

LEGISLATIVE COUNCIL BRIEF

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

**Toys and Children's Products Safety Ordinance (Amendment of
Schedules 1 and 2) Notice 2011**

INTRODUCTION

— This paper briefs Members on the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2011 ("the Notice", copy at Annex A), which will be published in the Gazette on 30 December 2011.

JUSTIFICATIONS

2. The Toys and Children's Products Safety Ordinance (Cap. 424) ("the Ordinance") stipulates that no person shall manufacture, import or supply toys and any designated children's product unless it complies in all respects with any one set of the safety standards (mostly international standards or standards adopted by major economies) listed in Schedules 1 and 2 to the Ordinance. We keep in view updates to the standards so as to apply up-to-date, operative versions to products supplied in Hong Kong.

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

4. At present, toys and 12 types of specified children's products have to meet the safety standards specified in Schedules 1 and 2 respectively. Toys and the specified children's products supplied in Hong Kong have to meet the requirements of at least one of the corresponding standards.

5. Two of the specified standards for toys, and some of the standards for eight types of children's products, namely "baby walking frames", "bunk beds for domestic use", "child safety barriers for domestic use", "children's cots for domestic use", "children's high chairs and multi-purpose high chairs for domestic use", "children's

paints”, “playpens for domestic use” and “wheeled child conveyances”, have been updated by the standards institutions. We intend to apply the updated versions, and for this purpose, the Secretary for Commerce and Economic Development has made the Notice.

THE NOTICE

6. The Notice amends Schedules 1 and 2 to the Ordinance to apply updated standards to two of the specified standards for toys and some of the standards for the eight types of children’s products. Specifically,

Toy Standards –

- (a) the existing International Standard “ISO 8124-3:1997” has been updated to “ISO 8124-3:2010”;
- (b) the existing International Standard “IEC 62115 Edition 1.1 [IEC 62115 Edition 1:2003 consolidated with amendment 1:2004]” has been amended by “Amendment 2”;
- (c) the ISO 8124 series has been amended by the addition of a new part “ISO 8124-4:2010”,
- (d) the existing European Standard “BS EN-71-1:2005 +A8:2009” has been updated to “BS EN 71-1:2011”;
- (e) the existing European Standard “BS EN-71-2:2006 +A1:2007” has been updated to “BS EN 71-2:2011”;
- (f) the existing European Standard “BS EN 71-4:1998 +A3:2007” has been updated to “BS EN 71-4:2009”;
- (g) the existing European Standard “BS EN 71-5:1993 BS5665-5:1993 (incorporating Amendment No. 1)” has been updated to “BS EN 71-5:1993+A2:2009 BS 5665-5:1993”;
- (h) the existing European Standard “BS EN 71-8:2003 (incorporating Amendment Nos. 1 and 2)” has been updated to “BS EN 71-8:2003+A4:2009”; and
- (i) the existing European Standard “BS EN 71-6:1995 BS 5665:Part 6:1995” has been withdrawn;

Children's Product Standards –

- (j) the existing ASTM Standard for baby walking frames, “ASTM F977-09”, has been updated to “ASTM F977-11”;
- (k) the existing Joint Australian /New Zealand Standard for bunk beds for domestic use, “AS/NZS 4220:2003”, has been updated to “AS/NZS 4220:2010”;
- (l) the existing ASTM Standard for child safety barriers for domestic use, “ASTM F1004-09”, has been updated to “ASTM F1004-10”;
- (m) the existing standard for Children's cots for domestic use, “ASTM F1169-09”, has been updated to “ASTM F1169-10a”;
- (n) the existing standard for children's high chairs and multi-purpose high chairs for domestic use, “ASTM F404-08”, has been updated to “ASTM F404-10”;
- (o) the existing standard for children's paints, “ISO 8124-3:1997”, has been updated to “ISO 8124-3:2010”;
- (p) the existing standards for playpens for domestic use, “BS EN 12227-1:1999” and “BS EN 12227-2:1999”, have been consolidated into “BS EN 12227:2010”;
- (q) the existing standard for playpens for domestic use, “ASTM F406-09”, has been updated to “ASTM F406-11”;
and
- (r) the existing standard for wheeled child conveyances, “ASTM F833-09”, has been updated to “ASTM F833-11”.

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

7. The Notice will come into operation on 1 April 2012.

PUBLIC CONSULTATION

8. From September to October 2011, 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 website for public information and comments. We received five submissions, in which concerns about the frequency of updates and their effective date 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 April 2012.

ENQUIRIES

9. 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: 2810 2969, facsimile: 2869 4420).

Commerce, Industry and Tourism Branch
Commerce and Economic Development Bureau
December 2011

Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2)
Notice 2011

Section 1

1

**Toys and Children's Products Safety Ordinance
(Amendment of Schedules 1 and 2) Notice 2011**

(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 April 2012.

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 sections 3 and 4.

3. Schedule 1 amended (toy standards)

- (1) Schedule 1, item 1, column 2, opposite to entry "ISO 8124-3:1997" in column 1—

Add

"ISO 8124-3:2010".

- (2) Schedule 1, item 1, column 1, after paragraph (c)—

Add

"(ca) **ISO 8124-4:2010**

"Safety of toys—Part 4: Swings, slides and similar activity toys for indoor and outdoor family domestic use".

- (3) Schedule 1, item 1, column 2, opposite to entry "IEC 62115 Edition 1.1" in column 1—

Add

"Amendment 2".

Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2)
Notice 2011

Section 4

2

- (4) Schedule 1, item 2, column 2, opposite to entry "BS EN 71-1:2005 + A8:2009" in column 1—

Add

"BS EN 71-1:2011".

- (5) Schedule 1, item 2, column 2, opposite to entry "BS EN 71-2:2006 + A1:2007" in column 1—

Add

"BS EN 71-2:2011".

- (6) Schedule 1, item 2, column 2, opposite to entry "BS EN 71-4:1998 + A3:2007" in column 1—

Add

"BS EN 71-4:2009".

- (7) Schedule 1, item 2, column 2, opposite to the following in column 1—

"BS EN 71-5:1993

BS 5665-5:1993"

Add

"BS EN 71-5:1993 + A2:2009

BS 5665-5:1993".

- (8) Schedule 1, item 2, column 1—

Repeal paragraph (f).

- (9) Schedule 1, item 2, column 2, opposite to entry "BS EN 71-8:2003" in column 1—

Add

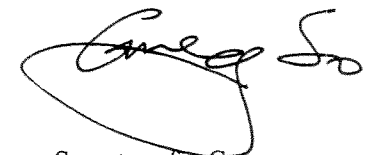
"BS EN 71-8:2003 + A4:2009".

4. Schedule 2 amended (children's product standards)

- (1) Schedule 2, item 2, column 3—

- Repeal**
"ASTM F977-09"
- Substitute**
"ASTM F977-11".
- (2) Schedule 2, item 4, column 3, opposite to entry "AS/NZS 4220:2003" in column 2—
- Add**
"AS/NZS 4220:2010".
- (3) Schedule 2, item 6, column 3—
- Repeal**
"ASTM F1004-09"
- Substitute**
"ASTM F1004-10".
- (4) Schedule 2, item 7, column 3—
- Repeal**
"ASTM F1169-09"
- Substitute**
"ASTM F1169-10a".
- (5) Schedule 2, item 8, column 3, opposite to entry "ASTM F404-08" in column 2—
- Add**
"ASTM F404-10".
- (6) Schedule 2, item 9, column 3, opposite to entry "ISO 8124-3:1997" in column 2—
- Add**
"ISO 8124-3:2010".
- (7) Schedule 2, item 11, column 3, opposite to entry "BS EN 12227-1:1999" in column 2—

- Add**
"BS EN 12227:2010".
- (8) Schedule 2, item 11, column 3, opposite to entry "BS EN 12227-2:1999" in column 2—
- Add**
"BS EN 12227:2010".
- (9) Schedule 2, item 11, column 3—
- Repeal**
"ASTM F406-09"
- Substitute**
"ASTM F406-11".
- (10) Schedule 2, item 12, column 3—
- Repeal**
"ASTM F833-09"
- Substitute**
"ASTM F833-11".



Secretary for Commerce and
Economic Development

18 December 2011

Explanatory Note

This Notice updates certain safety standards specified for toys and children's products as listed in Schedules 1 and 2 to the Toys and Children's Products Safety Ordinance (Cap. 424) respectively.

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

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks
Toys Standards			
<i>International Standard</i>			
(i)	ISO 8124-3:1997	ISO 8124-3:2010 (Apr 2010) ISO 8124-4:2010 (Apr 2010)	<ul style="list-style-type: none"> ● To impose lower maximum acceptable levels and methods of sampling and extraction prior to analysis for the migration of the element antimony. ● To require the use of n-hexane (instead of 1,1,1-trichloroethane) as the solvent used in test procedures for analysis of certain elements in paints. ● A new part imposing safety requirements and test methods for activity toys for domestic family use intended for children under 14 years of age, including swings, slides, seesaws, carousels, rocking toys, climbing frames, fully enclosed toddler swing seats and other products intended to bear the mass of one or more children.
(ii)	IEC 62115 Edition 1.1 (2004-11)[IEC 62115 Edition 1:2003 consolidated with amendment 1:2004] "Electric Toys – Safety"	Amendment 2 (Nov 2010)	<ul style="list-style-type: none"> ● To revise the definitions of computer toy, battery charger, rechargeable battery toy and functional insulation. ● To impose additional requirements in the following areas: <ol style="list-style-type: none"> 1. measurement of electricity and energy quantity in the discharge for internal parts of a toy having a voltage exceeding 24V; 2. a battery electrolyte leakage test for battery toys for children where the intended fixed position of the battery compartment can be above a child; and 3. battery chargers supplied with a toy.
<i>European Standard</i>			
(i)	BS EN-71-1:2005 +A8:2009	BS EN 71-1:2011 (Jun 2011)	<ul style="list-style-type: none"> ● To impose new permissible lengths for cords, electrical cables and straps on toys. ● To require that electrically driven ride-on toys must have a seat and to impose a

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks
			<p>maximum attainable speed.</p> <ul style="list-style-type: none"> • To introduce requirements for packaging small balls and hemispheric shaped objects. • To revise the definition of toys intended to be put in the mouth and aquatic toys. • To amend the wording of warnings and to impose additional clearer warnings on the use of ride-on toys.
(ii)	BS EN 71-2:2006+A1:2007	BS EN 71-2:2011 (Jul 2011)	<ul style="list-style-type: none"> • To amend the definitions of some terms including "soft-filled toys", "flammable liquid" and "highly flammable liquid". • To add new definitions including "extremely flammable liquid", "flammable gas", "chemical toy", and "moulded head masks". • To define wigs made from hair, pile or material with similar features which protrude 5 mm or less from the surface of the toy as head-dresses.
(iii)	BS EN 71-4:1998 +A3:2007	BS EN 71-4:2009 (Sept 2009)	<ul style="list-style-type: none"> • To specify the maximum amounts of certain substances and preparations used in experimental sets for chemistry and related activities. • To specify requirements for marking, contents list, instructions for use and for equipment for carrying out the experiments intended by the toys.
(iv)	BS EN 71-5:1993 BS5665-5:1993 (Incorporating Amendment No. 1)	BS EN 71-5:1993 +A2:2009 BS 5665-5:1993 (Sept 2009)	<ul style="list-style-type: none"> • To specify requirements for the substances and materials used in chemical toys (sets) other than experimental sets (including plaster of Paris (gypsum) moulding sets, ceramic and vitreous enamelling materials supplied in miniature workshop sets, oven hardening plasticized PVC modelling clay sets, plastic moulding sets, embedding sets, photographic developing sets, adhesives, paints, lacquers, varnishes, thinners and cleaning agents (solvents)).

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks
			<ul style="list-style-type: none"> To specify the maximum amounts of substances and preparations classified as dangerous by the definitions in Directives 67/548/EEC (with subsequent amendments and adaptations) and 88/379/EEC (with subsequent amendments and adaptations). To set the limits for the emission of toxic substances from oven-hardening plasticized PVC modelling clay sets / plastic moulding sets. To specify requirements for markings, warnings, safety rules, contents lists, instructions for use and first aid information (for example, the names of preservatives used shall be indicated on the outer packaging).
(v)	BS EN 71-6:1995 BS 5665:Part 6:1995	Withdrawn (Jun 2011)	<ul style="list-style-type: none"> The standard was withdrawn on 30 June 2011. The same requirement has been incorporated into BS EN71-1:2011 section 7.2.
(vi)	BS EN 71-8:2003 (incorporating Amendment Nos. 1 and 2)	BS EN 71-8:2003 +A4:2009 (Oct 2009)	<ul style="list-style-type: none"> To specify requirements and test methods for activity toys for domestic family use often attached to or incorporating a crossbeam, and similar toys intended for children under 14 years of age to play on or in and to bear the mass of one or more children. To include all construction packages, swing elements, components and accessories for use on or in combination with activity toys in the scope of the standard.
Children's Product Standards			
<i>Baby walking frames</i>			
(i)	ASTM F977-09	ASTM F977-11 (Aug 2011)	<ul style="list-style-type: none"> To impose new maximum displacement requirements for parking devices / brakes. To require that a warning statement be displayed for walking frames fitted with

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks
			parking brakes.
<i>Bunk beds for domestic use</i>			
(i)	AS/NZS 4220:2003	AS/NZS 4220:2010 (Apr 2010)	<ul style="list-style-type: none"> • To cover also elevated beds. • To amend the construction (fasteners, mattress support elements, safety barriers, climbing access, sharp edges and sharp points) as well as safety and performance requirements (entrapment hazard, stability, fastenings of upper bed to the lower supporter structure, impact test, static load on guardrails, impact load on guardrails, access device attachment, static load on treads, impact load on treads). • To amend the methods for testing a range of design features including fall-through and entrapment hazards, stability, stress and fatigue, and the ability to withstand repeated impact.
<i>Child safety barriers for domestic use</i>			
(i)	ASTM F1004-09	ASTM F1004-10 (Jul 2010)	<ul style="list-style-type: none"> • To require that the manufacture date (month and year as a minimum) be marked permanently.
<i>Children's cots for domestic use</i>			
(i)	ASTM F1169-09	ASTM F1169-10a (Dec 2010)	<ul style="list-style-type: none"> • To cover also accessories. • To amend the general requirements in the following areas: <ol style="list-style-type: none"> 1. the requirements of wood parts and crib side configurations; 2. the safety requirements for crib side configurations, full-size baby cribs, spacing of crib components, toe holds, hardware and fasteners, toy accessories, hazardous sharp points or edges, flammable solids, openings, scissoring, shearing, pinching, labeling, cord/strap length and cribs that fold for storage or transport. Corresponding test procedures are incorporated in the revised version.

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks
			<ul style="list-style-type: none"> To amend the performance requirements and test procedures for rigid sided products in the following areas: <ol style="list-style-type: none"> the requirements of spindle/slat strength testing; additional safety requirements for cycle testing, crib side latch test, cutouts, entrapment in accessories and mattress support system openings. To amend the test procedures for mattress support system vertical impact test and spindle/slat static load strength test. To specify that the text of warning statements should be in characters whose upper case should be at least 2.4mm high.
<i>Children's high chairs and multi-purpose high chairs for domestic use</i>			
(i)	ASTM F404-08	ASTM F404-10 (Nov 2010)	<ul style="list-style-type: none"> To amend the safety requirements and testing methods for high chair tray latch release mechanism.
<i>Children's paints</i>			
(i)	ISO 8124-3:1997	ISO 8124-3:2010 (Apr 2010)	<ul style="list-style-type: none"> To impose lower maximum acceptable levels and methods of sampling and extraction prior to analysis for the migration of the element antimony. To require the use of n-hexane (instead of 1,1,1-trichloroethane) as the solvent used in test procedures for analysis of certain elements in paints.
<i>Playpens for domestic use</i>			
(i)	BS EN 12227-1:1999 and BS EN 12227-2:1999	BS EN 12227:2010 (Mar 2011)	<ul style="list-style-type: none"> To combine the safety requirements (part I of the previous version) and test methods (part II of the previous version) into one document. To amend the safety requirements relating to finger and head entrapment;

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks
			<p>chemical, thermal and mechanical hazards.</p> <ul style="list-style-type: none"> To require that warning statements shall have the word "WARNING" written in upper case and to specify warning wordings.
(ii)	ASTM F406-09	ASTM F406-11 (Jun 2011)	<ul style="list-style-type: none"> To impose additional safety requirements and test procedures in the following areas : <ol style="list-style-type: none"> mattress for rigid sided products; entrapment in accessories; crib-side height; fasteners; spindle/slat strength; corner posts; mattress support system; mesh / fabric structures / products. To delete the requirement for wood parts and the warning requirements for water mattress.
<i>Wheeled child conveyances</i>			
(i)	ASTM F833-09	ASTM F833-11 (Jun 2010)	<ul style="list-style-type: none"> To amend the test procedures for stability test and restraining system (including waist restraint and crotch strap) test. To impose additional safety requirements and test procedures into the following areas : <ol style="list-style-type: none"> mesh / fabric structures / products; mattress vertical displacement; top rail configuration; top rail to corner post attachment. To introduce new requirements for warning statements in instructional literature.