

立法會 CB(2)228/13-14(04)號文件
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Re: Bills Committee on Toys and Children's Products Safety (Amendment) Bill 2013

Lam, Sally

to:

ftsang@legco.gov.hk

05/11/2013 18:55

Cc:

"Low, Edena"

Hide Details

From: "Lam, Sally"

To: "ftsang@legco.gov.hk" <ftsang@legco.gov.hk>

Cc: "Low, Edena"

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(Resend due to the wrong paragraph formatting in previous email.)

Re: Bills Committee on Toys and Children's Products Safety (Amendment) Bill 2013

Dear Ms. MAK,

I am writing to thank for your invitation to response our opinions regarding captioned Bill, on behalf of Ms. LOW, Senior Director of Social Responsibility and Government Affairs of Mattel Asia Pacific Sourcing Limited.

"The Toys and Children's Products Safety (Amendment) Bill 2013" proposes to expand the scope of children's products and impose the phthalates requirements to the Toys and Children's Products Safety Ordinance (Cap. 424). This was undoubtedly intended to enhance the protection of children's safety. Mattel shares the same commitment to the safety of toys and the children who play with them. We commend your interest in furthering safety generally. However, we would like to take this opportunity to urge the Committee to consider aligning the requirements or definitions with that of the International standards. Otherwise, it may pose obstacles to the import or distribution of toys and children's products in Hong Kong.

Our comments and concerns are listed below with respect to the two main proposed amendments in the Bill.

1. The Bill proposes to expand the existing definition of "Children's Products" to cover
 - (a) A product or material 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; and
 - (b) The packaging of the product or material mentioned in item (a) [Clauses 3(1) and 4].

We suggest providing a clear definition on "Packaging" mentioned in Clause 4, Section 2B (2)(b). If it is referred to the packaging within the meaning of or having the same functions of that stated in the newly added children's product definition [i.e. Section 2B (1)(b)(ii)], then we have no concern to classify this part of packaging as "Children's product. However, if ordinary packaging were covered by the scope of children's product, this will definitely deviate from the International standards.

Regarding the age limit threshold for such kind of newly added children's products, so-called "child care articles" [Clause 4, Section 2B (1)(b)(ii)], we highly recommend to use "under 3 years of age" as the threshold limit instead of "under 4 years of age". The "under 3" limit is consistent with international definitions including those of the US, Australia and the EU. Such alignment with the globe would help to reduce confusion to consumers and manufacturers.

2. The Bill proposes to implement the phthalates controls on toys and children's products with reference to the requirements stated in Annex C.

We suggest that the Committee provides a guideline on the interpretation of the concept "can be placed in the child's mouth in a reasonably foreseeable manner". Again, this should ideally align with the approach in the US/EU (i.e. any part of an article in one dimension smaller than 5 cm, is considered to be capable of being taken into the child's mouth.)

In addition, we highly recommend the Committee adopts, US CPSIA approach (H.R. 2715) to restrict articles on the accessible plasticized materials only. Since the risk of exposing phthalates in inaccessible materials to young children through mouthing, sucking or ingestion is extremely low. This risk-based approach would largely reduce burdens on toy manufacturers and ultimately the consumers.

Finally, it would be appreciated if the Committee would accept the use of CPSC phthalates testing method (CPSC-CH-C1001-09.3) as one of the standard methods and provide a grace period for the industry to get ready on the adoption of this new amendment Bill.

We hope that the Committee will take the above into consideration and revise the proposed Bill accordingly. Thank you for your kind attention.

If you have any questions, please feel free to contact us.

Yours sincerely,

Ms. Sally LAM

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