

For discussion  
on 5 November 2013

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

**The Administration's Responses to Issues  
Raised at the Meeting on 24 October 2013**

**Purpose**

This paper provides the Administration's responses to the issues raised by Members at the meeting on 24 October 2013.

**The Expression “長牙” in Chinese Text of Proposed New Section 2B(1)(b)(ii) of the Bill**

2. At the meeting, Members discussed the Chinese rendition of the expression “teething” in “... 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” under the proposed new section 2B(1)(b)(ii). While some Members suggested replacing “長牙” with “出牙” as they consider that the latter is more commonly used to reflect the meaning of “teething”, another view expressed was that “出牙” might not be a usual written Chinese expression.

3. The expression “teething” in the English text should be read in the context of the proposed new section 2B(1)(b)(ii), and in that context, it refers to the growth or development of teeth. As we have explained in our earlier letter of 6 September and at the meeting on 24 October, when reading in the context of the Chinese text of that section, the expression “長牙” in “便利未滿 4 歲兒童的餵哺...或長牙” could convey the same meaning as in the English text. However, if “長牙” is replaced by the expression “出牙”, the Chinese text may possibly be interpreted as referring only to the emergence of deciduous teeth of children through the gums.

4. Having further examined the matter, we consider that replacing “長牙” with “牙齒生長” should be an acceptable alternative to reflect the meaning of “teething”.

### **Exclusion of Food and Pharmaceutical Products**

5. As explained in our letter of 24 September and at the meeting on 24 October, it is not the Administration’s policy intention to impose the requirements for children’s products under the Bill to regulate food or pharmaceutical products. Noting this, some Members have suggested that express provision be made to put such intention beyond doubt. We consider the suggestion agreeable and are examining how the express provision should be drafted.

### **Proposed Framework for Regulating Concentration of Phthalates in Toys and Children’s Products**

6. Some Members have requested the Administration to provide more detailed information on the proposed framework for regulating the concentration of phthalates in toys and children’s products. The proposed framework is set out at the Annex. Members may wish to note that the proposed framework does not represent the subsidiary legislation (the drafting of which is underway) in its final form.

Commerce, Industry and Tourism Branch  
Commerce and Economic Development Bureau  
November 2013

**Proposed Framework for Regulating  
the Concentration of Phthalates in Toys and Children’s Products  
under the Toys and Children’s Products Safety Ordinance (Cap. 424) (the Ordinance)**

**Six Types of Phthalates to be Controlled under the Proposed Framework**

The six types of phthalates are -

***Group 1 phthalates:***

- (a) DEHP, which means di(2-ethylhexyl) phthalate, bis-(2-ethylhexyl) phthalate or diethylhexyl phthalate;
- (b) DBP, which means dibutyl phthalate;
- (c) BBP, which means benzyl butyl phthalate;

***Group 2 phthalates:***

- (a) DINP, which means diisononyl phthalate;
- (b) DIDP, which means diisodecyl phthalate; and
- (c) DNOP, which means di-n-octyl phthalate.

**Scope of Application**

- 2. The proposed control applies to -
  - (a) a toy within the meaning of paragraph (a) of the definition of “toy” in section 2 of the Ordinance;  
*[Note: Paragraph (a) of the definition states that a toy is a product or material that is designed or clearly intended for use in play by a child. The proposed control does **not** apply to paragraph (b) of the definition, which refers to the packaging of a toy.]*
  - (b) a Schedule 2 product referred in the proposed new section 2B(1)(a) and which 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; and

*[Note: The proposed new section 2B(1)(a) refers to products in Schedule 2 to the Ordinance. The proposed control does **not** apply to the proposed new section 2B(2)(a), which refers to the packaging of such a Schedule 2 product.]*

- (c) a children's product within the meaning of the proposed new section 2B(1)(b) of the Ordinance.

*[Note: The proposed new section 2B(1)(b) refers to products (other than toys and Schedule 2 products) that are intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age and contains any plasticized material. The proposed control does **not** apply to the proposed new section 2B(2)(b), which refers to the packaging of such a product.]*

*[Note: It means that the proposed control does not apply to the packaging of the above products (paragraph (b) of the definition of toy and proposed new section 2B(2)).]*

## **The Proposed Control on the Concentration of Phthalates in Toys**

### Concentration of Group 1 phthalates

3. The total weight of all Group 1 phthalates in a toy must not exceed 0.1% of the total weight of all the plasticized materials in the toy.

### Concentration of Group 2 phthalates

4. If a toy can be entirely placed into the mouth of a child under 4 years of age (i.e. the toy can be brought to the child's mouth and kept there so that it can be sucked or chewed) in a reasonably foreseeable manner, the total weight of all Group 2 phthalates in the toy must not exceed 0.1% of the total weight of all the plasticized materials in the toy.

5. If only a part or parts of a toy can be placed into the mouth of a child under 4 years of age (i.e. such part(s) can be brought to the child's mouth and kept there so that it can be sucked or chewed) in a reasonably foreseeable manner, the total weight of all Group 2 phthalate in such part(s) must not exceed 0.1% of the total weight of all the plasticized materials in such part(s).

## **The Proposed Control on the Concentration of Phthalates in Children's Products**

### Concentration of Group 1 phthalates

6. The total weight of all Group 1 phthalates in a children's product must not exceed 0.1% of the total weight of all the plasticized materials in the product.

### Concentration of Group 2 phthalates

7. If a children's product can be entirely placed into the mouth of a child under 4 years of age (i.e. the product can be brought to the child's mouth and kept there so that it can be sucked or chewed) in a reasonably foreseeable manner, the total weight of all Group 2 phthalates in the product must not exceed 0.1% of the total weight of all the plasticized materials in the product.

8. If only a part or parts of a children's product can be placed into the mouth of a child under 4 years of age (i.e. such part(s) can be brought to the child's mouth and kept there so that it can be sucked or chewed) in a reasonably foreseeable manner, the total weight of all Group 2 phthalates in such part(s) must not exceed 0.1% of the total weight of all the plasticized materials in such part(s).