

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

Draft Committee Stage Amendments

Purpose

This paper provides the draft Committee Stage Amendments (CSAs) to the Toys and Children's Products Safety (Amendment) Bill 2013 (the Bill), at the Annex.

Exclusion of Food and Medicine

2. As affirmed at the meeting on 5 November 2013, it is all along the Administration's policy intention that food and medicine are not to be regulated under the Toys and Children's Products Safety Ordinance (the Ordinance) (Cap. 424). As Members have agreed, we have prepared a draft CSA to provide for a new section 2AA to expressly state that the Ordinance does not apply to (a) food, as defined by section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132); (b) medicine, as defined by section 2(1) of the Pharmacy and Poisons Ordinance (Cap. 138); or (c) Chinese herbal medicine or proprietary Chinese medicine, as defined by section 2(1) of the Chinese Medicine Ordinance (Cap. 549).

The Chinese Renditions of "relaxation" and "teething" in Proposed New Section 2B(1)(b)(ii)

3. As we have agreed in our letter of 6 September 2013 and at the meeting on 24 October 2013, "鬆馳" should be replaced by "鬆弛" in the Chinese text of the proposed new section 2B(1)(b)(ii) as the Chinese expression of "relaxation" in the English text. We have prepared a draft CSA accordingly.

4. At the meetings on 24 October and 5 November 2013, Members discussed whether "長牙" (as presently stipulated in the Bill), "出牙" (as suggested by some Members) or "牙齒生長" (as suggested by the Administration as an acceptable alternative in LC Paper No. CB(2)209/13-14(01) submitted to the meeting on 5 November 2013) should be the appropriate Chinese expression to reflect the meaning of "teething" in the proposed new section 2B(1)(b)(ii). While some Members accepted the use of

“長牙”, some Members preferred the use of “出牙”. The Administration has explained (vide LC Paper No. CB(2)209/13-14(01) submitted to the meeting on 5 November 2013) its concern regarding the suggestion of replacing “長牙” by “出牙” from the legal point of view. After discussion, Members considered that “長牙” and “出牙” were both acceptable and requested the Administration to submit its considered proposal.

5. In view of the Administration’s concern from the legal point of view about the use of “出牙” as mentioned above, and that Members consider both “長牙” and “出牙” acceptable, we suggest “長牙” be retained in the Chinese text of the proposed new section 2B(1)(b)(ii).

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

DRAFT

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

Committee Stage

Amendments to be moved by the Secretary for Commerce and Economic
Development

<u>Clause</u>	<u>Amendment Proposed</u>
4	In the heading, by adding “ 2AA, ” before “ 2A ”.
4	By adding before the proposed section 2A— “2AA. Application of Ordinance This Ordinance does not apply to— (a) food as defined by section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132); (b) medicine as defined by section 2(1) of the Pharmacy and Poisons Ordinance (Cap. 138); or (c) Chinese herbal medicine, or proprietary Chinese medicine, as defined by section 2(1) of the Chinese Medicine Ordinance (Cap. 549).”.
4	In the proposed section 2B(1)(b)(ii), in the Chinese text, by deleting “鬆馳” and substituting “鬆弛”.