

立法會
Legislative Council

Ref : CB2/SS/4/13

LC Paper No. CB(2)1396/13-14
(These minutes have been seen
by the Administration)

**Subcommittee on Toys and Children's Products Safety
(Additional Safety Standards or Requirements) Regulation,
Toys and Children's Products Safety Regulation (Repeal) Regulation and
Toys and Children's Products Safety (Amendment)
Ordinance 2013 (Commencement) Notice**

**Minutes of the second meeting
held on Friday, 14 March 2014, at 9:30 am
in Conference Room 2B of the Legislative Council Complex**

- Members present** : Hon Jeffrey LAM Kin-fung, GBS, JP (Chairman)
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Dr Hon Helena WONG Pik-wan
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
- Members absent** : Hon Abraham SHEK Lai-him, GBS, JP
Hon Cyd HO Sau-lan
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Dr Hon Elizabeth QUAT, JP
- Public Officers attending** : Mrs Alice CHEUNG
Deputy Secretary (Commerce and Economic Development)
(Commerce and Industry)
- Ms Manda CHAN
Principal Assistant Secretary (Commerce and Economic
Development) (Commerce and Industry)
- Mr CHAN Kwok-kee
Assistant Secretary (Commerce and Economic
Development) (Commerce and Industry)

Ms Frances HUI
Acting Senior Assistant Law Draftsman

Mr CHAN Chi-keung
Head of Trade Controls
Customs and Excise Department

Mr MAK Yuk-kam
Principal Trade Controls Officer
Customs and Excise Department

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 11

Ms Wendy LO
Council Secretary (2) 3

Mrs Fanny TSANG
Legislative Assistant (2) 3

Action

I. Meeting with the Administration

[CITB CR 08/18/3, L.N. 17, 18 and 19 of 2014, LC Paper Nos. LS26/13-14, CB(3)1017/13-14(01) to (02), CB(2)1017/13-14(03) and CB(2)1044/13-14(01)]

The Chairman declared interest as the director and shareholder of toys manufacturing companies.

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions required of the Administration

Admin 3. The Subcommittee requested the Administration to provide supplementary information on -

- (a) the control of phthalates in consumer products other than toys and children's products implemented in other jurisdictions; and

- (b) whether the Mainland had implemented control of phthalates in toys and children's products.

(Post-meeting note: The Administration's information paper was circulated via LC Paper No. CB(2)1142/13-14 on 21 March 2014.)

4. The Subcommittee completed the section-by-section examination of the three items of subsidiary legislation.

Date of next meeting

5. Members noted that with the concurrence of the Chairman, the next meeting scheduled for 21 March 2014 at 4:30 pm might be re-scheduled to 24 March 2014 from 9:00 am to 11:00 am, depending on the progress of the Council meeting of 19 March 2014.

(Post-meeting note: With the concurrence of the Chairman, the next meeting of the Subcommittee was re-scheduled to 24 March 2014 (Monday) from 9:00 am to 11:00 am)

II. Any other business

6. There being no other business, the meeting ended at 11:03 am.

Council Business Division 2
Legislative Council Secretariat
28 April 2014

**Proceedings of the second meeting of the
Subcommittee on Toys and Children's Products Safety
(Additional Safety Standards or Requirements) Regulation,
Toys and Children's Products Safety Regulation (Repeal) Regulation and
Toys and Children's Products Safety (Amendment)
Ordinance 2013 (Commencement) Notice
on Friday, 14 March 2014, at 9:30 am
in Conference Room 2B of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000150 - 000739	Chairman Administration	Opening remarks Briefing by the Administration on the Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation ("the Additional Safety Requirements Regulation"), the Toys and Children's Products Safety Regulation (Repeal) Regulation ("the Repeal Regulation") and the Toys and Children's Products Safety (Amendment) Ordinance 2013 (Commencement) Notice ("the Commencement Notice").	
000740 - 000817	Chairman	The Chairman's declaration of interest.	
000818 - 001134	Chairman Administration	The Chairman's enquiry and the Administration's explanation of the concentration limits of Class 1 phthalates (i.e. DEHP, DBP and BBP) and Class 2 phthalates (i.e. DINP, DIDP and DNOP) in toys and children's products under the Additional Safety Requirements Regulation. The Administration's explanation that any component part of a toy/children's product that could not come into contact with a child or with a child's mouth through reasonably foreseeable use (including reasonably foreseeable improper use) of the toy/children's product would not to be taken into account in calculating the total weight of the Class 1/Class 2 phthalates and the total weight of the plasticized materials in the toy/children's product.	
Section-by-section examination of the subsidiary legislation			
001135 - 002454	Chairman Administration Assistant Legal Adviser ("ALA") Mr Andrew LEUNG	The Additional Safety Requirements Regulation (L.N. 17 of 2014) <u>Section 1 Commencement</u> <u>Section 2 Interpretation</u> <u>Section 3 Application</u>	

Time Marker	Speaker(s)	Subject(s)	Action required
		Mr Andrew LEUNG enquired about the definition of "toys". The Administration and the Assistant Legal Adviser advised that the definition was provided in section 2 of the Toys and Children's Product Safety Ordinance (Cap. 424) ("the Ordinance").	
002455 - 003054	Chairman Mr WONG Ting-kwong Administration	Mr WONG Ting-kwong's enquiry about the control of phthalates in consumer products other than toys and children's products implemented in other jurisdictions. The Administration was requested to provide supplementary information. The Administration advised that it would keep in view the development of phthalate control in overseas economies, and update the regulatory regime of Hong Kong as necessary.	Admin (paragraph 3 of the minutes)
003055 - 003647	Chairman Administration Mr WONG Ting-kwong	<u>Section 4 Additional safety standards or requirements for toys and children's products</u> <u>Section 5 Identification markings</u> The Administration's explanation of the information required to be legibly marked on a toy, the packaging of a toy, a label securely affixed to a toy or the packaging of a toy, or a document enclosed in the packaging of a toy, as stipulated in section 5(2) of the Additional Safety Requirements Regulation.	
003648 - 005226	Chairman Administration	<u>Section 6 Bilingual warnings or cautions</u> <u>Section 7 Concentration of Class 1 phthalates in toys</u> <u>Section 8 Toys capable of being entirely placed into mouth of child under 4 years of age</u> <u>Section 9 Toys capable of being partly placed into mouth of child under 4 years of age</u> <u>Section 10 Identification markings</u> <u>Section 11 Bilingual warnings or cautions</u> <u>Section 12 Application of Division 2 of Part 3</u> <u>Section 13 Concentration of Class 1 phthalates in children's products</u> <u>Section 14 Children's products capable of being entirely placed into mouth of child under 4 years of age</u> <u>Section 15 Children's products capable of being partly placed into mouth of child under 4 years of age</u> <u>Explanatory Note</u>	

Time Marker	Speaker(s)	Subject(s)	Action required
005227 - 010222	ALA Administration Chairman	In response to Assistant Legal Adviser's enquiry, the Administration explained that non-compliance with the Additional Safety Requirements Regulation would constitute an offence under section 8 of the Ordinance, which would be subject to the penalties under section 31 of the Ordinance and the statutory defence under section 8(7) of the Ordinance. Depending on the circumstances in individual cases, the common law defence of honest and mistaken belief might be available to a person charged with an offence under the Ordinance. Relevant information was detailed in LC Paper Nos. CB(2)1017/13-14(01) - (03), 1044/13-14(01) and 1065/13-14(01).	
010223 - 010324	Mr WONG Ting-kwong Administration	Responding to Mr WONG Ting-kwong, the Administration's advice on the enforcement measures of the Customs and Excise Department against unsafe toys and children's products in the market.	
010325 - 012753	Chairman Dr Helena WONG Administration Ir Dr LO Wai-kwok ALA Mr WONG Ting-kwong	<p>Dr Helena WONG expressed concern about the need to strengthen publicity and education for parents about the risks of phthalates to children and purchasing non-compliant products. She enquired about whether the Mainland had implemented control of phthalates in toys and children's products.</p> <p>Members noted that the safety of toys and specified children's products was subject to the regulatory control of the Ordinance and regulations made under it. A toy/children's product supplied in Hong Kong, irrespective of its place of manufacture, had to comply with the applicable standards or requirements under the Ordinance and the regulations thereunder.</p> <p>The Administration's advice that the Additional Safety Requirements Regulation sought to impose concentration limits of phthalates in toys and children's products to ensure that Hong Kong's regime was on par with those in the advanced economies in protecting local children from exposure to phthalates. All toys and children's products imported to and supplied in Hong Kong, irrespective of their places of manufacture, had to comply with the additional safety standards or requirements in the Additional Safety Requirements Regulation upon its implementation. Products</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>purchased by individual consumers online or by mail from manufacturers/suppliers located in places outside Hong Kong were not covered by the Ordinance or the Additional Safety Requirements Regulation, and consumers should be aware of the risk of purchasing non-compliant products.</p> <p>The Administration would consider strengthening public education on the possible health hazards posed to children by phthalates that might be contained in plasticized materials in toys and children's products in collaboration with the Consumer Council.</p> <p>At the request of Dr Helena WONG, the Administration would provide information on whether the Mainland has implemented control of phthalates in toys and children's products.</p>	<p>Admin (paragraph 3 of the minutes)</p>
012754 - 012931	Chairman Administration	<p><u>The Repeal Regulation (L.N. 18 of 2014) and The Commencement Notice (L.N. 19 of 2014)</u></p> <p>Completion of section-by-section examination of the three items of subsidiary legislation.</p>	
012932 - 013244	Chairman Dr Helena WONG Clerk	<p>Date of next meeting</p> <p>Legislative Timetable</p> <p>Closing remarks</p>	