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**Submission on the Regulation of Disposable Plastic Tableware
Views from Business Environment Council Limited
商界環保協會有限公司**

Over the last 29 years, Business Environment Council Limited 商界環保協會有限公司 (“BEC”) has played a leading role in advocating the business case for environmental excellence, given the importance of sustainable development to Hong Kong. Our members are committed to actively engage with the HKSAR Government (“the Government”) to help develop a supporting policy framework as well as impactful implementation in respect of environmental protection and sustainability.

Views expressed in this submission are those of BEC, in line with BEC’s Mission and Vision as well as policy position on relevant issues, but may not necessarily be the same as the views of each individual member. BEC is an independent charitable membership organisation comprising over 200 member companies from Hong Kong’s major holding companies to small and medium-sized enterprises.

1. Preamble

- 1.1. The Government released the Waste Blueprint for Hong Kong 2035 in February 2021¹, setting out a medium-term target of reducing per capita municipal solid waste (“MSW”) disposal by 40-50% and increasing the recovery rate to 55%, and a longer-term zero landfill vision by 2035.
- 1.2. Plastics made up 21% of all MSW sent to landfills in 2019, and 8.6% (200 tonnes per day) of that was from plastic and polyfoam dining wares². Given the scale and severity of the impacts of plastics to the marine ecosystem and Hong Kong’s waste management system, and the Government’s zero landfill vision, BEC supports in principle the introduction of legislation to regulate disposable plastic tableware.

¹ https://www.enb.gov.hk/sites/default/files/pdf/waste_blueprint_2035_eng.pdf

² <https://www.wastereduction.gov.hk/sites/default/files/msw2019.pdf>

2. Coverage of the Regulation Scheme

Types of disposable plastic tableware

- 2.1. BEC strongly supports the Government's proposal to include various types of disposable plastic tableware³ listed in the consultation document, covering two main groups of disposable plastic tableware materials, namely expanded polystyrene ("EPS") and non-EPS including polyethylene terephthalate ("PET"), polypropylene ("PP") and polystyrene ("PS"). Given the detrimental environmental impact and the difficulty in recycling EPS products, BEC supports the ban on the local sale of disposable EPS tableware to local end-consumers, including catering premises.
- 2.2. BEC also supports the regulation to cover plastic substitutes such as oxo-degradable plastics and biodegradable plastics. These plastics pose similar environmental concerns as their petroleum-based counterparts, as they can either be fragmented into microplastics, or can only be broken down and be biodegraded in specific composting or recycling facilities, which are currently absent in Hong Kong.
- 2.3. To avoid confusion and ambiguity, the Government should clarify if other types of plastic substitutes, such as compostable and oxo-biodegradable plastics, and composite products that are coated or laminated with plastics, would be covered by the regulation. Clear guidelines and explanations should also be provided to the industry and the public to clarify the exact types of plastic tableware covered by the regulation and facilitate the shift towards a plastic-free economy.

Types of catering premises

- 2.4. BEC strongly agrees that all catering premises should be covered under the Regulation Scheme, including premises that provide dine-in or takeaway services or both. The Scheme should also cover catering services provided for private events (including the provision of food and beverages and catering staff), as these services are very similar in nature to dine-in services.

3. Regulation in phases and implementation timetable

- 3.1. BEC agrees that a ban on the provision of disposable plastic tableware by catering premises to customers should be imposed in phases, starting with the banning of disposable plastic tableware for dine-in services.

³ Including EPS tableware, straws, stirrers, cutlery (such as forks, knives, and spoons), plates, cups, cup lids, food containers (such as bowls and boxes) and food container covers

- 3.2. BEC considers a timetable to implement the first phase of the Regulation Scheme in around 2025 rather conservative, given alternatives are mostly available for all types of disposable plastic tableware covered in this phase. BEC urges the Government to set a more ambitious timeline for the first phase, and to also communicate a clear timeline for the second phase to avoid uncertainties and better prepare the industry. Clear policy direction and timeline would also drive the development and demand for new and innovative products as alternatives to single use plastic tableware.

4. Exclusions

- 4.1. BEC supports the proposed exclusion for persons with special needs due to their medical or physical conditions, where no viable non-plastic alternatives are available to meet all their requirements. The United Kingdom⁴ and the state of South Australia⁵ have also implemented similar exemptions in their single-use plastic policies.
- 4.2. Learning from Seattle's experience⁶, the Government should consult with persons with special needs and their affiliated organisations or associations before rolling out the ban, and ensure that any exclusions must be clearly communicated to catering premises, so that the implementation of the regulation will not cause additional inconvenience to the concerned stakeholders.
- 4.3. BEC also supports excluding food products pre-packaged outside catering premises, as the use of such disposable plastic tableware is likely not under direct control by the catering premises.

5. BEC's clear message: avoid using disposable tableware

- 5.1. Despite supporting the Government's proposal to regulate disposable plastic tableware, BEC wants to emphasise that it is equally important to avoid the generation of waste from single use items made of other materials. BEC is concerned that focusing on one specific material (plastic in this case) will lead to a transfer to other alternative forms of disposable tableware, thus defeating the purpose of reducing waste going to landfills.
- 5.2. Hence, in addition to measures that reduce the use of disposable plastic tableware, including regulations, BEC recommends a holistic approach

⁴ <https://www.gov.uk/guidance/straws-cotton-buds-and-drink-stirrers-ban-rules-for-businesses-in-england#exemptions-to-the-ban-on-single-use-plastic-straws>

⁵ https://www.greenindustries.sa.gov.au/Explanatory%20information%20on%20SUP%20Regulations_April2021.pdf

⁶ <https://www.seattleweekly.com/news/straw-ban-leaves-disabled-community-feeling-high-and-dry/>

that would improve Hong Kong's circularity⁷ and make sure that single use plastic tableware will not be replaced with other disposable products.

- 5.3. First, measures should be put in place to support and encourage the use of reusable tableware to achieve waste avoidance and reduction at source. Such measures may include, but not limited to, requiring and supporting suitable washing facilities in shopping malls and food courts; developing suitable regulations for washing facilities to address hygiene, water use and reusability considerations; incentivising the public to bring their own food containers for takeaway services; working with takeaway providers for 'container return' arrangements; and strengthening promotion and public education in support of reusable tableware.
- 5.4. Second, in the circumstance where the use of reusable tableware is not feasible or the use of disposable tableware is unavoidable, at least in the short term, the Government should lay down clear policy direction that supports the use of disposable tableware made of more environmentally friendly, non-plastic materials and help create a business environment that encourages investment so that there are affordable and readily available products in the market. To ensure proper handling and recycling by Hong Kong's waste management system, BEC strongly suggests that non-plastic tableware alternatives must be clearly labelled in terms of their recyclability and method of disposal as a mandatory requirement. Experience suggests that the provision of detailed guidelines by the Government with clarity on scope and exemptions as early as possible before the regulation comes into effect is always welcomed by businesses.

Enquiries

For queries related to this submission, please contact our Chief Executive Officer, Mr Adam Koo at adamkoo@bec.org.hk

Yours sincerely,



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⁷ See BEC's "Circularity Assessment of Hong Kong" for the detailed policy recommendations:
https://bec.org.hk/sites/default/files/publications/BEC_Circularity_Assessment_Report_final.pdf