

**For discussion on  
22 April 2002**

**Legislative Council Panel on Economic Services  
Regulation of beauty products and services**

**Introduction**

On the request of Members, we prepare this paper to outline the protection provided for under existing legislation to users of beauty products and services, and discuss whether there is a need for additional regulatory measures to safeguard the consumers.

**Beauty products and services**

2. The definitions for “beauty products” and “beauticians” are very broad. A wide range of products may be considered as beauty products. The retail outlets for such products are also varied and scattered. They are available from shops dedicated to selling personal grooming/ personal care products, or some are available from department stores, pharmacies and supermarkets. Similarly, people engaged in economic activities related to beauty products and services are also diversified. According to the latest “Quarterly Survey of Employment and Vacancies” of the Census and Statistics Department, the total number of persons engaged in “barber and beauty shops”, “medicines and cosmetic stores” and establishments engaging in the wholesale, import and export of “cosmetics, toilet preparations and cleaning materials”, amounted to some 47 000 in 2001.

3. The Government and the Consumer Council receive from time to time complaints against products or services which people regard as beauty products or services. Between 1999 and 2001, there were 65 cases in which the complainants suspected that the product (e.g. facial cream and make-up) or services obtained would have adverse effect on health. This represented about 0.1% of the total number of complaints received by the Consumer Council during the period.

## **Existing legislative provisions relating to beauty products and services**

### ***(a) The Consumer Goods Safety Ordinance***

4. The Consumer Goods Safety Ordinance (CGSO) stipulates that a person shall not supply, manufacture or import into Hong Kong consumer goods unless they comply with the “general safety requirement” for consumer goods, or such safety standards as the Secretary for Economic Services may approve by regulation to apply to the product concerned. Beauty or cosmetic products, insofar as they are not food, water, tobacco or medicine, etc. which are regulated under separate legislation, will be subject to this “general safety requirement” and therefore have to be reasonably safe. Apart from compliance with recognised safety standards, other factors such as the manner in which a product is promoted, the instructions for use, etc., are also relevant to ascertaining whether a product is reasonably safe.

5. Reasonable standards stipulated by national or international standards institutes are recognised by the Commissioner for Customs and Excise for the purpose of enforcing the CGSO. In other words, beauty or cosmetic products supplied in Hong Kong should comply with well-established safety standards. As and when necessary, the Commissioner will also seek expert advice from the Government Chemist and ask for safety tests to be conducted on consumer goods. For tests on cosmetic products, the standard adopted by the Government Chemist is the Chinese National Standards - Hygiene Standards for Cosmetics (GB 7916-87).

6. The law also provides for effective enforcement actions and various remedial measures ranging from requiring suppliers to publish safety warnings, to the recall of unsafe products. The prompt action taken by the Customs and Excise Department to identify the outlets and seize facial cream which caused mercury poisoning in early 2002 was an example of the Commissioner exercising his statutory powers. On that occasion, the Department of Health was also closely involved, alerting the public to the health hazard and arranging medical checks for affected users.

***(b) The Pharmacy and Poisons Ordinance***

7. In addition, beauty products, like other products, are regulated as pharmaceutical products under the Pharmacy and Poisons Ordinance (PPO), if they contain substances which are defined as pharmaceutical products or make medicinal claims as stipulated in the PPO.

**“Beauty treatment” services**

8. Medical equipment such as laser devices are sometimes used in “beauty treatment”. The review of regulatory framework for medical equipment currently undertaken by the Health and Welfare Bureau will address concerns about improper use of such equipment.

9. Regulatory measures bring about benefits and costs to the society. Regulation of any activity relating to the manufacture and supply of beauty products or the provision of beauty services would inevitably have an implication on the business costs. The desirability of further regulatory controls on beauty products and services should be evaluated on factors including :

- (i) the level of risk associated with such products and services; and
- (ii) the effectiveness of additional safeguard against potential health risk.

10. The Government is of the view that with the existing CGSO, the overall public health risk arising from what might be considered to be beauty products is not excessive. Moreover, the more severe forms of adverse health effect related to beauty products, e.g. heavy metal poisoning, are sporadic cases and could normally be dealt with under the public health surveillance system.

11. The Government has no plan to introduce further regulatory measures for what may be considered as beauty products and services.