



Public Consultation on Producer Responsibility Scheme on Plastic Beverage Containers

The Law Society's Submissions

The Environmental Protection Department (“EPD”) of the Hong Kong Special Administrative Region issued a consultation paper on 22 February 2021 on “Producer Responsibility Scheme on Plastic Beverage Containers” (“Consultation Paper”). In response thereto, the Law Society provides the following submissions on the consultation questions posed.

Question 1. Do you support introducing a mandatory PRS¹ to enhance the recycling of plastic beverage containers?

Law Society's response:

Yes, we support introducing a mandatory PRS.

Question 2. Do you agree that the PPRS² should cover beverage products within the volume range of 100mL-2L?

Law Society's response:

We do not agree that the containers under the PRS should be so restricted in size.

It is claimed that “including plastic containers with sizes that cannot be accepted by RVM³s in the PPRS would likely increase the operation burden of the scheme disproportionately” (as per paragraph 3.3 of the Consultation Paper).

- a. Given that under the PPRS scheme it is already intended that retail stores selling pre-packaged plastic-bottled beverages would serve as designated return points (manual collection services available), and there are other

¹ PRS – Producer Responsibility Scheme

² PPRS – Producer Responsibility Scheme on Plastic Beverage Containers

³ RVM – Reverse vending machine

collection spots and stations under EPS⁴/NGO⁵ already in place or to be expanded in the near future (probably before the law on PPRS would pass) [See EPS' own website, e.g. the GREEN @ COMMUNITY stations], collection is not solely dependent upon RVMs.

- b. It is not readily justified in the Consultation Paper as to how the operation burden would be increased disproportionately if there is no size restriction in the PPRS.

Especially for plastic containers over 2L, it is likely that the larger the container, the more plastic mass would be involved and it is important not to leave these containers out.

The alleged “market sales data” under para. 3.5 of the Consultation Paper should be examined, to check at least the sample size and data collection method.

If any size restriction is to be imposed due to the technical limit of the RVMs: since the RVMs available on the market can accept containers up to 3L in most cases (as per paragraph 3.3 of the Consultation Paper), why should the PPRS cover beverage limited to 2L and not 3L?

Question 3. Do you support the provision of rebate under the proposed PPRS?

Law Society's response:

We agree with the alternative suggestion proposed by The Green Earth HK and some other environmental organizations that the monetary incentive should be in the form of “deposit” instead of “rebate”, i.e. the customers need to pay an extra amount when purchasing the plastic bottled beverages and they could get back the deposit amount when they return the plastic bottle. It is proven that the psychological effect of a deposit and a rebate is different and the deposit provides more incentive, especially when the “rebate”/“deposit” amount is low to start with.

Question 4(a). Do you consider a rebate at 10 cents per container an appropriate level?

Law Society's response:

No, it is too low.

⁴ EPS – electronic payment service

⁵ NGO – non-governmental organization

Question 4(b). If not, what should be the minimum rebate level?

- (i) 5 cents
- (ii) 20 cents
- (iii) 30 cents
- (iv) Others (Please specify:_____)

Law Society's response:

(iv) Others: 50 cents to 1 dollar

Question 5. Do you support that relevant retailers (in particular the larger retail stores) should be mandated to provide take-back and rebate redemption services?

Law Society's response:

Yes, we support the mandatory take-back and rebate redemption services.

- However, what is the justification for the minimum operation scale to be by reference to the *retail* floor area?
- The take-back service, if done manually, can be done through the retail counter, regardless of the size of the *retail* floor area. If the concern is about storage of the collected containers, the operation scale should be by reference to the total floor area (including storage) and not just retail floor area.
- The minimum of 200m² retail floor area appears to be too high, given that plastic-bottled beverages are highly accessible at convenience stores which spread all over Hong Kong and are very often of a size much smaller than 200m² in retail floor area.
- The need for storage space can be alleviated by compression of the plastic bottles (manually or by the RVMs) and the frequency of the collection of the returned containers from the retail stores to local recycling market.
- Having a broader collection network is crucial. Especially when the monetary incentive under the PPRS is not high, citizens can easily be discouraged from recycling if it is not convenient.

Question 6. What are your preferred types of locations listed below for the take-back and rebate redemption services? Please accord priority.

- (i) Public transport facilities
- (ii) Public facilities

- (iii) Shopping centres
- (iv) Supermarkets
- (v) Other relevant retail stores
- (vi) Residential estates
- (vii) Others (Please specify: _____)

Law Society's response:

The priority:

- (i) Residential estates
- (ii) Others: schools, community centres and markets (e.g. those under the management of Link)
- (iii) Shopping centres
- (iv) Public transport facilities (e.g. MTR stations and bus terminus)
- (v) Supermarkets
- (vi) Public facilities
- (vii) Other relevant retail stores

Question 7. Do you support that we should collect the recycling levy at supplier level (i.e. manufacturers and importers) to fund the operation of the PPRS?

Law Society's response:

Yes

Question 8. Do you agree that moderate reduction of recycling levy should be allowed if suppliers have provided proper arrangements to recycle plastic beverage containers meeting certain environmental requirements?

Law Society's response:

Yes, but the efficiency of such individual arrangements of the suppliers should be examined and monitored and the reduction should be proportional to the amount of containers collected and recycled on the suppliers' own initiatives.

Question 9. Do you support imposing licensing requirement on recycling facilities for handling the waste plastics collected under the proposed PPRS?

Law Society's response:

No comment.

Question 10(a). Do you have any specific suggestion(s) on promoting eco-packaging design?

Law Society's response:

No comment.

Question 10(b). Do you have any other comments on the PPRS and other plastic-related issues?

Law Society's response:

Macau has already banned the import of styrofoam single-use dining ware. HK should follow suit without further delay.

The problem of bubble tea plastic containers and single-use dining ware is worrying, especially during the pandemic where the number of take-away increases significantly. It would be a long way until the complete ban of single use plastic but EPD should consider providing more incentives for businesses to adopt more environmental substitutes, including paper instead of plastic containers and recycled plastics, etc..

Environmental taxes should be levied upon import of plastics/single-use ware.

**The Law Society of Hong Kong
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