

## **LEGISLATIVE COUNCIL BRIEF**

### **Toys and Children's Products Safety Ordinance (Chapter 424)**

### **Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2013**

#### **INTRODUCTION**

\_\_\_\_\_ This paper briefs Members on the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2013 ("the Notice", copy at Annex A), which will be published in the Gazette on 15 March 2013.

#### **JUSTIFICATIONS**

2. The Toys and Children's Products Safety Ordinance (Cap. 424) ("the Ordinance") stipulates that no person shall manufacture, import or supply toys and any specified children's products unless they comply in all respects with any one set of the safety standards (international standards or standards adopted by major economies) listed respectively in Schedules 1 and 2 to the Ordinance. This requirement does not apply to goods in transit, in the course of transshipment or manufactured for export.

3. We keep in view updates or amendments to the safety standards made by the standards institutions concerned and, as a regular exercise, apply up-to-date, operative versions in Hong Kong. Under section 37 of the Ordinance, the Secretary for Commerce and Economic Development may amend both Schedules by notice published in the Gazette, thereby updating the standards applicable to toys and specified children's products supplied in Hong Kong. The last update to the two Schedules was made in 2012.

4. The standards for toys, and some standards for eight types of specified children's products, namely "babies' dummies", "baby walking frames", "bunk beds for domestic use", "child safety barriers for domestic

use”, “children’s cots for domestic use”, “children’s paints”, “playpens for domestic use” and “wheeled child conveyances”, have been further updated or amended by the standards institutions concerned. We intend to apply the updated versions, and for this purpose, the Secretary for Commerce and Economic Development has made the Notice.

## **THE NOTICE**

5. The Notice amends Schedules 1 and 2 to the Ordinance to apply the updates to the standards for toys and some standards for eight types of specified children’s products as mentioned in paragraph 4 above. Specifically,

### **Toy Standards –**

- (a) the existing part of the International Standard “ISO 8124-1:2009” has been amended by incorporating “Amendment 1:2011” and “Amendment 2:2012”;
- (b) the existing International Standard “IEC 62115 Edition 1.1 (2004-11) [IEC 62115 Edition 1:2003 consolidated with amendment 1:2004] (incorporating Amendment 2)” has been updated to “IEC 62115 Edition 1.2 (2011-02) [IEC 62115 Edition 1:2003 consolidated with amendment 1:2004 and amendment 2:2010]”;
- (c) the existing part of the European Standard “BS EN 71-8:2003 + A4:2009” has been updated to “BS EN 71-8:2011”;
- (d) the existing European Standard “BS EN 62115:2005” has been updated to “BS EN 62115:2005 + A2:2011”; and
- (e) the existing ASTM Standard “ASTM F963-08” has been updated to “ASTM F963-11”;

### **Children’s Product Standards –**

- (f) the existing ASTM Standard for babies’ dummies, “ASTM F963-08”, has been updated to “ASTM

F963-11”;

- (g) the existing ASTM Standard for baby walking frames, “ASTM F977-11”, has been updated to “ASTM F977-12”;
- (h) the existing European Standards for bunk beds for domestic use, “BS EN 747-1:2007” and “BS EN 747-2:2007”, have been updated to “BS EN 747-1:2012” and “BS EN 747-2:2012” respectively;
- (i) the existing European Standard “BS EN 1930:2000 (incorporating Amendment No. 1)” and ASTM Standard “ASTM F1004-10”, for child safety barriers for domestic use, have been updated to “BS EN 1930:2011” and “ASTM F1004-12” respectively;
- (j) the existing ASTM standard for children’s cots for domestic use, “ASTM F1169-10a”, has been updated to “ASTM F1169-11”;
- (k) the existing ASTM standard “ASTM F963-08” and Australian/New Zealand Standard “AS/NZS ISO 8124.3:2003 (incorporating Amendment No. 1), for children’s paints, have been updated to “ASTM F963-11” and “AS/NZS ISO 8124.3:2012” respectively;
- (l) the existing ASTM standard for playpens for domestic use, “ASTM F406-11”, has been updated to “ASTM F406-12a”; and
- (m) the existing European Standard for wheeled child conveyances, “BS EN 1888:2003 (incorporating Amendment No. 1 and Corrigenda Nos. 1, 2 and 3)”, has been updated to “BS EN 1888:2012”.

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The table at Annex B summarizes the major changes introduced by the updates.

6. The Notice will come into operation on 1 July 2013.

## **IMPLICATIONS**

7. The Notice is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the binding effect of the Ordinance.

## **PUBLIC CONSULTATION**

8. From January to February 2013, we consulted some 50 major trade associations and organizations advocating children welfare, informing them of our intention to adopt the updated standards as soon as possible. We also posted a gist of our proposed updates on our Bureau website for public information and comments. We received four submissions which raised no objection to our proposal. We recognize that it might take time for the trade to adjust to the requirements prescribed by the updated standards, and accordingly, we propose that the updates take effect on 1 July 2013.

## **ENQUIRIES**

9. Any enquiries on this brief can be addressed to Ms Manda Chan, Principal Assistant Secretary for Commerce and Economic Development (Commerce and Industry) (Special Duties) (telephone: 2810 2969, facsimile: 2869 4420).

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

## **Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2013**

(Made by the Secretary for Commerce and Economic Development under section 37 of the Toys and Children's Products Safety Ordinance (Cap. 424))

### **1. Commencement**

This Notice comes into operation on 1 July 2013.

### **2. Toys and Children's Products Safety Ordinance amended**

The Toys and Children's Products Safety Ordinance (Cap. 424) is amended as set out in sections 3 and 4.

### **3. Schedule 1 amended (toy standards)**

- (1) Schedule 1, item 1(a)—

#### **Repeal**

**"ISO 8124-1:2009"**

#### **Substitute**

**"ISO 8124-1:2009**

(incorporating Amendment 1:2011 and Amendment 2:2012)".

- (2) Schedule 1, item 1(d)—

#### **Repeal**

**"IEC 62115 Edition 1.1**

(2004-11) [IEC 62115 Edition 1:2003 consolidated with amendment 1:2004]

(incorporating Amendment 2)"

#### **Substitute**

### **"IEC 62115 Edition 1.2**

(2011-02) [IEC 62115 Edition 1:2003 consolidated with amendment 1:2004 and amendment 2:2010]".

- (3) Schedule 1, item 2(h)—

#### **Repeal**

**"BS EN 71-8:2003 + A4:2009**

"Safety of toys—Part 8: Swings, slides and similar activity toys for indoor and outdoor family domestic use"

#### **Substitute**

**"BS EN 71-8:2011**

"Safety of toys—Part 8: Activity toys for domestic use"

- (4) Schedule 1, item 2(i)—

#### **Repeal**

**"BS EN 62115:2005"**

#### **Substitute**

**"BS EN 62115:2005 + A2:2011"**.

- (5) Schedule 1, item 3—

#### **Repeal**

**"ASTM F963-08"**

#### **Substitute**

**"ASTM F963-11"**.

### **4. Schedule 2 amended (children's product standards)**

- (1) Schedule 2, item 1, column 2—

#### **Repeal**

**"ASTM F963-08"**

#### **Substitute**

- "ASTM F963-11".**
- (2) Schedule 2, item 2, column 2—  
**Repeal**  
**"ASTM F977-11"**  
**Substitute**  
**"ASTM F977-12".**
- (3) Schedule 2, item 4, column 2—  
**Repeal**  
**"BS EN 747-1:2007**  
**"Furniture—Bunk beds and high beds for domestic use—  
Part 1: Safety, strength and durability requirements"**  
**Substitute**  
**"BS EN 747-1:2012**  
**"Furniture—Bunk beds and high beds—Part 1: Safety,  
strength and durability requirements"**.
- (4) Schedule 2, item 4, column 2—  
**Repeal**  
**"BS EN 747-2:2007**  
**"Furniture—Bunk beds and high beds for domestic use—  
Part 2: Test methods"**  
**Substitute**  
**"BS EN 747-2:2012**  
**"Furniture—Bunk beds and high beds—Part 2: Test  
methods"**.
- (5) Schedule 2, item 6, column 2—  
**Repeal**  
**"BS EN 1930:2000**

- (incorporating Amendment No. 1)  
**"Child care articles—Safety barriers—Safety requirements  
and test methods"**  
**Substitute**  
**"BS EN 1930:2011**  
**"Child use and care articles—Safety barriers—Safety  
requirements and test methods"**.
- (6) Schedule 2, item 6, column 2—  
**Repeal**  
**"ASTM F1004-10"**  
**Substitute**  
**"ASTM F1004-12".**
- (7) Schedule 2, item 7, column 2—  
**Repeal**  
**"ASTM F1169-10a"**  
**Substitute**  
**"ASTM F1169-11".**
- (8) Schedule 2, item 9, column 2—  
**Repeal**  
**"ASTM F963-08"**  
**Substitute**  
**"ASTM F963-11".**
- (9) Schedule 2, item 9, column 2—  
**Repeal**  
**"AS/NZS ISO 8124.3:2003**  
**(incorporating Amendment No. 1)"**  
**Substitute**

"AS/NZS ISO 8124.3:2012".

(10) Schedule 2, item 11, column 2—

**Repeal**

"ASTM F406-11"

**Substitute**

"ASTM F406-12a".

(11) Schedule 2, item 12, column 2—

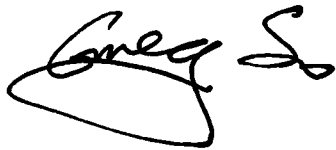
**Repeal**

"BS EN 1888:2003

(incorporating Amendment No. 1 and Corrigenda Nos. 1, 2  
and 3)"

**Substitute**

"BS EN 1888:2012".



Secretary for Commerce and  
Economic Development

11 March 2013

**Explanatory Note**

This Notice updates certain safety standards specified for toys and children's products as listed in Schedules 1 and 2 to the Toys and Children's Products Safety Ordinance (Cap. 424) respectively.





	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks	Affected Clauses
<i>European Standard</i>				
(i)	BS EN 71-8:2003 + A4:2009	BS EN 71-8:2011 (Oct 2011)	<ul style="list-style-type: none"> <li>• To clarify the definitions of “activity toy” and “platform” and add a new definition of “paddling pool”;</li> <li>• To specify that an activity toy should be installed with a self-locking mechanism;</li> <li>• To revise requirements for preventing finger-entrapment and prescribe the maximum steepness of a slide;</li> <li>• To introduce new requirements on the geometry and design of swing elements;</li> <li>• To introduce requirements for paddling pools;</li> <li>• To introduce new warning requirements;</li> <li>• To introduce testing methods for determining the impact from swing elements.</li> </ul>	<ul style="list-style-type: none"> <li>• 3.1, 3.11 and 3.15;</li> <li>• 4.1;</li> <li>• 4.3.4 and 4.5.3;</li> <li>• 4.6.8;</li> <li>• 4.9;</li> <li>• 5.1 to 5.3;</li> <li>• 6.9.</li> </ul>
(ii)	BS EN 62115:2005	BS EN 62115:2005 + A2:2011 (Sept 2011)	Technical changes to various testing procedures.	3.1.11 to 3.1.14, 3.2.5, 5.8, 5.9, 6.2, 7.4, 9.1 to 9.7, 14.1 to 14.4, 14.10, 14.12, 14.15, 14.16, 16.4 and 18.

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks	Affected Clauses
<i>ASTM Standard</i>				
(i)	ASTM F963-08	ASTM F963-11 (Dec 2011)	<ul style="list-style-type: none"> <li>• To tighten permissible limits of lead contents in paints and other surface-coating materials and introduce new requirements in respect of various heavy metals in substrate materials, and specify corresponding test procedures;</li> <li>• To introduce guidelines for the design of bath toy projections;</li> <li>• To clarify that the minimum thickness requirements apply not only to packaging plastic films but also all plastic films used with toys;</li> <li>• To exclude the following products from complying with the requirements applicable to teethingers and rattles: teething toys, rattles and squeeze toys if they are soft-filled or if their rigid components have a major dimension equal to or less than 30mm;</li> <li>• To introduce additional requirements for preventing jaw entrapment in handles and steering wheels.</li> </ul>	<ul style="list-style-type: none"> <li>• 4.3.5 and 8.3;</li> <li>• 4.8.1 and A4;</li> <li>• 4.12 and 8.21;</li> <li>• 4.22.3, 4.23.2 and 4.24.3;</li> <li>• 4.39.</li> </ul>
<b>Children's Product Standards</b>				
<i>Babies' dummies</i>				
(i)	ASTM F963-08	ASTM F963-11 (Dec 2011)	To tighten permissible limits of lead contents in paints and other surface-coating materials and introduce new requirements in respect of various heavy metals in substrate materials, and specify corresponding test procedures.	4.3.5 and 8.3.

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks	Affected Clauses
<i>Baby walking frames</i>				
(i)	ASTM F977-11	ASTM F977-12 (May 2012)	<ul style="list-style-type: none"> <li>• Editorial change to remove redundant references;</li> <li>• Technical changes to stability testing procedures;</li> <li>• Editorial change to clarify the scope of application of a warning statement requirement.</li> </ul>	<ul style="list-style-type: none"> <li>• 2.2 and 8.3;</li> <li>• 7.3.2.4 and 7.3.2.5;</li> <li>• 8.2.4.2(1)</li> </ul>
<i>Bunk beds for domestic use</i>				
(i)	BS EN 747-1:2007	BS EN 747-1:2012 (Apr 2012)	<ul style="list-style-type: none"> <li>• To revise the definition of "bunk bed", and add new definitions of "bed end structure" and "side rail and tread";</li> <li>• To add more detailed requirements in respect of general construction, safety barriers, ladder and other means of access.</li> </ul>	<ul style="list-style-type: none"> <li>• 3;</li> <li>• 4.1.</li> </ul>
(ii)	BS EN 747-2:2007	BS EN 747-2:2012 (Apr 2012)	<ul style="list-style-type: none"> <li>• To increase the downward force applied from 1,000 N to 1,200 N in the tests for downwards static load on bed base and vertical static load on threads of ladders;</li> <li>• To require that one more position of the bed base be tested for durability.</li> </ul>	<ul style="list-style-type: none"> <li>• 5.4.3 and 5.6.1;</li> <li>• 5.4.5.</li> </ul>

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks	Affected Clauses
<i>Child safety barriers for domestic use</i>				
(i)	BS EN 1930:2000 (incorporating Amendment No. 1)	BS EN 1930:2011 (Mar 2012)	<ul style="list-style-type: none"> <li>● To introduce a new rattle test which tests for security of the barrier;</li> <li>● To introduce more elaboration on the configuration of various pieces of test equipment (e.g. finger probe and test frame) and elaborate the test procedures in the impact test;</li> <li>● To introduce more detailed requirements in respect of the opening and closing mechanism;</li> <li>● To require additional pieces of information to be provided in instructional literature.</li> </ul>	<ul style="list-style-type: none"> <li>● 4.9 and 6.11.2.1;</li> <li>● 4.4, 4.5, 4.8 and 6.12;</li> <li>● 6.4;</li> <li>● 10.4.</li> </ul>
(ii)	ASTM F1004-10	ASTM F1004-12 (June 2012)	To specify the functional requirement of a foot-pedal-activated latching or locking mechanism.	5.5.1.
<i>Children's cots for domestic use</i>				
(i)	ASTM F1169-10a	ASTM F1169-11 (Sept 2011)	To omit a test procedure before the mattress support vertical impact test is conducted.	Previous clause 6.12 repealed.

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks	Affected Clauses
<i>Children's paints</i>				
(i)	ASTM F963-08	ASTM F963-11 (Dec 2011)	<ul style="list-style-type: none"> <li>To tighten permissible limits of lead contents in paints and other surface-coating materials and introduce new requirements in respect of various heavy metals in substrate materials, and specify corresponding test procedures.</li> <li>To clarify that the minimum thickness requirements apply not only to packaging plastic films but also all plastic films used with toys.</li> </ul>	<ul style="list-style-type: none"> <li>4.3.5 and 8.3;</li> <li>4.12 and 8.21.</li> </ul>
(ii)	AS/NZS ISO 8124.3:2003 (incorporating Amendment No. 1)	AS/NZS ISO 8124.3:2012 (Jan 2012)	To require the use of n-heptane (instead of 1,1,1-trichloroethane or other suitable solvents) as the solvent in test procedures for analysis of certain elements in paints.	8.7, 8.8 and 8.9.
<i>Playpens for domestic use</i>				
(i)	ASTM F406-11	ASTM F406-12a (May 2012)	<ul style="list-style-type: none"> <li>To remove telescoping sides from the definition of "dropgate";</li> <li>To clarify the scope of products that are subject to the top rail configuration test;</li> <li>To add a procedure aimed at removing slack;</li> <li>To revise the load application procedure for the top rail to corner post attachment test.</li> </ul>	<ul style="list-style-type: none"> <li>3.1.5;</li> <li>7.10;</li> <li>8.28.2;</li> <li>8.30.3.1.</li> </ul>

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks	Affected Clauses
<i>Wheeled child conveyances</i>				
(i)	BS EN 1888:2003 (incorporating Amendment No. 1 and Corrigenda Nos. 1, 2 and 3)	BS EN 1888:2012 (June 2012)	<ul style="list-style-type: none"> <li>● To prescribe protected volumes for seat units and pram bodies;</li> <li>● To introduce new finger and hip probes for testing on entrapment hazards;</li> <li>● To add a bite test to check the accessibility of materials of bumper bar;</li> <li>● To clarify requirements and test methods on protective function of vehicle;</li> <li>● To introduce more detailed requirements and test methods for locking, parking and braking devices, and stability of vehicle;</li> <li>● To strengthen requirements and durability test of handle and introduce a new test on dynamic resistance for telescopic handle;</li> <li>● To reword required product information to highlight essential warnings and safety information.</li> </ul>	<ul style="list-style-type: none"> <li>● 4.5;</li> <li>● 5.2.1, 5.2.2 and 8.2;</li> <li>● 5.7 and 8.5.2.3;</li> <li>● 8.1.1;</li> <li>● 8.3.3, 8.8.1, 8.8.2 and 8.9.1;</li> <li>● 8.10.6;</li> <li>● 10.</li> </ul>