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**Subcommittee on Toys and Children's Products Safety Ordinance
(Amendment of Schedules 1 and 2) Notice 2019**

Background brief

Purpose

This paper provides background information on the legislative amendments made under the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2019 (L.N. 49) ("the Notice"), and summarizes the views and concerns expressed by Members in previous discussion on related matters.

Background

2. The Toys and Children's Products Safety Ordinance (Cap. 424) ("the Ordinance") stipulates that a person must not manufacture, import or supply toys and children's products listed in Schedule 2 ("Schedule 2 products") unless they comply with all the applicable requirements contained in any one of the safety standards (international standards or standards adopted by major economies) specified in Schedules 1 and 2 respectively to the Ordinance.

3. The specified standards for toys and for five classes of Schedule 2 products, namely "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" and "playpens for domestic use", have been updated or amended by the standards institutions concerned. The Administration thus intends to apply the updated versions.

The Notice

4. The Notice amends Schedules 1 and 2 to the Ordinance to apply the updates to the standards for toys and for the five classes of Schedule 2 products as mentioned in paragraph 3. Specifically:

Toy Standards –

- (a) the existing part of the International Standard "ISO 8124-1:2014" has been updated to "ISO 8124-1:2018";
- (b) the existing part of the International Standard "ISO 8124-4:2014" has been updated to "ISO 8124-4:2014 (incorporating Amendment 1:2017)";
- (c) the existing part of the European Standard "BS EN 71-3:2013 + A1:2014" has been updated to "BS EN 71-3:2013 + A3:2018";
- (d) the existing part of the European Standard "BS EN 71-7:2014" has been updated to "BS EN 71-7:2014 + A2:2018";
- (e) the existing part of the European Standard "BS EN 71-8:2011" has been updated to "BS EN 71-8:2018"; and
- (f) the existing part of the European Standard "BS EN 71-14:2014" has been updated to "BS EN 71-14:2014 + A1:2017".

Schedule 2 Product Standards –

- (a) the existing ASTM Standard "ASTM F1004-16b" for child safety barriers for domestic use has been updated to "ASTM F1004-18";
- (b) the existing European Standard "BS EN 716-1:2008 + A1:2013" for children's cots for domestic use has been updated to "BS EN 716-1:2017";
- (c) the existing European Standard "BS EN 716-2:2008 + A1:2013" for children's cots for domestic use has been updated to "BS EN 716-2:2017";

- (d) the existing European Standards "BS EN 14988-1:2006 + A1:2012" and "BS EN 14988-2:2006 + A1:2012" for children's high chairs and multi-purpose high chairs for domestic use have been updated and merged into "BS EN 14988:2017";
- (e) the existing ASTM Standard "ASTM F404-17" for children's high chairs and multi-purpose high chairs for domestic use has been updated to "ASTM F404-18";
- (f) the existing European Standard "BS EN 71-3:2013 + A1:2014" for children's paints has been updated to "BS EN 71-3:2013 + A3:2018"; and
- (g) the existing ASTM Standard "ASTM F406-15" for playpens for domestic use has been updated to "ASTM F406-17".

A summary of the major changes introduced by the latest standards is in **Appendix I**.

5. The Notice will come into operation on 1 October 2019.

Previous discussion

6. At the meeting of the Subcommittee on Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2018 on 24 April 2018, members discussed issues relating to the updating of certain safety standards for toys and three classes of children's products, namely, "babies' dummies", "children's high chairs and multi-purpose high chairs for domestic use" and "children's paints". The Subcommittee in general supported the legislative proposal and urged the Administration to step up efforts in public education and publicity.

7. The Administration advised that apart from regular seminars and talks on the latest safety standards conducted by the Customs and Excise Department ("C&ED"), school visits and related activities would be carried out for stakeholders and the public, which would provide details regarding the application of the latest product safety requirements and advice to consumers when buying toys and children's products. The Administration also agreed to consider disseminating information about the updated legislation at the Government's Maternal and Child Health Centres.

8. On the prosecution rates for cases of non-compliance with the various safety standards, members noted from the Administration that among a total of 5 198 spot checks conducted between 2015 and 2018, 217 cases were found to be incompliant with the requirements prescribed under the Ordinance and its regulations. During the period, C&ED had issued 21 prohibition notices and 133 written warnings, and that 12 successful prosecutions had been made.

9. Noting that the toys and children's products bought for own consumption from on-line stores or shops outside Hong Kong fell outside the jurisdiction of the Ordinance, some members suggested that the Administration should step up spot checking of toys and children's products sold through such platform.

Latest development

10. The Panel on Economic Development has not been consulted on the Notice. According to the Administration, it had consulted some 50 major trade associations and organizations advocating children welfare in December 2018, and received three submissions which either expressed support for or did not raise any objection to the proposal.

11. At the House Committee meeting on 12 April 2019, Members agreed to form a Subcommittee to study the Notice.

Relevant papers

12. A list of relevant papers available on the Legislative Council Website (<http://www.legco.gov.hk>) is in **Appendix II**.

Council Business Division 4
Legislative Council Secretariat
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Appendix I

Toys and Children's Products Safety Ordinance (Cap. 424) Updates to Standards Specified for Toys and Schedule 2 Products

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
Toy Standards				
<i>International Standard</i>				
(i)	ISO 8124-1:2014	ISO 8124-1:2018 (March 2018)	<ul style="list-style-type: none"> ● To revise terms and definitions; ● To revise requirements for cords, and add new requirements concerning yo-yo balls, sledges and toboggans with cords for pulling, jaw entrapment in handles and steering wheels; ● To revise the test methods; ● To revise the safety-labelling guidelines; and ● To revise rationale for various requirements. 	<ul style="list-style-type: none"> ● 3 ● 4 ● 5 ● Annex B ● Annexes
(ii)	ISO 8124-4:2014	ISO 8124-4:2014 (incorporating Amendment 1:2017) (July 2017)	<ul style="list-style-type: none"> ● To revise requirement for apparatus to be used in test. 	<ul style="list-style-type: none"> ● 6.1.5.2, Figure 21
<i>European Standard</i>				
(i)	BS EN 71-3:2013 + A1:2014	BS EN 71-3:2013 + A3:2018 (July 2018)	<ul style="list-style-type: none"> ● To revise migration limit for lead; ● To revise chromatographic settings of autosampler flush solvent for LC-ICP-MS system; ● To revise method of analysis for organic tin; and ● To revise rationale on organic tin requirement. 	<ul style="list-style-type: none"> ● 4.2, Table 2 ● Annex F ● Annex G ● Annex H

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
(ii)	BS EN 71-7:2014	BS EN 71-7:2014 + A2:2018 (April 2018)	<ul style="list-style-type: none"> ● To add note and revise marking requirement; ● To revise specific requirements on using colourants; ● To update the preservative list; and ● To revise ions component for quantification. 	<ul style="list-style-type: none"> ● 5.2.1.2 ● Annex A ● Annex B ● Annex E
(iii)	BS EN 71-8:2011	BS EN 71-8:2018 (February 2018)	<ul style="list-style-type: none"> ● To revise the scope, normative references and terms and definitions; ● To revise the general requirements; ● To revise requirements on warnings, markings, and instructions; ● To revise test methods; and ● To revise the rationale for various requirements. 	<ul style="list-style-type: none"> ● 1, 2 and 3 ● 4 ● 5 ● 6 ● Annex
(iv)	BS EN 71-14:2014	BS EN 71-14:2014 + A1:2017 (April 2018)	<ul style="list-style-type: none"> ● To revise the general requirements; and ● To revise test methods. 	<ul style="list-style-type: none"> ● 4 ● 6
Schedule 2 Product Standards				
<i>Child safety barriers for domestic use</i>				
(i)	ASTM F1004-16b	ASTM F1004-18 (June 2018)	<ul style="list-style-type: none"> ● To revise the scope and referenced documents; ● To add performance requirements; ● To revise test methods; ● To revise requirements on marking and labelling; ● To add requirements on instructional literature; and ● To add rationale on test methods, test procedures and marking and labelling. 	<ul style="list-style-type: none"> ● 1 and 2 ● 6 ● 7 ● 8 ● 9 ● Appendix X1

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
Children's cots for domestic use				
(i)	BS EN 716-1:2008 + A1:2013	BS EN 716-1:2017 (August 2017)	<ul style="list-style-type: none"> ● To revise the scope, normative references and terms and definitions; ● To revise the general requirements; ● To revise requirements on instructions for use and marking; ● To add references to UK requirements; and ● To add rationale on distance between the bed base and the upper edge of the sides and ends. 	<ul style="list-style-type: none"> ● 1, 2 and 3 ● 4 ● 6 and 7 ● Annex A ● Annex B
(ii)	BS EN 716-2:2008 + A1:2013	BS EN 716-2:2017 (August 2017)	<ul style="list-style-type: none"> ● To revise the normative references; and ● To revise requirements on test mattress. 	<ul style="list-style-type: none"> ● 2 ● 4.3
Children's high chairs and multi-purpose high chairs for domestic use				
(i)	BS EN 14988-1:2006 + A1:2012	BS EN 14988:2017 (July 2017)	<ul style="list-style-type: none"> ● To merge the two standards into one document; ● To revise the scope, normative references and terms and definitions; ● To revise the general requirements; ● To add and revise test equipment; ● To add and revise various requirements and test methods; ● To add rationales for the inclusion of various requirements; ● To add references to UK requirements; and ● To add official translation of the consumer information in various languages of the European Union. 	-
(ii)	BS EN 14988-2:2006 + A1:2012			<ul style="list-style-type: none"> ● 1, 2 and 3 ● 4 ● 5 ● 6, 7 and 8 ● Annex A ● Annex B ● Annex C

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
(iii)	ASTM F404-17	ASTM F404-18 (March 2018)	<ul style="list-style-type: none"> ● To revise the scope, referenced documents and terminology; ● To revise requirements on marking and labelling; and ● To revise requirements on instructional literature. 	<ul style="list-style-type: none"> ● 1, 2 and 3 ● 8.5 ● 9
Children's paints				
(i)	BS EN 71-3:2013 + A1:2014	BS EN 71-3:2013 + A3:2018 (July 2018)	<ul style="list-style-type: none"> ● To revise the migration limit for lead; ● To revise chromatographic settings of autosampler flush solvent for LC-ICP-MS system; and ● To revise methods of analysis for organic tin; and ● To revise rationale on organic tin requirement. 	<ul style="list-style-type: none"> ● 4.2, Table 2 ● Annex F ● Annex G ● Annex H
Playpens for domestic use				
(i)	ASTM F406-15	ASTM F406-17 (January 2018)	<ul style="list-style-type: none"> ● To revise the scope and referenced documents; and ● To revise the performance requirements. 	<ul style="list-style-type: none"> ● 1 and 2 ● 6 and 7

Source: Annex B to Legislative Council Brief (File ref.: CITB CR 08/18/3)

List of relevant papers

Issued by	Meeting date/ Issue date	Paper
Commerce and Economic Development Bureau	March 2019	Legislative Council Brief
House Committee	12 April 2019	Legal Service Division Report
Subcommittee on Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2018	24 April 2018	Legislative Council Brief Legal Service Division Report Background brief
	2 May 2018	Report