



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
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11 September 2013

Ms CHAN Wing-man, Manda
Prin AS for Commerce & Econ Dev (C&I) SD
Commerce and Economic Development Bureau
22-23/F, West Wing
Central Government Offices
2 Tim Mei Avenue
Tamar, Hong Kong

Dear Ms CHAN,

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

Further to my letter dated 23 August 2013, I would be grateful for your clarification on the following matter -

The Bill proposes to extend the application of the Toys and Children's Products Safety Ordinance (Cap. 424) to not only toys and children's products listed in Schedule 2 of the Ordinance, but also any other 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 contains any plasticized material" by amending the definition of "children's product" (proposed new section 2B(1)(b)).

The drafting of the proposed section 2B(1)(b) makes it capable of covering certain baby food and pharmaceutical products if they contain any plasticized material. For example, biscuits for infants at teething stage, and medicine used to facilitate the hygiene, relaxation or sleep of children under 4 years old. If it is the legislative intent of the Bill to include certain food and pharmaceutical products as "children's product", please let us know whether the Bill will have any implication on the operation of other existing legislation in

relation to the food safety (e.g. the Food Safety Ordinance (Cap. 612)) and pharmaceutical products (e.g. the Pharmacy and Poisons Ordinance (Cap. 138)).

I would be grateful if you could let me have your reply in bilingual form on or before 18 September 2013.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Clara TAM', with a stylized flourish at the end.

(Clara TAM)
Assistant Legal Adviser

cc. DoJ (Attn.: Ms Frances HUI, SALD (Acting) (By Fax: 2869 1302)
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