



立法會秘書處 法律事務部  
LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

來函檔號 YOUR REF : EP CR 9/150/35 Pt.4  
本函檔號 OUR REF : LS/B/21/14-15  
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By Fax (3121 5758)

3 February 2016

Mr Niki KWOK  
Senior Administrative Officer (Waste Management  
Policy Division)  
Environmental Protection Department  
15/F, East Wing  
Central Government Offices  
2 Tim Mei Avenue  
Tamar  
Hong Kong

Dear Mr KWOK,

**Promotion of Recycling and Proper Disposal  
(Product Container) (Amendment) Bill 2015**

According to item 8 of Annex A to LC Paper No. CB(1)270/15-16(01) dated December 2015, the Administration took the view that beauty supplements like collagen drink/jelly are not considered as "beverage" under the proposed regulatory regime. In paragraph 4 of LC Paper No. CB(1)510/15-16(02) dated January 2016, the Administration stated that if a beauty supplement is marketed and sold by its supplier as a drink, even if the product may fall into a classification under the Codex that is not customarily regarded as a beverage, the Administration does not see that there is any strong policy reason not to treat the supplement as a beverage for the purpose of the regulation. In the light of the above, would the Administration please clarify the following matters —

- (a) whether a beauty supplement in the form of a collagen drink which is marketed and sold as a drink falls within the proposed new definition of "beverage" in paragraph 2 of LC Paper No. CB(1)510/15-16(02) and is subject to the proposed regulatory regime;

- (b) whether a beauty supplement in the form of a collagen drink falls within the proposed definition of "beverage" as drafted even if the collagen drink is not marketed and sold as a drink and if the answer is in the negative, why; and
- (c) given that none of the criteria in the proposed definition of "beverage" as stated in paragraph 2 of LC Paper No. CB(1)510/15-16(02) refers expressly to whether a product is marketed and sold as a drink, explain why and how this factor is relevant in considering whether a product in substance falls within the proposed definition of "beverage" as drafted.

Please let us have your reply in both English and Chinese on or before **15 February 2016**.

Yours sincerely,



(Evelyn LEE)  
Assistant Legal Adviser

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Legal Adviser  
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