

LEGISLATIVE COUNCIL BRIEF

Toys and Children's Products Safety Ordinance (Chapter 424)

Toys and Children's Products Safety (Amendment) Bill 2009

INTRODUCTION

At the meeting of the Executive Council on 8 December 2009, the Council ADVISED and the Chief Executive ORDERED that the Toys and Children's Products Safety (Amendment) Bill 2009 ("the Amendment Bill"), at the **Annex**, should be introduced into the Legislative Council.

JUSTIFICATIONS

2. We adopt a multiple safety standards regime for toys and children's products, that is to say, more than one safety standard (usually international safety standards or standards adopted by major economies) is stipulated, and a toy or children's product is regarded as safe if it complies with any one of the relevant standards. This regime not only ensures that the level of safety accorded to children is on par with that in advanced economies, but also avoids the costs of having to establish a separate set of standards for the Hong Kong market. In fact, in view of the small size of our market, it would be in our interest to adopt a regime which anchors on international safety standards or standards adopted by major economies.

3. At present, the Ordinance stipulates three sets of safety standards for toys –

- (a) International Voluntary Toy Safety Standard (IVTSS) established by the International Committee of Toy Industries;
- (b) European Standard EN 71 established by the European Committee for Standardization; and
- (c) ASTM F963 established by the American Society for Testing and Materials.

EN 71 and ASTM F963 are safety standards for toys adopted by the European Union and the United States respectively, whereas the IVTSS used to be an international standard which has already been withdrawn.

4. In addition, 13 types of children's products which are commonly used by babies and very young children are listed under the Ordinance with specified safety requirements. They are –

- (a) Babies' dummies
- (b) Baby nests
- (c) Baby walking frames
- (d) Bottle teats
- (e) Bunk beds for domestic use
- (f) Carry cots and similar handled products and stands
- (g) Child safety barriers for domestic use
- (h) Children's cots for domestic use
- (i) Children's high chairs and multi-purpose high chairs for domestic use
- (j) Children's paints
- (k) Children's safety harness
- (l) Playpens for domestic use
- (m) Wheeled child conveyances

For the majority of designated children's products, more than one set of safety standards are specified.

5. In response to product changes arising from technological developments, manufacturing technologies, consumer demands, latest information pertaining to safety (such as accident data and scientific reports) and other factors, standards institutions update or replace safety standards from time to time. There are now discrepancies between the standards named in the Ordinance and the most up-to-date, operative safety standards promulgated by the standards institutions. To keep up with these changes, we intend to propose the following amendments to the Ordinance –

For Toys

- (a) adopting the International Standard ISO 8124 series established by the International Organization for Standardization, supplemented by IEC 62115 standard (for electric toys) established by the International Electrotechnical Commission. This will replace the IVTSS which has been withdrawn;
- (b) adopting the most up-to-date, operative versions of the European Standard EN 71 series, and also the EN 62115 standard for electric toys;
- (c) adopting the most up-to-date, operative version of ASTM standards; and
- (d) making clear the intention of the Ordinance by making beyond doubt that a toy is regarded as safe if it complies in all aspects with any one applicable set of the three named sets of standards. The Bill also seeks to improve the mechanism for updating the safety standards for toys by putting them in a Schedule to the Ordinance so that future changes can be effected by way of subsidiary legislation subject to the “negative vetting” by the Legislative Council¹.

For Designated Children’s Products

- (e) adopting the most up-to-date, operative standards, adding new ones and deleting outdated ones for various children’s products; and
- (f) removing “baby nests” from the list of designated children’s products under the Ordinance as the only named safety standard for this product has been withdrawn by the British Standards Institution. Suppliers of this product should then be still required to comply with the general safety requirement applicable to general consumer goods².

¹ At present, the safety standards are named in the principal Ordinance. Any replacement has to be done by way of a Bill.

² Section 4 of the Consumer Goods Safety Ordinance (Cap. 456) applies the general safety requirement to consumer goods. After the removal of “baby nests” from the list of children’s products designated under the Toys and Children’s Products Safety Ordinance, “baby nests” will be subject to the general safety requirement provided for under section 4 of Cap. 456 if they fall within the definition of “consumer goods”.

THE BILL

6. The main provisions of the Bill are as follows –
- (a) *clauses 1 and 2* provide respectively for the short title and the commencement of the Bill when enacted;
 - (b) *clause 3* adds the new definitions of “toy standard”, “children’s product standard” and “Secretary” to the Ordinance, and amends the definitions of “toy” and “children’s product” in the Ordinance by including the element of packaging of toys and children’s products;
 - (c) *clause 4* amends section 3 of the Ordinance (i.e. the section providing for the safety standards for toys) to make it clear that no person may manufacture, import or supply a toy to which any requirements contained in at least one toy standard are applicable unless the toy complies with the requirements contained in any relevant set of toy standards;
 - (d) *clause 5* repeals section 4 of the Ordinance which provides that the Secretary for Commerce and Economic Development (“SCED”) may by notice published in the Gazette update the toys standards. This power is subsumed under the new section 37 introduced by *clause 19*, which provides that SCED may replace or update the safety standards for toys and children’s products and introduce or remove designated children’s products. This arrangement obviates the need to prepare a Bill in the event that any of the three standards for toys are withdrawn or renamed;
 - (e) *clause 6* contains amendments which are consequential to the amendments made to the safety standards of children’s products;
 - (f) *clause 7* repeals the existing section 6 which empowers SCED to designate children’s products. The same power is provided under the new section 37 introduced by *clause 19*;
 - (g) *clauses 8 to 16 and 18(1) and (2)* are technical amendments, which are mostly consequential in nature arising from amendments under *clauses 3 and 4*;
 - (h) *clauses 17 and 18(3)* amend respectively sections 31 and 35(2) of the Ordinance to update the penalty in line with the referential level system under the Criminal Procedure Ordinance (Cap. 221);

- (i) *clauses 20 and 21* insert Schedules 1 and 2 which contain the most up-to-date, operative standards for toys and children’s products respectively;
- (j) *clause 22* repeals the obsolete Toys and Children’s Products Safety (Safety Standards) Notice (Cap. 424 sub. leg.); and
- (k) *clause 23* adds new definitions of “toys” and “children’s product” to the Toys and Children’s Products Safety Regulation (Cap. 424 sub. leg.).

LEGISLATIVE TIMETABLE

7.	The legislative timetable will be -	
	Publication in the Gazette	11 December 2009
	First Reading and commencement of Second Reading debate	16 December 2009
	Resumption of Second Reading debate, committee stage and Third Reading	to be notified

IMPLICATIONS OF THE PROPOSALS

8. The Amendment Bill is in conformity with the Basic Law, including the provisions concerning human rights. It has no financial, economic, productivity, competition, environmental or sustainability implications, and will not affect the binding effect of the Ordinance. Additional workload arising from the enforcement of the proposed legislation, if any, will be absorbed by the Customs and Excise Department.

PUBLIC CONSULTATION

9. We have consulted 46 major trade associations and organizations advocating children welfare. We have also attended a discussion forum hosted by the Federation of Hong Kong Industries. We have posted a gist of our proposed amendments on our website for public information and comments. We have received six submissions, all of which support our proposed amendments.

10. We have consulted the Economic Development Panel of the Legislative Council. Panel Members support the introduction of the proposed amendments.

PUBLICITY

11. We will issue a press release before the date of the gazettal. A line-to-take will be prepared and a spokesman will be available to handle media and public enquiries.

ENQUIRIES

12. Any enquiries on this brief can be addressed to Mr K.C. Yau, Principal Assistant Secretary for Commerce and Economic Development (Commerce and Industry) (Special Duties) (Telephone: 2918 7449, facsimile: 2530 2984).

Commerce, Industry and Tourism Branch
Commerce and Economic Development Bureau
9 December 2009

**TOYS AND CHILDREN'S PRODUCTS SAFETY
(AMENDMENT) BILL 2009**

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PART 3

RELATED AMENDMENTS

Division 1 – Toys and Children’s Products Safety (Safety Standards) Notice

22.	Repeal	27
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Division 2 – Toys and Children’s Products Safety Regulation

23.	Section 1A added	
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A BILL

To

Amend the Toys and Children's Products Safety Ordinance to replace the standards for toys and children's products with new standards, to revise the definitions of toys and children's products, to enable the Secretary for Commerce and Economic Development to amend the standards by notice published in the Gazette, to simplify the reference to the Secretary, and to update the references to penalties.

Enacted by the Legislative Council.

PART 1

PRELIMINARY

1. Short title

This Ordinance may be cited as the Toys and Children's Products Safety (Amendment) Ordinance 2009.

2. Commencement

This Ordinance comes into operation on a day to be appointed by the Secretary for Commerce and Economic Development by notice published in the Gazette.

PART 2

AMENDMENTS TO TOYS AND CHILDREN'S PRODUCTS SAFETY ORDINANCE

3. Interpretation

(1) Section 2 of the Toys and Children's Products Safety Ordinance (Cap. 424) is amended by repealing the definition of "children's product" and substituting –

““children's product” (兒童產品) means a product specified in column 1 of Schedule 2, or the packaging of that product;”.

(2) Section 2 is amended by repealing the definition of “standards institution”.

(3) Section 2 is amended by repealing the definition of “toy” and substituting –

““toy” (玩具) means –

(a) a product or material that is designed or clearly intended for use in play by a child; or

(b) the packaging of that product or material;”.

(4) Section 2 is amended by adding –

““children's product standard” (兒童產品標準), in relation to a children's product, means a standard specified in column 2 of Schedule 2 opposite the children's product –

(a) as in force at the commencement of section 21 of the Toys and Children's Products Safety (Amendment) Ordinance 2009 (of 2009); or

(b) if the standard is amended by any amendment specified in column 3 of Schedule 2 opposite the standard, as so amended;

“regulation” (規例) means a regulation made under this Ordinance;

“Secretary” (局長) means the Secretary for Commerce and Economic Development;

“toy standard” (玩具標準) means a standard specified in column 1 of Schedule 1 –

- (a) as in force at the commencement of section 20 of the Toys and Children’s Products Safety (Amendment) Ordinance 2009 (of 2009); or
- (b) if the standard is amended by any amendment specified in column 2 of Schedule 1 opposite the standard, as so amended;”.

4. Section substituted

Section 3 is repealed and the following substituted –

“3. Toys must comply with toy standards

(1) This section applies to a toy to which any requirements contained in at least one toy standard are applicable, but does not apply to goods in transit, goods in the course of transshipment or goods manufactured for export.

(2) A person must not manufacture, import or supply a toy unless –

- (a) if only one toy standard contains any requirements that apply to the toy, the toy complies with all the applicable requirements contained in that standard; or

(b) if more than one toy standard contains any requirements that apply to the toy, the toy complies with all the applicable requirements contained in any one of those standards.

(3) A person who contravenes subsection (2) commits an offence.”.

5. Amendment of safety standards

Section 4 is repealed.

6. Requirement to meet safety standards for specified children’s products

(1) The heading of section 5 is repealed and the following substituted –

“Children’s products must comply with children’s product standards”.

(2) Section 5(1) is repealed and the following substituted –

“(1) A person must not manufacture, import or supply a children’s product unless the product complies with all the requirements contained in at least one children’s product standard that is specific to the product.”.

7. Amendment to Schedule

Section 6 is repealed.

8. The general safety requirement

(1) Section 8(1) is repealed and the following substituted –

“(1) A person must not manufacture, import or supply a toy or children’s product unless the toy or children’s product complies with the general safety requirement and any additional safety standard established by regulation.”.

(2) Section 8(3) is repealed and the following substituted –

“(3) For the purposes of this section, a toy is regarded as complying with the general safety requirement if –

(a) only one toy standard contains any requirements that apply to the toy, and the toy complies with all the applicable requirements contained in that standard; or

(b) more than one toy standard contains any requirements that apply to the toy, and the toy complies with all the applicable requirements contained in any one of those standards.”.

(3) Section 8(4) is repealed and the following substituted –

“(4) For the purposes of this section, a children’s product is regarded as complying with the general safety requirement if the product complies with all the requirements contained in at least one children’s product standard that is specific to the product.”.

9. Laboratories

(1) Section 9(2) is repealed and the following substituted –

“(2) A person may, at the person’s own expense, have tested by an approved laboratory –

(a) a toy, to determine whether it complies with any applicable requirements contained in a toy standard, or any additional safety standard established by regulation;

(b) a children’s product, to determine whether it complies with any

requirements contained in a children's product standard that is specific to the product, or any additional safety standard established by regulation.”.

(2) Section 9(3) is repealed and the following substituted –

“(3) The Commissioner may have tested by the Government Chemist –

(a) a toy that is seized under section 20 or purchased by the Commissioner, to determine whether it complies with any applicable requirements contained in a toy standard, or any additional safety standard established by regulation;

(b) a children's product that is seized under section 20 or purchased by the Commissioner, to determine whether it complies with any requirements contained in a children's product standard that is specific to the product, or any additional safety standard established by regulation.”.

10. Prohibition notice

Section 11(1) is repealed and the following substituted –

“(1) The Commissioner may serve a notice on a person prohibiting the person from supplying a toy or children's product for a specified period not exceeding 6 months, if –

(a) for a toy, the Commissioner reasonably believes that it –

- (i) does not comply with any applicable requirements contained in a toy standard, or any additional safety standard established by regulation; or
 - (ii) may not comply with the general safety requirement under section 8;
- (b) for a children's product, the Commissioner reasonably believes that it –
- (i) does not comply with any requirements contained in a children's product standard that is specific to the product, or any additional safety standard established by regulation; or
 - (ii) may not comply with the general safety requirement under section 8.”.

11. Recall notice

Section 12(1) is repealed and the following substituted –

“(1) The Commissioner may serve a notice on a person requiring the immediate withdrawal of a toy or children's product from being supplied and the retrieval, to the extent reasonably possible, of the toys or children's products already supplied, if –

- (a) for a toy, the Commissioner reasonably believes that there is a significant risk that it will cause a serious injury and that it –
 - (i) does not comply with any applicable requirements contained in a toy standard, or any additional safety standard established by regulation; or

- (ii) may not comply with the general safety requirement under section 8;
- (b) for a children's product, the Commissioner reasonably believes that there is a significant risk that it will cause a serious injury and that it –
 - (i) does not comply with any requirements contained in a children's product standard that is specific to the product, or any additional safety standard established by regulation; or
 - (ii) may not comply with the general safety requirement under section 8.”.

12. Other powers of the Commissioner

Section 13(1)(a) and (b) is repealed and the following substituted –

- “(a) require the manufacturer, importer or supplier of a toy or children's product to have it tested in the form and manner specified by the Commissioner, if –
 - (i) for a toy, the Commissioner reasonably believes that it –
 - (A) does not comply with any applicable requirements contained in a toy standard, or any additional safety standard established by regulation; or
 - (B) may not comply with the general safety requirement under section 8;
 - (ii) for a children's product, the Commissioner reasonably believes that it –

- (A) does not comply with any requirements contained in a children’s product standard that is specific to the product, or any additional safety standard established by regulation; or
 - (B) may not comply with the general safety requirement under section 8;
- (b) require the manufacturer, importer or supplier of a toy or children’s product to modify it or its labelling or advertising to comply with –
- (i) for a toy –
 - (A) any applicable requirements contained in a toy standard, or any additional safety standard established by regulation; or
 - (B) the general safety requirement under section 8;
 - (ii) for a children’s product –
 - (A) any requirements contained in a children’s product standard that is specific to the product, or any additional safety standard established by regulation; or
 - (B) the general safety requirement under section 8; and”.

13. Appeal to Appeal Board

Section 14(3) is amended by repealing “for Commerce and Economic Development”.

14. Appeal Board panel

Section 15(1) and (3) is amended by repealing “for Commerce and Economic Development”.

15. Appeal Board

Section 16(1) and (3) is amended by repealing “for Commerce and Economic Development”.

16. Compensation for seizure and detention

Section 27(1)(c)(i) is repealed and the following substituted –

- “(i) any applicable requirements contained in a toy standard, any requirements contained in a children’s product standard that is specific to the goods, or any additional safety standard established by regulation; or”.

17. Penalties

(1) Section 31(1)(a) is amended by repealing “of \$100,000” and substituting “at level 6”.

(2) Section 31(3) is amended by repealing “of \$10,000” and substituting “at level 3”.

18. Regulations

(1) Section 35(1) is amended by repealing “for Commerce and Economic Development”.

(2) Section 35(1)(a) is repealed.

(3) Section 35(2)(a) is amended by repealing “of \$100,000” and substituting “at level 6”.

19. Section 37 added

The following is added –

“37. Power to amend Schedules

The Secretary may, by notice published in the Gazette, amend Schedule 1 or 2.”.

20. Schedule substituted

The Schedule is repealed and the following substituted –

“SCHEDULE 1 [ss. 2 & 37]

TOY STANDARDS

Column 1	Column 2
Standards	Amendment to standards
<p>1. International Standard</p> <p>The International Standard is established by the International Organization for Standardization and the International Electrotechnical Commission, and the requirements contained in the Standard are specified in –</p> <p>(a) ISO 8124-1:2009 “Safety of toys – Part 1: Safety aspects related to mechanical and physical properties”</p> <p>(b) ISO 8124-2:2007 “Safety of toys – Part 2: Flammability”</p> <p>(c) ISO 8124-3:1997</p>	

“Safety of toys – Part 3:
Migration of certain
elements”

- (d) **IEC 62115 Edition 1.1**
(2004-11) [IEC 62115
Edition 1:2003
consolidated with
amendment 1:2004]
“Electric Toys – Safety”

2. **European Standard**

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in –

- (a) **BS EN 71-1:2005 + A8:2009**
“Safety of toys –
Part 1: Mechanical and
physical properties”
- (b) **BS EN 71-2:2006 + A1:2007**
“Safety of toys –
Part 2: Flammability”
- (c) **BS EN 71-3:1995**
BS 5665-3:1995
(incorporating
Amendment No. 1 and
Corrigendum No. 1)
“Safety of toys –
Part 3: Migration of
certain elements”
- (d) **BS EN 71-4:1998 + A3:2007**
“Safety of toys –

Part 4: Experimental sets for chemistry and related activities”

- (e) **BS EN 71-5:1993**
BS 5665-5:1993
(incorporating Amendment No. 1)
“Safety of toys – Part 5: Chemical toys (sets) other than experimental sets”
- (f) **BS EN 71-6:1995**
BS 5665:Part 6: 1995
“Safety of toys – Part 6: Graphical symbol for age warning labelling”
- (g) **BS EN 71-7:2002**
“Safety of toys – Part 7: Finger paints – Requirements and test methods”
- (h) **BS EN 71-8:2003**
(incorporating Amendment Nos. 1 and 2)
“Safety of toys – Part 8: Swings, slides and similar activity toys for indoor and outdoor family domestic use”
- (i) **BS EN 62115:2005**
“Electric toys – Safety”

3. **ASTM Standard**

The ASTM Standard is established by ASTM

International, and the requirements contained in the Standard are specified in –

ASTM F963-08

“Standard consumer safety specification for toy safety”.

21. Schedule 2 added

The following is added –

“SCHEDULE 2

[ss. 2 & 37]

CHILDREN’S PRODUCT STANDARDS

Column 1	Column 2	Column 3
Children’s products	Standards	Amendments to standards
1. Babies’ dummies	<p>European Standard</p> <p>The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in –</p> <p>(a) BS EN 1400-1:2002 “Child use and care articles – Soothers for babies and young children – Part 1: General safety requirements and product information”</p> <p>(b) BS EN 1400-2:2002 “Child use and care articles – Soothers for</p>	

babies and young
children –
Part 2: Mechanical
requirements and tests”

- (c) **BS EN 1400-3:2002**
“Child use and care
articles – Soothers for
babies and young
children –
Part 3: Chemical
requirements and tests”

ASTM Standard

The ASTM Standard is
established by ASTM
International, and the
requirements contained in
the Standard are specified
in –

ASTM F963-08
“Standard consumer safety
specification for toy safety”

Australian Standard

The Australian Standard is
established by Standards
Australia, and the
requirements contained in
the Standard are specified
in –

AS 2432:2009
“Babies’ dummies”

2. Baby
walking
frames

European Standard

The European Standard is
established by the European
Committee for

Standardization, and the requirements contained in the Standard are specified in –

BS EN 1273:2005

“Child use and care articles – Baby walking frames – Safety requirements and test methods”

ASTM Standard

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in –

ASTM F977-07

“Standard consumer safety specification for infant walkers”

3. Bottle teats

European Standard

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in –

(a) **BS EN 14350-1:2004**

“Child use and care articles – Drinking equipment – Part 1: General and mechanical requirements and

tests”

- (b) **BS EN 14350-2:2004**
 “Child use and care
 articles – Drinking
 equipment –
 Part 2: Chemical
 requirements and
 tests”

4. Bunk beds
 for domestic
 use

European Standard

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in –

- (a) **BS EN 747-1:2007**
 “Furniture – Bunk
 beds and high beds
 for domestic use –
 Part 1: Safety,
 strength and
 durability
 requirements”

- (b) **BS EN 747-2:2007**
 “Furniture – Bunk
 beds and high beds
 for domestic use –
 Part 2: Test methods”

ASTM Standard

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in –

ASTM F1427-07

“Standard consumer safety specification for bunk beds”

Joint Australian/New Zealand Standard

The Joint Australian/New Zealand Standard is established by Standards Australia and Standards New Zealand, and the requirements contained in the Standard are specified in –

AS/NZS 4220:2003

“Bunk beds”

International Standard

The International Standard is established by the International Organization for Standardization, and the requirements contained in the Standard are specified in –

(a) ISO 9098-1:1994

“Bunk beds for domestic use – Safety requirements and tests – Part 1: Safety requirements”

(b) ISO 9098-2:1994

“Bunk beds for domestic use – Safety requirements and tests –

Part 2: Test methods”

5. Carry cots and similar handled products and stands
- European Standard**
- The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in –
- BS EN 1466:2004 + A1:2007**
 “Child care articles – Carry cots and stands – Safety requirements and test methods”
6. Child safety barriers for domestic use
- European Standard**
- The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in –
- BS EN 1930:2000**
 (incorporating Amendment No. 1)
 “Child care articles – Safety barriers – Safety requirements and test methods”
- ASTM Standard**
- The ASTM Standard is established by ASTM International, and the

requirements contained in the Standard are specified in –

ASTM F1004-07

“Standard consumer safety specification for expansion gates and expandable enclosures”

7. Children’s cots for domestic use

European Standard

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in –

(a) **BS EN 716-1:2008**

“Furniture – Children’s cots and folding cots for domestic use – Part 1: Safety requirements”

(b) **BS EN 716-2:2008**

“Furniture – Children’s cots and folding cots for domestic use – Part 2: Test methods”

ASTM Standard

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in –

ASTM F1169-07

“Standard specification
for full-size baby crib”

International Standard

The International Standard is established by the International Organization for Standardization, and the requirements contained in the Standard are specified in –

(a) ISO 7175-1:1997

“Children’s cots and folding cots for domestic use – Part 1: Safety requirements”

(b) ISO 7175-2:1997

“Children’s cots and folding cots for domestic use – Part 2: Test methods”

8. Children’s high chairs and multi-purpose high chairs for domestic use

European Standard

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in –

(a) BS EN 14988-1:2006

“Children’s high chairs – Part 1: Safety requirements”

- (b) **BS EN 14988-2:2006**
“Children’s high
chairs –
Part 2: Test methods”

ASTM Standard

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in –

- ASTM F404-08**
“Standard consumer safety specification for high chairs”

International Standard

The International Standard is established by the International Organization for Standardization, and the requirements contained in the Standard are specified in –

- (a) **ISO 9221-1:1992**
“Furniture –
Children’s high
chairs –
Part 1: Safety
requirements”

- (b) **ISO 9221-2:1992**
“Furniture –
Children’s high
chairs –
Part 2: Test methods”

9. Children's
paints

European Standard

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in –

BS EN 71-3:1995

BS 5665-3:1995

(incorporating Amendment No.1 and Corrigendum No. 1)

“Safety of toys –
Part 3: Migration of certain elements”

ASTM Standard

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in –

ASTM F963-08

“Standard consumer safety specification for toy safety”

Joint Australian/New Zealand Standard

The Joint Australian/New Zealand Standard is established by Standards Australia and Standards New Zealand, and the requirements contained in the Standard are specified in –

AS/NZS ISO**8124.3:2003**

“Safety of toys –
Part 3: Migration of
certain elements”

International Standard

The International Standard
is established by the
International Organization
for Standardization, and the
requirements contained in
the Standard are specified
in –

ISO 8124-3:1997

“Safety of toys –
Part 3: Migration of
certain elements”

10. Children’s
safety
harnesses

European Standard

The European Standard is
established by the European
Committee for
Standardization, and the
requirements contained in
the Standard are specified
in –

BS EN 13210:2004

“Child use and care
articles – Children’s
safety harnesses, reins and
similar type articles –
Safety requirements and
test methods”

11. Playpens for
domestic use

European Standard

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in –

(a) **BS EN 12227-1:1999**

“Playpens for domestic use – Part 1: Safety requirements”

(b) **BS EN 12227-2:1999**

“Playpens for domestic use – Part 2: Test methods”

ASTM Standard

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in –

ASTM F406-08a

“Standard consumer safety specification for non-full-size baby cribs/play yards”

12. Wheeled child conveyances

European Standard

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in –

BS EN 1888:2003

(incorporating Amendment No. 1 and Corrigenda Nos. 1, 2 and 3)

“Child care articles – Wheeled child conveyances – Safety requirements and test methods”

ASTM Standard

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in –

ASTM F833-08

“Standard consumer safety performance specification for carriages and strollers”

Joint Australian/New Zealand Standard

The Joint Australian/New Zealand Standard is established by Standards Australia and Standards New Zealand, and the requirements contained in the Standard are specified in –

AS/NZS 2088:2000

“Prms and Strollers – Safety requirements””.

PART 3

RELATED AMENDMENTS

Division 1 – Toys and Children’s Products Safety (Safety Standards) Notice

22. Repeal

The Toys and Children’s Products Safety (Safety Standards) Notice (Cap. 424 sub. leg. A) is repealed.

Division 2 – Toys and Children’s Products Safety Regulation

23. Section 1A added

The Toys and Children’s Products Safety Regulation (Cap. 424 sub. leg. B) is amended by adding –

“1A. Interpretation

In this Regulation –

“children’s product” (兒童產品) means a product specified in column 1 of Schedule 2 to the Ordinance;

“toy” (玩具) means a product or material that is designed or clearly intended for use in play by a child.”.

Explanatory Memorandum

The object of this Bill is to amend the Toys and Children’s Products Safety Ordinance (Cap. 424) (“the Ordinance”) –

- (a) to replace the standards for toys and children’s products in the Ordinance with new standards contained respectively in the new Schedules 1 and 2 to the Ordinance;

- (b) to revise the definitions of toys and children’s products in the Ordinance by including the packaging of those toys and children’s products; and
 - (c) to provide that the Secretary for Commerce and Economic Development (“the Secretary”) may amend the new standards for toys and children’s products by notice published in the Gazette.
- 2. Clauses 1 and 2 provide respectively for the short title and the commencement of the Bill when enacted.
- 3. Clause 3 adds the new definitions of “children’s product standard”, “regulation”, “Secretary” and “toy standard” to the Ordinance, and amends the definitions of “children’s product” and “toy” in the Ordinance by including the packaging of toys and children’s products.
- 4. Clauses 4, 6, 8, 9, 10, 11, 12 and 16 amend sections 3, 5, 8, 9, 11, 12, 13 and 27 of the Ordinance respectively, by replacing the standards for children’s products and toys in the Ordinance with new standards.
- 5. Clauses 5 and 7 consequentially repeal sections 4 and 6 of the Ordinance respectively on the repeal of section 3 of and the Schedule to the Ordinance.
- 6. Clauses 13, 14, 15 and 18 amend respectively sections 14(3), 15(1) and (3), 16(1) and (3) and 35(1) of the Ordinance to change the reference of “the Secretary for Commerce and Economic Development” to “the Secretary”.
- 7. Clauses 17 and 18(3) amend respectively sections 31 and 35(2) of the Ordinance to update the references to penalties.
- 8. Clause 18 repeals section 35(1)(a) of the Ordinance which empowers the Secretary to designate a product as a children's product. This power is subsumed under a new section 37 added to the Ordinance by clause 19, which provides that the Secretary may amend the toy standard and children’s product standard by notice published in the Gazette.
- 9. Clauses 20 and 21 add the new Schedules 1 and 2 to the Ordinance, which contain the new toy standards and children’s product standards respectively.

10. Clause 22 repeals the obsolete Toys and Children's Products Safety (Safety Standards) Notice (Cap. 424 sub. leg. A).
11. Clause 23 adds new definitions of "children's product" and "toy" to the Toys and Children's Products Safety Regulation (Cap. 424 sub. leg. B).