

立法會
Legislative Council

Ref : CB2/BC/6/12

LC Paper No. CB(2)503/13-14
(These minutes have been seen
by the Administration)

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

Minutes of the second meeting
held on Tuesday, 5 November 2013, at 2:30 pm
in Conference Room 2B of the Legislative Council Complex

- Members present** : Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan
Hon Alan LEONG Kah-kit, SC
Hon Steven HO Chun-yin
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
- Member absent** : Hon Abraham SHEK Lai-him, GBS, 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 : Ms Clara TAM
Assistant Legal Adviser 9

Ms Wendy LO
Council Secretary (2) 3

Mrs Fonny TSANG
Legislative Assistant (2) 3

Action

I. Meeting with the Administration

[LC Paper Nos. CB(2)209/13-14(01), CB(3)833/12-13 and CB(2)129/13-14(01) and CITB CR 08/18/3]

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Chairman advised that three written submissions had been received from members of the public and relevant organizations, which were tabled at the meeting [LC Paper Nos. CB(2)228/13-14(01) - (03)].

(Post-meeting Note: The three written submissions tabled at the meeting and other submissions received after the meeting were forwarded to the Administration for consideration and written response.)

Admin 3. The Bills Committee requested the Administration to –

(a) provide draft Committee stage amendments ("CSAs") for members' consideration;

(b) take into account the views expressed by members on the Chinese rendition of the expression "teething" in the proposed new section 2B(1)(b)(ii) and submit the Administration's considered proposal for members' consideration; and

(c) provide written response to the submissions received on the Bill.

4. The Bills Committee completed the clause-by-clause examination of the Bill.

5. The Administration agreed to provide papers on the above issues within one to two weeks. The Bills Committee agreed that the Administration's papers would be circulated to members for comments. Unless members requested discussion of the papers, no further meeting would be held. In response to the Chairman's enquiry, the Administration advised that it intended to resume the Second Reading debate on the Bill at a Council meeting in December 2013. The Administration would advise on the resumption date in due course.

II. Any other business

6. There being no other business, the meeting ended at 3:38 pm.

Council Business Division 2
Legislative Council Secretariat
11 December 2013

**Proceedings of the second meeting of the
Bills Committee on Toys and Children's Products Safety
(Amendment) Bill 2013
on Tuesday, 5 November 2013, at 2:30 pm
in Conference Room 2B of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
001210 - 001600	Chairman Administration	<p>Opening remarks</p> <p>The Bills Committee noted the various written submissions received.</p> <p>In response to the Chairman's enquiry, the Administration advised that, in line with the regulatory approach adopted by the European Union and the United States, the six types of phthalates would be classified into two groups and subject to different levels of control under the proposed regulatory framework as detailed in the annex to the Administration's paper [LC Paper No. CB(2)209/13-14(01)].</p>	
001601 - 002313	Chairman Administration	<p>The Administration's briefing on its response to the issues raised by members at the meeting on 24 October 2013 [LC Paper No. CB(2)209/13-14(01)].</p> <p>The Administration's advice that it would move a Committee stage amendment ("CSA") to make it clear that the Toys and Children's Products Safety Ordinance does not apply to food or medicine.</p>	Admin (paragraph 3 of the minutes)
002314 - 002752	Chairman Administration	<p>The Administration's response to the written submission from Hong Kong Toys Council, Prof Jim Bridges and ExxonMobil Hong Kong Limited [LC Paper No. CB(2)228/13-14(01) - (03)].</p> <p>The Chairman declared interests as the director and shareholder of toys companies.</p>	
002753 - 003840	Chairman Ir Dr LO Wai-kwok Ms Cyd HO Mr Steven HO Mr WONG Ting-kwong Administration	<p>The Administration's briefing on the suggested alternative of "牙齒生長" as the Chinese rendition of "teething" in the proposed new section 2B(1)(b)(ii) in the light of members' views.</p> <p>Ms Cyd HO considered that "出牙" was preferable and easier to be understood. However, she had no objection to using "牙齒生長" as</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>currently put forward by the Administration. Ir Dr LO Wai-kwok considered that "出牙" was more commonly used to reflect the meaning of "teething". In particular, he noted that it was also adopted by the Department of Health ("DH") as the Chinese term for "teething". Mr Steven HO considered that the expression "長牙" was also acceptable. Mr WONG Ting-kwong had no objection to any of the renditions and considered that the Administration should ensure consistency with other existing laws in deciding on the appropriate Chinese expression.</p> <p>The Administration reiterated its concern on replacing "長牙" by "出牙" in the proposed new section 2B(1)(b)(ii) from the legal point of view.</p> <p>The Chairman said that based on members' views, "長牙" and "出牙" were both acceptable. Ms Cyd HO, however, reiterated that "長牙" was not commonly used in Hong Kong and "出牙" was preferable. Ir Dr LO Wai-kwok also reiterated that "出牙" was adopted by DH as the Chinese term for "teething" as shown on its website and, in the context used by DH, "出牙" also referred to the teeth development/growth process of infants. He therefore considered that using "出牙" in the said provision would not give rise to the ambiguity as the Administration envisaged. He added that the electronic dictionary also showed that "出牙" was the Chinese rendition for "teething". The Chairman requested the Administration to take into account members' views and submit the Administration's considered proposal.</p>	<p>Admin (paragraph 3 of the minutes)</p>
003841 - 004658	Chairman Administration	<p>Referring to the written submission from Hong Kong Toys Council [LC Paper No. CB(2)228/13-14(01)], the Chairman enquired whether explicit provisions would be added in the Toys and Children's Products Safety Ordinance (Cap. 424) to make it clear that the proposed phthalate control would not apply to the packaging of a toy or a children's product.</p> <p>The Administration explained that the proposed phthalate control would not apply to the packaging of a toy or children's product concerned, as detailed in the Annex to LC Paper No.</p>	

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		<p>CB(2)209/13-14(01). The Administration also explained that the proposed phthalate control would be specified in the relevant subsidiary legislation, which would be submitted to the Legislative Council for scrutiny after the enactment of the Bill.</p> <p>The Chairman considered that the proposed phthalate control should not be imposed on inaccessible parts of plasticized materials of a toy or a children's product. The Administration would consider how this should be reflected in the proposed subsidiary legislation.</p> <p>Regarding the different phthalate testing methods/standards adopted by the European Union and the United States, the Administration advised that while the proposed subsidiary legislation would provide for the concentration limits of the six types of phthalates concerned, it was not the intention to specify a particular phthalate testing method/standard in the subsidiary legislation.</p>	
Clause-by-clause examination of the Bill			
004659 - 005912	Chairman Administration Mr SIN Chung-kai	<p><u>Section 9 (Laboratories)</u> <u>Section 11 (Prohibition notice)</u> <u>Section 12 (Recall notice)</u> <u>Section 13 (Other powers of Commissioner)</u></p> <p>The Administration's explanation that the formulation of the definition of "Commissioner" in section 2 was also adopted in other Ordinances.</p> <p><u>Section 14 (Appeal to Appeal Board)</u> <u>Section 24 (Destruction or release of seized goods)</u> <u>Section 27 (Compensation for seizure and detention)</u> <u>Section 35 (Regulations)</u></p> <p>Mr SIN Chung-kai's enquiry and the Administration's response about the fine and imprisonment level for an offence.</p> <p><u>Schedule 2</u></p>	
005913 - 010209	Chairman Mr WONG Ting-kwong Administration	The Administration was requested to provide written response to the submissions received and the issues raised by members at the meeting.	Admin (paragraph 3 of the minutes)

Time Marker	Speaker(s)	Subject(s)	Action required
		Discussion on the need to hold a further meeting. Legislative Timetable	
010210 - 010741	Chairman Administration Mr WONG Ting-kwong	The Chairman and Mr WONG Ting-kwong expressed the view that the Administration should consult the trade, particularly the small and medium enterprises in the toy manufacturing sector, and take into account their views in proposing the implementation date of the proposed phthalate control. The Administration agreed to take on board members' views. The Administration advised that the proposed subsidiary legislation on the phthalate control was expected to come into operation around mid 2014.	
010742 - 010819	Chairman Ir Dr LO Wai-kwok	Closing remarks	

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