes” products can only turn into microplastic flakes or be biodegraded under specific conditions, such as

exposure to ultraviolet radiation or heat, and those required conditions are often absent in the natural marine environment.

Scope of coverage

Prohibition of the sale of disposable EPS tableware

12. As mentioned above, due to the low recycling rate of EPS tableware and its easiness to be carried into the ecosystem, EPS tableware poses significant potential threat to the natural environment, in particular the marine ecosystem. In view of this, many places in the world have generally started to regulate the use of disposable EPS tableware at source, for example, the Mainland has banned the production and sale of disposable EPS tableware since January 2021. With reference to the regulation approaches of other places, we propose that the local sale of disposable EPS tableware to local end-consumers (including catering premises) should be completely banned in the first place.

Prohibition of provision of disposable plastic tableware by catering premises to customers

(i) Dine-in services

13. At present, disposable plastic tableware is mainly used in catering takeaway services of the catering sector, and to a lesser extent, in dine-in services. In general, most of the catering premises providing dine-in services have been equipped with tableware washing facilities or arranged for a third party to provide tableware cleaning services. They should be capable of providing reusable tableware for dine-in customers, thus avoiding the use of disposable plastic tableware.

14. In order to reduce the use of disposable plastic tableware at source, we therefore propose to impose a complete ban on the provision of various types of disposable plastic tableware (including EPS and non-EPS tableware) by the catering premises to customers for dine-in services in the first place. Owing to similar nature to dine-in services, those catering services including provision of food and beverage and catering staff for some private events are also considered to be included in the scope of dine-in services.

(ii) Takeaway services

15. Takeaway services generally refer to the preparation of food or beverages by the catering operators for sale to customers for consumption off their business premises. Compared with dine-in services, takeaway services are inclined to rely more on the use of disposable plastic tableware. Taking into account the difficulties in recycling the tableware and the availability of proven alternatives, we propose to adopt a progressive approach to regulate different types of disposable plastic tableware for takeaway services.

16. Amongst the non-EPS disposable plastic tableware, we propose prioritizing the regulation of those tableware that is small in size and relatively difficult to be recycled or has proven alternatives, including straws, stirrers, forks, knives, spoons and plates. It will be followed by the regulation of the rest of the disposable plastic tableware (i.e. cups, cup lids, food containers and food container covers) in the next phase.

Phased Implementation

17. The Regulation Scheme is proposed to be implemented in two phases –

Phase 1

- (i) *Disposable EPS tableware:* A full control on disposable EPS tableware by banning the local sale of disposable EPS tableware, as well as the provision of EPS tableware by catering premises to customers for both dine-in and takeaway services.
- (ii) *Dine-in services:* A complete ban on the provision of disposable plastic tableware (including disposable EPS and non-EPS tableware) by catering premises to customers for dine-in service.
- (iii) *Takeaway services:* A ban on the provision of certain types of disposable plastic tableware including straws, stirrers, forks, knives, spoons and plates, etc. by catering premises to customers for takeaway services.

Phase 2

- (iv) *Regulating takeaway services in the same manner as dine-in services:* A complete ban on the provision of all types of disposable plastic tableware for dine-in and takeaway services.

18. The proposed phased regulation is summarised as below –

Types of disposable plastic tableware	Phase 1	Phase 2
EPS tableware	Prohibits the sale to local end-consumers (including catering premises)	
	Prohibits the provision by catering premises to customers for dine-in and takeaway services	
Straws	Prohibits the provision by catering premises to customers for dine-in and	Prohibits the provision by catering premises to customers for dine-in
Stirrers		
Cutlery		

(e.g. forks, knives, spoons)	takeaway services	and takeaway services
Plates		
Cups	Prohibits the provision by catering premises to customers for dine-in services	
Cup lids		
Food containers		
Food container covers		

Exclusions

19. By drawing on the experience of other places, we propose the following exclusion conditions –

(i) *Medical reasons*

20. Persons with special needs (e.g. patients or persons with disabilities) who dine in or order takeaway at catering premises may have the genuine need to use disposable plastic straws. To cater for the need of the above group of people, we propose an exemption for the provision of disposable plastic straws by catering premises on request by persons with special needs due to their medical needs or physical conditions under the Regulation Scheme.

(ii) *Food products pre-packaged outside catering premises*

21. Pre-packaged food products are usually manufactured by local or even overseas food manufacturers in factories outside catering premises. Considering that disposable plastic tableware attached to the pre-packaged food products is part of the commodity in nature, we also propose to exclude these products from the scope of disposable plastic tableware under the Regulation Scheme.

Timetable

22. Taking into account the needs to amend the relevant legislation and to provide members of the public with an adaptation period, especially for the catering sector which may require reasonable time to adjust the supply chain amid the pandemic, and subject to the views received and the ensuing legislative procedures, the first phase of the Regulation Scheme is expected to be implemented in around 2025.

23. Subject to the outcome of the first phase after implementation for about 12 to 18 months as well as the maturity of the market for alternatives in future, we will review and determine the launch date of the second phase. It is also proposed to provide the second phase with a similar preparatory period.

ADVICE SOUGHT

24. Members are invited to offer views on the above proposal.

**Environmental Protection Department
August 2021**