

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

This note provides responses to the questions from the Assistant Legal Adviser vide her letter dated 3 February 2016 in respect of the definition of “beverage” under the Promotion of Recycling and Proper Disposal (Product Container) (Amendment) Bill 2015 (“the Bill”).

2. At the last meeting of the Bills Committee held on 2 February 2015, we suggested that the definition of “beverage” be amended as follows –

*Beverage means –*

- (a) *a ready-to-serve drink, including –*
  - (i) *alcoholic drink;*
  - (ii) *water (carbonated or non-carbonated) or water-based flavoured drink (carbonated or non-carbonated);*
  - (iii) *milk or dairy-based drink;*
  - (iv) *soybean-based drink;*
  - (v) *fruit or vegetable juice or nectar;*
  - (vi) *coffee, coffee substitute, tea or herbal infusion; and*
  - (vii) *cereal grain drink; or*
- (b) *a product that –*
  - (i) *is a liquid or consists of liquid; and*
  - (ii) *is commonly served as a drink after being diluted or reconstituted.*

(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 LegCo 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 LegCo 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.*

3. Whether a product is to be regarded as a drink for the purpose of the proposed producer responsibility scheme (“PRS”) should be considered based on the revised definition if it is to be adopted. While the drinks set out therein are not exhaustive, how the supplier markets the product will provide further information on the nature of the product and how it is intended to be consumed. In this regard, if the supplier of a liquid-based product markets and sells the product as a drink, even though the product may customarily be deemed as “food” not beverage, we do not see there is any strong policy reason for us not to accept it as such for the purpose of promoting recycling and proper disposal of the container under the proposed PRS. On the other hand, if it is clear that a product is a ready-to-serve drink, we consider it should be included as a drink under the revised definition even if it is not specifically marketed and sold by the supplier as such.

**Environmental Protection Department**  
**February 2016**