

立法會
Legislative Council

LC Paper No. CB(1)1987/02-03
(These minutes have been seen
by the Administration)

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Panel on Economic Services

**Minutes of meeting held on
Monday, 26 May 2003, at 10:45 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon James TIEN Pei-chun, GBS, JP (Chairman)
Dr Hon LUI Ming-wah, JP (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon Eric LI Ka-cheung, JP
Hon Fred LI Wah-ming, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon CHAN Kam-lam, JP
Hon SIN Chung-kai
Dr Hon Philip WONG Yu-hong
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, JP
Hon Miriam LAU Kin-ye, JP
Hon CHOY So-yuk
Hon Henry WU King-cheong, BBS, JP
Hon LEUNG Fu-wah, MH, JP
- Non-Panel Member attending** : Dr Hon David CHU Yu-lin, JP
- Members absent** : Dr Hon David LI Kwok-po, GBS, JP
Hon LAU Chin-shek, JP
Hon Abraham SHEK Lai-him, JP

Public officers attending

: Agenda item IV

Economic Development and Labour Bureau

Ms Sandra LEE

Permanent Secretary for Economic Development and Labour (Economic Development)

Ms Miranda CHIU

Deputy Secretary for Economic Development and Labour (Economic Development)

Mr Anthony LI

Assistant Secretary for Economic Development and Labour (Economic Development)

Government Laboratory

Mr LEE Foo-wing

Senior Chemist

Customs and Excise Department

Mr CHEUNG Sai-yan

Principal Trade Controls Officer

Clerk in attendance :

Mr Andy LAU

Chief Assistant Secretary (1)2

Staff in attendance :

Ms Debbie YAU

Senior Assistant Secretary (1)1

Miss Winnie CHENG

Legislative Assistant 5

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IV Toys and children's products : updating of safety standards

LC Paper No. CB(1)1725/02-03(03) - Information paper provided by the Administration

8. At the invitation of the Chairman, the Deputy Secretary for Economic Development and Labour (Economic Development) (DS/EDL(ED)) briefed members

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on the Government's proposal to update the safety standards in the Toys and Children's Products Safety Ordinance (TCPSO) (Cap. 424). She outlined the existing provisions of TCPSO governing the safety of toys and children's products, the enforcement of TCPSO by the Customs and Excise Department (C&ED) and recent developments of the commonly accepted international standards adopted by TCPSO for compliance by toys supplied in Hong Kong. These standards include International Voluntary Toy Safety Standard (IVTSS) established by the International Committee of Toy industries, European Standard EN71 established by the European Committee for Standardization and ASTM F963 established by the American Society for Testing and Materials. TCPSO provided that any toy manufactured, imported or supplied in Hong Kong was required to comply with one of the three sets of safety standards. Since 1998 when TCPSO was last updated, IVTSS had been superseded by country-specific toys standards while the International Organization for Standardization (ISO) had established ISO8124 as a safety standard for toys. Besides, a number of amendments had been made by respective standards institutes to the safety standards for toys and children's products. The Administration proposed to adopt the amendments and update the respective safety standards in the TCPSO. As safety standards for toys were set out in the principal Ordinance and amendments could only be made by means of an Amendment Bill, the preparation and enactment of which required time. To ensure the relevant safety standards made by the respective standards institutes could be made to apply to Hong Kong in a timely manner, the Administration also proposed to simplify the legislative process by way of general notices in the gazette.

9. The Chairman and Mr Henry WU were concerned about the response of the industry to the proposed amendments. DS/EDL(ED) said that the trade and the Consumer Council were in support of the proposal. The Consumer Council also urged for the early enactment of the revised safety standards to enhance safety. Regarding the concern expressed by the Hong Kong Toys Council about the definition of "applicable" under the TCPSO as set out in paragraph 5 of the paper, DS/EDL(ED) explained that the concern was more related to the drafting of the existing legislation. To better reflect the intent of the legislation that a toy was required to comply with one of the three sets of safety standards specified under the TCPSO which contained "applicable" requirements, the Hong Kong Toys Council proposed to define clearly the term "applicable". One of the intents of the present proposal was to address the concern raised by the Hong Kong Toys Council.

10. Mr Kenneth TING welcomed the Administration's proposal to revise the safety standards. He also saw the need to improve the drafting of the TCPSO so as to make clear the definition of "applicable" requirements. On the Administration's proposal to streamline the legislative process for updating the safety standards, he said that as the adopted safety standards followed international standards strictly, he supported the Administration's proposed approach.

11. The Chairman enquired whether locally produced toys would be subject to control. DS/EDL(ED) replied that all local sale of toys and children's products, be they locally produced or imported, would be subject to the safety standards set out in the TCPSO. C&ED inspected regularly retailers and importers of toys and

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children's products. C&ED would also follow up on cases referred by the Consumer Council.

12. Mr Henry WU was concerned about the transitional arrangements to facilitate the industry's compliance with the new standards. DS/EDL(ED) said that the Administration had been working with the industry on the details of the proposal. The industry was geared up and generally welcomed its early implementation.

13. As the international safety standards for toys and children's products would be updated regularly, Mr CHAN Kam-lam enquired about the notification mechanism to ensure local compliance. DS/EDL(ED) replied that the respective standards institutes would update all subscribers of the relevant safety standards, including the Product Standards Information Bureau of the Innovation and Technology Commission about the amendments made. Once being notified, C&ED would alert the Government Laboratory and brief the industry on related amendments to the safety standards.

14. Members noted that C&ED would issue prohibition notice to prohibit the continued supply of the products in the market if a toy or a children's product was assessed to be of moderate or high risk. In this regard, Mr HUI Cheung-ching enquired about the appeal mechanism available to the trade.

15. DS/EDL(ED) and the Principal Trade Controls Officer of C&ED (PTCO/C&ED) advised that an internal assessment panel comprising representatives from Department of Health, Government Laboratory, Electrical and Mechanical Services Department and C&ED had been formed to determine the risk levels of products. Any person who was aggrieved by the determination of the risk level of a toy or a children's product made under the TCPSO might appeal to the Appeal Board appointed under section 16 of the TCPSO.

16. Dr LUI Ming-wah and Mr HUI Cheung-ching were unconvinced of the need to conduct risk assessment for toys and children's products which had complied with the TCPSO. They considered that the rights of manufacturers, importers and suppliers of toys and children's products should be properly safeguarded so long as their products met with the international safety standards.

17. PTCO/C&ED and DS/EDL(ED) explained that to ensure compliance with the safety standards and labelling requirements under the TCPSO, C&ED would conduct spot checks and purchase samples of toys and children's products suspected to be unsafe to the Government Laboratory for testing. Risk assessment would only be conducted on toys and children's products which failed to comply with the safety requirements under the TCPSO. The purpose of the risk assessment was to help C&ED determine appropriate actions, such as prosecution or warning, according to the level of risk posed by the product.

18. Mrs Selina CHOW was concerned about the prolonged time taken for C&ED to complete its investigations on products which were suspected to be unsafe. This had unduly affected the operation of the trade as suppliers and retailers had to

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withhold their business plans, pending completion of the investigations. She urged the Administration to speed up the related work.

19. To ensure compliance with the safety standard, PTCO/C&ED advised that the manufacturers, importers or suppliers might arrange for a sample of a toy or a children's product for safety testing by any local laboratory recognized by the Government. The Administration would make every endeavour to speed up the related work.

20. To solicit the view of the industry players other than trade associations, Mrs Selina CHOW urged the Administration to expand the scope of the consultation. In response, DS/EDL(ED) said that the Administration had consulted 29 organizations, including major chambers of commerce, the Federation of Hong Kong Industries, the Hong Kong Toys Council, the Hong Kong Retail Management Association and organizations relating to consumers' and children's rights.

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