

**LEGISLATIVE COUNCIL BRIEF**

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

**Toys and Children's Products Safety Ordinance (Amendment of  
Schedule 2) Notice 2010**

**INTRODUCTION**

This paper briefs Members on the Toys and Children's Products Safety Ordinance (Amendment of Schedule 2) Notice 2010 ("the Notice", copy at Annex A), which will be published in the Gazette on 24 September 2010.

Annex A

**JUSTIFICATIONS**

2. The Toys and Children's Products Safety Ordinance (Cap. 424) ("the Ordinance") stipulates that no person shall manufacture, import or supply any designated children's product unless it complies in all respects with any one set of the safety standards (which are international standards or standards adopted by major economies) listed in Schedule 2 to the Ordinance. We keep in view any changes to the standards promulgated by the relevant standards institutions so as to update the standards applicable to products supplied in Hong Kong.

3. Under section 37 of the Ordinance, the Secretary for Commerce and Economic Development may amend Schedule 2 by notice published in the Gazette, thereby updating the standards applicable to designated children's products supplied in Hong Kong.

4. At present, 12 types of children's products are listed in Schedule 2 to the Ordinance with specified safety standards to be met. Some of the standards stipulated for six types of products, namely "baby walking frames", "child safety barriers for domestic use", "children's cots for domestic use", "children's paints", "playpens for domestic use" and "wheeled child conveyances", have been updated. We intend to apply the updated versions and the Secretary for Commerce and Economic Development has made the Notice for this purpose.

## **THE NOTICE**

5. The Notice amends Schedule 2 to the Ordinance to apply updated standards to the six types of products:

- (a) baby walking frames: to update ASTM Standard “ASTM F977-07” to “ASTM F977-09”;
- (b) child safety barriers for domestic use: to update ASTM Standard “ASTM F1004-07” to “ASTM F1004-09”;
- (c) children’s cots for domestic use: to update ASTM Standard “ASTM F1169-07” to “ASTM F1169-09”;
- (d) children’s paints: to update Joint Australian/New Zealand Standard “AS/NZS ISO 8124.3:2003” to “AS/NZS ISO 8124.3:2003 + Amendment No. 1”;
- (e) playpens for domestic use: to update ASTM Standard “ASTM F406-08a” to “ASTM F406-09”; and
- (f) wheeled child conveyances: to update ASTM Standard “ASTM F833-08” and Joint Australian/New Zealand Standard “AS/NZS 2088:2000” to “ASTM F833-09” and “AS/NZS 2088:2009” respectively.

### Annex B

The table at Annex B summarises the major changes introduced by the updates.

6. The Notice will come into operation on 1 December 2010.

## **PUBLIC CONSULTATION**

7. In May 2010, we consulted some 50 major trade associations and organizations advocating children welfare, informing them of our intention to adopt the updated standards as soon as possible. We also posted a gist of our proposed amendments on our Bureau’s website for public information and comments. We received four submissions, in which concerns about the frequency of updates and the need for a reasonable grace period were expressed. We recognize that it might take time for the trade to adjust to the requirements prescribed by the updated standards, and accordingly, we propose that the updates take

effect on 1 December 2010.

**ENQUIRIES**

8. 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  
September 2010

## Toys and Children's Products Safety Ordinance (Amendment of Schedule 2) Notice 2010

(Made by the Secretary for Commerce and Economic Development under section 37 of the Toys and Children's Products Safety Ordinance (Cap. 424))

1. **Commencement**  
This Notice comes into operation on 1 December 2010.
2. **Toys and Children's Products Safety Ordinance amended**  
The Toys and Children's Products Safety Ordinance (Cap. 424) is amended as set out in section 3.
3. **Schedule 2 amended (Children's product standards)**
  - (1) Schedule 2, item 2, column 3, opposite to entry "ASTM F977-07" in column 2—  
**Add**  
"ASTM F977-09".
  - (2) Schedule 2, item 6, column 3, opposite to entry "ASTM F1004-07" in column 2—  
**Add**  
"ASTM F1004-09".
  - (3) Schedule 2, item 7, column 3, opposite to entry "ASTM F1169-07" in column 2—  
**Add**  
"ASTM F1169-09".
  - (4) Schedule 2, item 9, column 3, opposite to entry "AS/NZS ISO 8124.3:2003" in column 2—

**Add**

"Amendment No. 1".

- (5) Schedule 2, item 11, column 3, opposite to entry "ASTM F406-08a" in column 2—

**Add**

"ASTM F406-09".

- (6) Schedule 2, item 12, column 3—

- (a) Opposite to entry "ASTM F833-08" in column 2—

**Add**

"ASTM F833-09";

- (b) Opposite to entry "AS/NZS 2088:2000" in column 2—

**Add**

"AS/NZS 2088:2009".



Acting Secretary for Commerce and  
Economic Development

13 September 2010

Toys and Children's Products Safety Ordinance (Amendment of Schedule 2) Notice  
2010

Explanatory Note  
Paragraph 1

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**Explanatory Note**

This Notice updates certain safety standards specified for children's products as listed in Schedule 2 to the Toys and Children's Products Safety Ordinance (Cap. 424).

**Toys and Children’s Products Safety Ordinance (Cap. 424)**  
**Updates to Standards stipulated for Children’s Products**

	<b>Current Specified Standards</b>	<b>Updated Standards</b>	<b>Major Changes</b>
<i>Baby walking frames</i>			
(i)	ASTM F977-07	ASTM F977-09	<ul style="list-style-type: none"> <li>An “open-back” design of baby walking frame is added as an example of different style walkers.</li> <li>Two specific models of force gauges used for testing are specified in the current standards. The updated standards now specify the functional attributes of such force gauges.</li> </ul>
<i>Child safety barriers for domestic use</i>			
(i)	ASTM F1004-07	ASTM F1004-09	<ul style="list-style-type: none"> <li>The specifications (mainly the dimensions of the doorway simulator) of the test fixture for “horizontal push-out tests” have been revised.</li> </ul>
<i>Children’s cots for domestic use</i>			
(i)	ASTM F1169-07	ASTM F1169-09	<ul style="list-style-type: none"> <li>New general requirements on “slat construction” and “crib side configurations”, additional requirements on labelling, and performance requirements on “spindle/slat strength” are introduced in the updated standards, together with corresponding test methods.</li> </ul>
<i>Children’s paints</i>			
(i)	AS/NZS ISO 8124.3:2003	AS/NZS ISO 8124.3:2003 + Amendment No.1	<ul style="list-style-type: none"> <li>The requirements imposed on “finger paints” have been tightened and aligned with those specified under the dedicated standard for finger paints AS/NZS ISO 8124.7.</li> </ul>
<i>Playpens for domestic use</i>			
(i)	ASTM F406-08a	ASTM F406-09	<ul style="list-style-type: none"> <li>Additional requirements on “latching and locking mechanism” to prevent “false latch” are introduced in the updated standards.</li> </ul>
<i>Wheeled child conveyances</i>			
(i)	ASTM F833-08	ASTM F833-09	<ul style="list-style-type: none"> <li>More elaborated test procedures for “passive containment/foot opening” are stipulated in the updated standards.</li> </ul>
(ii)	AS/NZS 2088:2000	AS/NZS 2088:2009	<ul style="list-style-type: none"> <li>More detailed requirements on accessories (such as child restraints), more stringent construction requirements (such as parking and locking, and occupant retention) are imposed. New tests for stability are also added.</li> </ul>