

LEGISLATIVE COUNCIL BRIEF

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

Toys and Children's Products Safety (Amendment) Ordinance 2013 (Commencement) Notice

Toys and Children's Products Safety Regulation (Repeal) Regulation

Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation

INTRODUCTION

A Pursuant to section 1(2) of the Toys and Children's Products Safety (Amendment) Ordinance 2013 (Ord. No. 18 of 2013) (the Amendment Ordinance), the Secretary for Commerce and Economic Development (SCED) has made the Toys and Children's Products Safety (Amendment) Ordinance 2013 (Commencement) Notice (the Commencement Notice) at **Annex A** to appoint 1 July 2014 as the day on which the Amendment Ordinance comes into operation.

B 2. Pursuant to the existing section 35 (old section 35) of the Toys and Children's Products Safety Ordinance (Cap. 424) (the Ordinance), SCED has made the Toys and Children's Products Safety Regulation (Repeal) Regulation (the Repeal Regulation) at **Annex B** to repeal the existing Toys and Children's Products Safety Regulation (Cap. 424B) (the Safety Regulation)¹.

3. Pursuant to the new section 35 of the Ordinance which would replace the old section 35 (as amended by the Amendment Ordinance), SCED has made the Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation (the Additional Safety

¹ The Repeal Regulation will take effect immediately before section 16 of the Amendment Ordinance (which seeks to replace the old section 35 with the new section 35) comes into operation.

C Requirements Regulation) at **Annex C** to incorporate the Safety Regulation and set out the control on the concentration of six types of phthalates in certain toys and children's products.²

JUSTIFICATIONS

The Regulatory Regime

4. The Ordinance (before having been amended by the Amendment Ordinance) regulates the safety of toys³ and 12 classes of children's products⁴ as specified in Schedule 2 to the Ordinance. The Ordinance requires toys and children's products to meet the general safety requirement⁵ and additional safety requirements. The Ordinance also provides that SCED may by regulation stipulate additional safety standards for toys and children's products. This regime ensures that the level of safety accorded to children is on par with the international norm, and enables the imposition of additional standards to enhance the protection of children's safety.

5. The Safety Regulation, made under the Ordinance, requires identification information (on the name, trade or other identification mark and the address of the manufacturer, importer or supplier) to be legibly marked in a conspicuous position on a toy or children's product, its packaging, a label affixed to its packaging or a document enclosed in its packaging. The Safety Regulation also requires that, where a toy or children's product or its packaging is marked with, or where a label affixed to or a document enclosed in its packaging contains, any warning or caution with respect to its safe keeping, use, consumption or disposal, such warning or caution shall be legible and placed in a conspicuous

² The Additional Safety Requirements Regulation will come into operation on the day on which section 16 of the Amendment Ordinance comes into operation (i.e. 1 July 2014).

³ Defined as products or materials that are designed or clearly intended for use in play by a child, as well as their packaging.

⁴ The 12 classes of children's products are babies' dummies, baby walking frames, bottle teats, bunk beds for domestic use, carry cots and similar handled products and stands, 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, children's safety harnesses, playpens for domestic use, and wheeled child conveyances, as well as their packaging.

⁵ General safety requirement means a duty to ensure that a toy or children's product is reasonably safe having regard to all the circumstances. If a toy or a product in Schedule 2 meets all the applicable requirements in any one set of the applicable safety standards (international standards or standards adopted by advanced economies) specified in the Ordinance, the toy or product is regarded as meeting the general safety requirement.

position on the toy or children's product, its packaging, a label affixed to its packaging or a document enclosed in its packaging.

The Amendment Ordinance

6. On 18 December 2013, the Legislative Council (LegCo) passed the Amendment Ordinance which seeks to—

- (a) expand the definition of “children's product” in the Ordinance to cover, in addition to the 12 classes of children's products in Schedule 2, other products that are intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age and that contain any plasticized material; and
- (b) make other amendments to the Ordinance, in particular, to enable regulations to be made to control the concentration of six types of phthalates in certain toys and children's products.

7. The six types of phthalates are DEHP, DBP, BBP, DINP, DIDP and DNOP⁶, which are chemicals commonly added to polyvinyl chloride products to improve their flexibility and durability. They have very low acute oral toxicity in humans. The main concern is over chronic exposure. Animal studies have shown that chronic exposure to these phthalates might result in a number of adverse effects, including toxicity in the liver, kidney, reproductive and developmental systems. As these phthalates in polyvinyl chloride products could leach out during periods of mouthing and migrate through saliva into the body, from the precautionary perspective, children's exposure to sources of these phthalates, especially products which can be put into the mouth, should be avoided as far as possible. Advanced economies such as the European Union, the United States, Canada and Singapore have imposed concentration limits on these six types of phthalates in certain toys and children's products⁷.

8. To ensure that our regime is on par with those in advanced economies in protecting children from exposure to phthalates and prevent

⁶ DEHP means di(2-ethylhexyl) phthalate (also known as bis(2-ethylhexyl) phthalate or diethylhexyl phthalate), DBP means dibutyl phthalate, BBP means benzyl butyl phthalate, DINP means diisononyl phthalate, DIDP means diisodecyl phthalate, and DNOP means di-n-octyl phthalate.

⁷ These are products intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of young children.

Hong Kong from becoming the dumping ground for non-compliant products, we propose to impose similar controls on the concentration of the above six types of phthalates in certain toys and children's products, by way of making the Additional Safety Requirements Regulation under the Ordinance as amended by the Amendment Ordinance.

THE COMMENCEMENT NOTICE

9. SCED has appointed 1 July 2014 as the day on which the Amendment Ordinance comes into operation. This has taken into account the time needed by manufacturers, importers and suppliers of toys or children's products to make preparations for complying with the new legislative requirements under the Additional Safety Requirements Regulation.

THE REPEAL REGULATION

10. As the matters dealt with in the Safety Regulation are also additional safety requirements, for the sake of tidiness and completeness, the Regulation is to be repealed and the matters therein are to be incorporated into the Additional Safety Requirements Regulation. The purpose of the Repeal Regulation is to repeal the Safety Regulation. The Repeal Regulation will come into operation immediately before the Amendment Ordinance comes into operation (i.e. immediately before 1 July 2014).

THE ADDITIONAL SAFETY REQUIREMENTS REGULATION

11. The Additional Safety Requirements Regulation sets out the control on the concentration of the above six types of phthalates in certain toys and children's products. It has also incorporated the matters dealt with in the Safety Regulation. Its main provisions are as follows –

- (a) section 1 provides that the Regulation will come into operation on the day on which section 16 of the Amendment Ordinance comes into operation (i.e. 1 July 2014);
- (b) section 2 defines certain terms and expressions used in the Regulation. DEHP, DBP and BBP are defined as Class 1 phthalates, while DINP, DIDP and DNOP are defined as Class 2

phthalates. For the purposes of sections 8 and 14, a toy or children's product is regarded as capable of being entirely placed into the mouth of a child under 4 years of age if: (i) each dimension of the toy or product is less than 5 cm; or (ii) the toy or product can, in a reasonably foreseeable manner, be brought to the mouth of such a child and kept in the mouth so that the toy or product can be sucked or chewed. For the purposes of sections 9 and 15, a part of a toy or children's product is regarded as capable of being placed into the mouth of a child under 4 years of age if: (i) at least one of the dimensions of the part is less than 5 cm; or (ii) the part can, in a reasonably foreseeable manner, be brought to the mouth of such a child and kept in the mouth so that the part can be sucked or chewed. In determining whether an inflatable toy or children's product, or an inflatable part thereof, satisfies the above-mentioned conditions, it is to be considered in its deflated state;

- (c) section 3 stipulates that the Regulation applies to: (i) a toy within the meaning of paragraph (a) of the definition of "toy" in section 2 of the Ordinance; and (ii) a children's product within the meaning of section 2C(1) of the Ordinance. In other words, the Regulation does not apply to the packaging of toys and children's products;
- (d) sections 5 and 6 set out the requirements on identification marking and warning or caution for toys. The requirements are essentially the same as those under the Safety Regulation, with the drafting improved, and additionally permitting the identification marking and warning or caution to be put on a label affixed to a toy;
- (e) sections 7, 8 and 9 specify the control on the concentration of Class 1 and Class 2 phthalates in toys –
 - (i) the total weight of the Class 1 phthalates in a toy must not exceed 0.1% of the total weight of the plasticized materials in the toy;
 - (ii) any component part of a toy that cannot come into contact with a child through reasonably foreseeable use (including reasonably foreseeable improper use) of the toy is not to be taken into account in calculating the total weight of the Class 1 phthalates and the total weight of the plasticized

materials;

- (iii) if a toy can be entirely placed into the mouth of a child under 4 years of age, the total weight of the Class 2 phthalates in the toy must not exceed 0.1% of the total weight of the plasticized materials in the toy;
 - (iv) if only a part or parts of a toy can be placed into the mouth of a child under 4 years of age, the total weight of the Class 2 phthalates in such part(s) must not exceed 0.1% of the total weight of the plasticized materials in such part(s); and
 - (v) any component part of a toy that cannot come into contact with the mouth of a child under 4 years of age through reasonably foreseeable use (including reasonably foreseeable improper use) of the toy is not to be taken into account in calculating the total weight of the Class 2 phthalates and the total weight of the plasticized materials;
- (f) sections 10 and 11 set out the requirements on identification marking and warning or caution for children's products. The requirements are essentially the same as those under the Safety Regulation, with the drafting improved, and additionally permitting the identification marking and warning or caution to be put on a label affixed to a children's product; and
- (g) sections 13, 14 and 15 specify the control on the concentration of Class 1 and Class 2 phthalates in children's products –
- (i) the total weight of the Class 1 phthalates in a children's product must not exceed 0.1% of the total weight of the plasticized materials in the product;
 - (ii) any component part of a children's product that cannot come into contact with a child under 4 years of age through reasonably foreseeable use (including reasonably foreseeable improper use) of the product is not to be taken into account in calculating the total weight of the Class 1 phthalates and the total weight of the plasticized materials;
 - (iii) if a children's product can be entirely placed into the mouth of a child under 4 years of age, the total weight of the Class 2 phthalates in the product must not exceed 0.1% of the

total weight of the plasticized materials in the product;

- (iv) if only a part or parts of a children's product can be placed into the mouth of a child under 4 years of age, the total weight of the Class 2 phthalates in such part(s) must not exceed 0.1% of the total weight of the plasticized materials in such part(s); and
- (v) any component part of a children's product that cannot come into contact with the mouth of a child under 4 years of age through reasonably foreseeable use (including reasonably foreseeable improper use) of the product is not to be taken into account in calculating the total weight of the Class 2 phthalates and the total weight of the plasticized materials.

LEGISLATIVE TIMETABLE

12. The legislative timetable for the Commencement Notice, the Repeal Regulation and the Additional Safety Requirements Regulation will be –

Publication in the Gazette	14 February 2014
Tabling at LegCo for negative vetting	19 February 2014
Commencement of the Repeal Regulation	Immediately before 1 July 2014
Commencement of the Commencement Notice and the Additional Safety Requirements Regulation	1 July 2014

IMPLICATIONS

13. The Commencement Notice, the Repeal Regulation and the Additional Safety Requirements Regulation are in conformity with the Basic Law, including the provisions concerning human rights, and will not affect the current binding effect of the Ordinance. They have no economic, financial, productivity, environmental, competition or family implications. For sustainability implications, the proposed legislation

can protect children from the possible health hazards posed by phthalates in certain toys and children's products, and is conducive to sustainable development. Additional workload arising from the implementation of the proposed legislation will be absorbed by the relevant departments with their existing resources.

PUBLIC CONSULTATION

14. In January 2014, we consulted 47 major trade associations and organizations advocating children's welfare on the commencement of the above proposed control of the six types of phthalates in July 2014. We received no objection to such commencement.

ENQUIRIES

15. Any enquiries on this brief can be addressed to Ms. Manda Chan, Principal Assistant Secretary for Commerce and Economic Development (Commerce and Industry) (Special Duties) (telephone: 2810 2969, facsimile: 2869 4420).

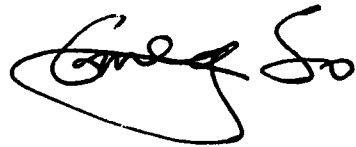
Commerce, Industry and Tourism Branch
Commerce and Economic Development Bureau
12 February 2014

Toys and Children's Products Safety (Amendment) Ordinance 2013
(Commencement) Notice

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**Toys and Children's Products Safety (Amendment)
Ordinance 2013 (Commencement) Notice**

Under section 1(2) of the Toys and Children's Products Safety (Amendment) Ordinance 2013 (18 of 2013), I appoint 1 July 2014 as the day on which the Ordinance comes into operation.



Secretary for Commerce and
Economic Development

12 February 2014

**Toys and Children's Products Safety Regulation
(Repeal) Regulation**

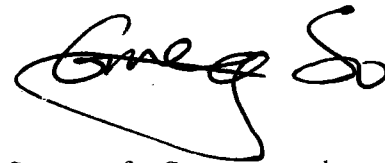
(Made by the Secretary for Commerce and Economic Development under section 35 of the Toys and Children's Products Safety Ordinance (Cap. 424))

1. Commencement

This Regulation comes into operation immediately before section 16 of the Toys and Children's Products Safety (Amendment) Ordinance 2013 (18 of 2013) comes into operation.

2. Repeal

The Toys and Children's Products Safety Regulation (Cap. 424 sub. leg. B) is repealed.



Secretary for Commerce and
Economic Development

12 February 2014

Explanatory Note

This Regulation repeals the Toys and Children's Products Safety Regulation (Cap. 424 sub. leg. B) in view of the making of the Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation (L.N. of 2014).

Toys and Children’s Products Safety (Additional Safety Standards or Requirements) Regulation

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Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation

(Made by the Secretary for Commerce and Economic Development under section 35 of the Toys and Children's Products Safety Ordinance (Cap. 424))

Part 1

Preliminary

1. Commencement

This Regulation comes into operation on the day on which section 16 of the Toys and Children's Products Safety (Amendment) Ordinance 2013 (18 of 2013) comes into operation.

2. Interpretation

(1) In this Regulation—

BBP means benzyl butyl phthalate;

Class 1 phthalate (第 1 類塑化劑) means—

- (a) BBP;
- (b) DBP; or
- (c) DEHP;

Class 2 phthalate (第 2 類塑化劑) means—

- (a) DIDP;
- (b) DINP; or
- (c) DNOP;

company (公司) has the meaning given by section 2(1) of the Companies Ordinance (Cap. 622);

DBP means dibutyl phthalate;

DEHP means—

- (a) bis(2-ethylhexyl) phthalate;
- (b) diethylhexyl phthalate; or
- (c) di(2-ethylhexyl) phthalate;

DIDP means diisodecyl phthalate;

DINP means diisononyl phthalate;

DNOP means di-n-octyl phthalate;

use (使用) includes improper use.

- (2) For the purposes of sections 8 and 14, a toy or children's product can be placed into the mouth of a child under 4 years of age if—
 - (a) each dimension of the toy or product is less than 5 cm; or
 - (b) the toy or product can, in a reasonably foreseeable manner, be brought to the mouth of such a child and kept in the mouth so that the toy or product can be sucked or chewed.
- (3) For the purposes of sections 9 and 15, a part of a toy or children's product can be placed into the mouth of a child under 4 years of age if—
 - (a) at least one of the dimensions of the part is less than 5 cm; or
 - (b) the part can, in a reasonably foreseeable manner, be brought to the mouth of such a child and kept in the mouth so that the part can be sucked or chewed.

- (4) For the purposes of subsections (2) and (3), if a toy, children's product, or part of a toy or children's product is inflatable, the toy, product or part is to be considered in its deflated state.

3. Application

This Regulation applies to—

- (a) a toy within the meaning of paragraph (a) of the definition of *toy* in section 2 of the Ordinance; and
- (b) a children's product within the meaning of section 2C(1) of the Ordinance.

4. Additional safety standards or requirements for toys and children's products

- (1) The additional safety standards or requirements for toys are set out in Part 2.
- (2) The additional safety standards or requirements for children's products are set out in Part 3.
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Part 2

Additional Safety Standards or Requirements for Toys

Division 1—Supply of Toys

5. Identification markings

- (1) The information set out in subsection (2) must be legibly marked, in the English or Chinese language, or both, in a conspicuous position on—
- (a) a toy;
- (b) the packaging of a toy;
- (c) a label securely affixed to a toy or the packaging of a toy; or
- (d) a document enclosed in the packaging of a toy.
- (2) The information is—
- (a) the full name or trade mark of the manufacturer, importer or supplier of the toy (*connected person*), or any other mark of the connected person that enables the person to be identified; and
- (b) the address in Hong Kong of the connected person.
- (3) If the connected person is a company, the address mentioned in subsection (2)(b) is the address of the registered office in Hong Kong of the company.

6. Bilingual warnings or cautions

- (1) This section applies if a warning or caution with respect to the safe keeping, use, consumption or disposal of a toy (*safety warning*)—

- (a) is marked on the toy;
 - (b) is marked on the packaging of the toy;
 - (c) is contained in a label affixed to the toy or the packaging of the toy; or
 - (d) is contained in a document enclosed in the packaging of the toy.
- (2) The safety warning—
- (a) must be legible; and
 - (b) must be in both the English and Chinese languages.
- (3) If the safety warning is marked on a toy, the warning must be in a conspicuous position on the toy.
- (4) If the safety warning is marked on the packaging of a toy, the warning must be in a conspicuous position on the packaging.
- (5) If the safety warning is contained in a label affixed to a toy or the packaging of a toy—
- (a) the warning must be in a conspicuous position on the label; and
 - (b) the label must be securely affixed to the toy or the packaging.
- (6) If the safety warning is contained in a document enclosed in the packaging of a toy, the warning must be in a conspicuous position on the document.

Division 2—Concentration of Phthalates in Toys

Subdivision 1—Class 1 Phthalates

7. Concentration of Class 1 phthalates in toys

- (1) This section applies to a toy that contains any Class 1 phthalate.
- (2) The total weight of the Class 1 phthalates in a toy must not exceed 0.1% of the total weight of the plasticized materials in the toy.
- (3) In determining the total weight of the Class 1 phthalates or the plasticized materials in a toy, a component part of the toy that is inaccessible is not to be taken into account.
- (4) For the purposes of subsection (3), a component part of a toy is inaccessible if the component part cannot come into contact with a child through reasonably foreseeable use of the toy.

Subdivision 2—Class 2 Phthalates

8. Toys capable of being entirely placed into mouth of child under 4 years of age

- (1) This section applies to a toy if—
 - (a) the toy can be placed into the mouth of a child under 4 years of age; and
 - (b) the toy contains any Class 2 phthalate.
- (2) The total weight of the Class 2 phthalates in a toy must not exceed 0.1% of the total weight of the plasticized materials in the toy.

- (3) In determining the total weight of the Class 2 phthalates or the plasticized materials in a toy, a component part of the toy that is inaccessible is not to be taken into account.
- (4) For the purposes of subsection (3), a component part of a toy is inaccessible if the component part cannot come into contact with the mouth of a child under 4 years of age through reasonably foreseeable use of the toy.

9. Toys capable of being partly placed into mouth of child under 4 years of age

- (1) This section applies to a toy if—
 - (a) only one part of the toy can be placed into the mouth of a child under 4 years of age, and that part contains any Class 2 phthalate; or
 - (b) more than one part of the toy can be placed into the mouth of a child under 4 years of age, and all or any of those parts contains any Class 2 phthalate.
- (2) For a toy falling within the description in subsection (1)(a), the total weight of the Class 2 phthalates in the part mentioned in that subsection must not exceed 0.1% of the total weight of the plasticized materials in that part.
- (3) For a toy falling within the description in subsection (1)(b), the total weight of the Class 2 phthalates in those parts mentioned in that subsection must not exceed 0.1% of the total weight of the plasticized materials in those parts.
- (4) In determining the total weight of the Class 2 phthalates or the plasticized materials in one or more than one part of a toy, a component part of the toy that is inaccessible is not to be taken into account.
- (5) For the purposes of subsection (4), a component part of a toy is inaccessible if the component part cannot come into contact

with the mouth of a child under 4 years of age through reasonably foreseeable use of the toy.

Part 3

Additional Safety Standards or Requirements for Children's Products

Division 1—Supply of Children's Products

10. Identification markings

- (1) The information set out in subsection (2) must be legibly marked, in the English or Chinese language, or both, in a conspicuous position on—
 - (a) a children's product;
 - (b) the packaging of a children's product;
 - (c) a label securely affixed to a children's product or the packaging of a children's product; or
 - (d) a document enclosed in the packaging of a children's product.
- (2) The information is—
 - (a) the full name or trade mark of the manufacturer, importer or supplier of the children's product (*connected person*), or any other mark of the connected person that enables the person to be identified; and
 - (b) the address in Hong Kong of the connected person.
- (3) If the connected person is a company, the address mentioned in subsection (2)(b) is the address of the registered office in Hong Kong of the company.

11. Bilingual warnings or cautions

- (1) This section applies if a warning or caution with respect to the safe keeping, use, consumption or disposal of a children's product (*safety warning*)—
 - (a) is marked on the product;
 - (b) is marked on the packaging of the product;
 - (c) is contained in a label affixed to the product or the packaging of the product; or
 - (d) is contained in a document enclosed in the packaging of the product.
- (2) The safety warning—
 - (a) must be legible; and
 - (b) must be in both the English and Chinese languages.
- (3) If the safety warning is marked on a children's product, the warning must be in a conspicuous position on the product.
- (4) If the safety warning is marked on the packaging of a children's product, the warning must be in a conspicuous position on the packaging.
- (5) If the safety warning is contained in a label affixed to a children's product or the packaging of a children's product—
 - (a) the warning must be in a conspicuous position on the label; and
 - (b) the label must be securely affixed to the product or the packaging.
- (6) If the safety warning is contained in a document enclosed in the packaging of a children's product, the warning must be in a conspicuous position on the document.

Division 2—Concentration of Phthalates in Children's Products

Subdivision 1—Application

12. Application of Division 2 of Part 3

This Division applies to a children's product that is intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age, and that contains any plasticized material.

Subdivision 2—Class 1 Phthalates

13. Concentration of Class 1 phthalates in children's products

- (1) This section applies to a children's product that contains any Class 1 phthalate.
- (2) The total weight of the Class 1 phthalates in a children's product must not exceed 0.1% of the total weight of the plasticized materials in the product.
- (3) In determining the total weight of the Class 1 phthalates or the plasticized materials in a children's product, a component part of the product that is inaccessible is not to be taken into account.
- (4) For the purposes of subsection (3), a component part of a children's product is inaccessible if the component part cannot come into contact with a child under 4 years of age through reasonably foreseeable use of the product.

Subdivision 3—Class 2 Phthalates

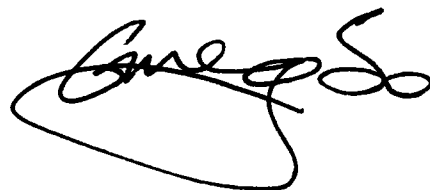
14. Children's products capable of being entirely placed into mouth of child under 4 years of age

- (1) This section applies to a children's product if—
 - (a) the product can be placed into the mouth of a child under 4 years of age; and
 - (b) the product contains any Class 2 phthalate.
- (2) The total weight of the Class 2 phthalates in a children's product must not exceed 0.1% of the total weight of the plasticized materials in the product.
- (3) In determining the total weight of the Class 2 phthalates or the plasticized materials in a children's product, a component part of the product that is inaccessible is not to be taken into account.
- (4) For the purposes of subsection (3), a component part of a children's product is inaccessible if the component part cannot come into contact with the mouth of a child under 4 years of age through reasonably foreseeable use of the product.

15. Children's products capable of being partly placed into mouth of child under 4 years of age

- (1) This section applies to a children's product if—
 - (a) only one part of the product can be placed into the mouth of a child under 4 years of age, and that part contains any Class 2 phthalate; or
 - (b) more than one part of the product can be placed into the mouth of a child under 4 years of age, and all or any of those parts contains any Class 2 phthalate.

- (2) For a children's product falling within the description in subsection (1)(a), the total weight of the Class 2 phthalates in the part mentioned in that subsection must not exceed 0.1% of the total weight of the plasticized materials in that part.
- (3) For a children's product falling within the description in subsection (1)(b), the total weight of the Class 2 phthalates in those parts mentioned in that subsection must not exceed 0.1% of the total weight of the plasticized materials in those parts.
- (4) In determining the total weight of the Class 2 phthalates or the plasticized materials in one or more than one part of a children's product, a component part of the product that is inaccessible is not to be taken into account.
- (5) For the purposes of subsection (4), a component part of a children's product is inaccessible if the component part cannot come into contact with the mouth of a child under 4 years of age through reasonably foreseeable use of the product.



Secretary for Commerce and
Economic Development

12 February 2014

Explanatory Note

Section 35 of the Toys and Children's Products Safety Ordinance (Cap. 424) (*TCPSO*) is replaced by a new section 35 under section 16 of the Toys and Children's Products Safety (Amendment) Ordinance 2013 (18 of 2013) (*Amendment Ordinance*). This Regulation is made under the new section 35. The main purpose of the Regulation is to impose additional safety standards or requirements for toys and children's products (other than their packaging). For the meaning of *toy*, see section 2 of the TCPSO as amended by the Amendment Ordinance. For the meaning of *children's product*, see section 2C of the amended TCPSO.

2. Section 1 provides for the commencement of the Regulation.
3. Section 2 defines certain terms and expressions used in the Regulation.
4. Section 3 provides that the Regulation applies to—
 - (a) a toy within the meaning of paragraph (a) of the definition of *toy* in section 2 of the amended TCPSO (*regulated toy*); and
 - (b) a children's product within the meaning of section 2C(1) of the amended TCPSO (*regulated children's product*).
5. Part 2 (sections 5 to 9) relates to additional safety standards or requirements for regulated toys.
6. Sections 5 and 6 apply to the supply of regulated toys.
7. Section 5 imposes standards or requirements in relation to identification markings of regulated toys, and section 6 imposes standards or requirements in relation to warnings or cautions with respect to the safe keeping, use, consumption or disposal of regulated toys.

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Paragraph 8

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8. Section 7 imposes standards or requirements on the concentration of benzyl butyl phthalate (**BBP**), dibutyl phthalate (**DBP**) and bis(2-ethylhexyl) phthalate (also known as diethylhexyl phthalate or di(2-ethylhexyl) phthalate) (**DEHP**) in regulated toys.
9. Section 8 imposes standards or requirements on the concentration of diisodecyl phthalate (**DIDP**), diisononyl phthalate (**DINP**) and di-n-octyl phthalate (**DNOP**) in regulated toys that can be entirely placed into the mouth of a child under 4 years of age.
10. Section 9 imposes standards or requirements on the concentration of DIDP, DINP and DNOP in regulated toys that can be partly placed into the mouth of a child under 4 years of age.
11. Part 3 (sections 10 to 15) relates to additional safety standards or requirements for regulated children's products.
12. Sections 10 and 11 apply to the supply of regulated children's products.
13. Section 10 imposes standards or requirements in relation to identification markings of regulated children's products, and section 11 imposes standards or requirements in relation to warnings or cautions with respect to the safe keeping, use, consumption or disposal of regulated children's products.
14. Section 13 imposes standards or requirements on the concentration of BBP, DBP and DEHP in regulated children's products that are intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age.
15. Section 14 imposes standards or requirements on the concentration of DIDP, DINP and DNOP in regulated children's products that are intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age and that can be entirely placed into the mouth of such a child.

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16. Section 15 imposes standards or requirements on the concentration of DIDP, DINP and DNOP in regulated children's products that are intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age and that can be partly placed into the mouth of such a child.
17. If a person fails to comply with the additional safety standards or requirements in Part 2 or 3, the person commits an offence under section 8 of the amended TCPSO.