

LEGISLATIVE COUNCIL BRIEF

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

TOYS AND CHILDREN'S PRODUCTS SAFETY ORDINANCE (AMENDMENT OF SCHEDULE) NOTICE 1998

INTRODUCTION

The Secretary for Trade and Industry has updated some current safety standards and adopted additional standards for certain children's products by making the Toys and Children's Products Safety Ordinance (Amendment of Schedule) Notice 1998 at Annex A.

Annex A

BACKGROUND AND ARGUMENT

2. The Toys and Children's Products Safety Ordinance (TCPSO), which has been in force since July 1993, imposes a statutory duty on manufacturers, importers and suppliers to ensure that the toys and children's products they supply for local consumption are reasonably safe and comply with specified safety standards. At present the Ordinance covers 13 such children's products.

2. At the time when the Ordinance was enacted, only the safety specifications which the British Standards Institution (BSI) set for children's products were applied. To offer the children's products industry and consumers more choice, the TCPSO was amended in early 1997 to empower the Secretary for Trade and Industry to amend the Schedule by notice published in the Gazette. The amendment may take the form of updating specifications already listed in the Schedule or adding new specifications to the Schedule, provided that the specification so added provides an equivalent level of protection. Non-BSI safety standards for seven children's products (Annex B) have been previously adopted with the making of the Toys and Children's Products Safety Ordinance (Amendment of Schedule) Notice 1997.

Annex B

3. We now propose to adopt additional non-BSI safety standards for five prescribed children's products (Annex B). These include standards of the US, Europe, Australia, New Zealand and the International Organization for Standardization.

4. Separately, the American Society for Testing and Materials (ASTM) safety standards for playpens for domestic use, and the British Standards (BS) and ASTM safety standards for wheeled child conveyances adopted in the Schedule of TCPSO have been amended by their respective standards organizations. The Notice at Annex A incorporates these amendments.

5. We have also taken the opportunity to make some minor textual amendments to the Chinese version of the Schedule.

TIMETABLE

6. We will table the Notice at Annex A at the Legislative Council on 21 October 1998. Given that the new non-BSI safety standards are additional ones providing more choice on top of the existing safety standards, no significant lead-in period is required and the standards will come into effect on 28 November 1998. As for amendments to the existing safety standards, we plan to allow the trade some more time to make the necessary adjustments to their products and will therefore introduce them on 1 January 1999.

PUBLIC CONSULTATION

7. We informed 25 major trade and industrial organizations including, among others, chambers of commerce, the Retail Management Association, and the Federation of Hong Kong Industries, in early July 1998 on the proposed safety standards. They have raised no objection to the proposed amendments.

FINANCIAL AND STAFFING IMPLICATIONS

8. There will be no additional financial and staffing implications for implementing the amendments set out at Annex A.

ECONOMIC IMPLICATIONS

9. The adoption of additional multiple safety standards for children's products will enable traders to bring a wider variety of products into Hong Kong and hence increase consumers' choice.

BINDING EFFECT

10. The provisions which are amended by this Amendment Notice do not bind the State by express provision.

PUBLICITY

11. We will issue a press release on the day when the Notice is published in the Gazette on 16 October 1998. A spokesperson will be available to handle public enquiries. We will also inform the trade of the making of the Notice.

ENQUIRIES

12. Enquiries may be directed to Miss Estrella Cheung, Assistant Secretary for Trade and Industry, on 2918 7483 (Fax: 2869 4420).

Trade and Industry Bureau
October 1998
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**TOYS AND CHILDREN'S PRODUCTS SAFETY ORDINANCE (AMENDMENT
OF SCHEDULE) NOTICE 1998**

(Made under section 6 of the Toys and Children's
Products Safety Ordinance (Cap. 424))

1. Commencement

(a) This Notice, other than section 2(f) and (g), shall come into operation on 28 November 1998.

(b) Section 2(f) and (g) shall come into operation on 1 January 1999.

2. Schedule amended

The Schedule to the Toys and Children's Products Safety Ordinance (Cap. 424) is amended -

(a) in relation to the entry for "Bunk beds for domestic use" in column 1, in column 2, by adding -

“ASTM Standard

Standard Consumer Safety

Specification for Bunk Beds

ASTM F 1427-96

Australian/New Zealand Standard

Bunk beds

AS/NZS 4220:1994

European Standard

Furniture - Bunk beds for domestic use -

Part 1: Safety requirements and

Part 2: Test methods

EN 747-1 & 2:1993

International Standard

Bunk beds for domestic use -

Safety requirements and tests -

Part 1:Safety requirements and

Part 2:Test methods

ISO 9098-1 & 2:1994”;

- (b) in relation to the entry for “Child safety barriers for domestic use” in column 1, in column 2, by adding -

“ASTM Standard

Standard Consumer Safety Specification for expansion gates
and expandable enclosures ASTM F 1004-92”;

- (c) in relation to the entry for “Children’s cots for domestic use” in column 1, in column 2, by adding -

“ASTM Standard

Standard Specification for full size
baby crib ASTM F 1169-88

European Standard

Furniture - Children’s cots and folding
cots for domestic use -

Part 1:Safety requirements and

Part 2:Test methods

EN 716-1 & 2:1995

International Standard

Children’s cots and folding cots for
domestic use -

Part 1:Safety requirements and

Part 2:Test methods