

L.N. 17 of 2014

Toys and Children’s Products Safety (Additional Safety
Standards or Requirements) Regulation

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Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation

(Made by the Secretary for Commerce and Economic Development under section 35 of the Toys and Children's Products Safety Ordinance (Cap. 424))

Part 1

Preliminary

1. Commencement

This Regulation comes into operation on the day on which section 16 of the Toys and Children's Products Safety (Amendment) Ordinance 2013 (18 of 2013) comes into operation.

2. Interpretation

(1) In this Regulation—

BBP means benzyl butyl phthalate;

Class 1 phthalate (第1類塑化劑) means—

- (a) BBP;
- (b) DBP; or
- (c) DEHP;

Class 2 phthalate (第2類塑化劑) means—

- (a) DIDP;
- (b) DINP; or
- (c) DNOP;

company (公司) has the meaning given by section 2(1) of the Companies Ordinance (Cap. 622);

DBP means dibutyl phthalate;

DEHP means—

- (a) bis(2-ethylhexyl) phthalate;
- (b) diethylhexyl phthalate; or
- (c) di(2-ethylhexyl) phthalate;

DIDP means diisodecyl phthalate;

DINP means diisononyl phthalate;

DNOP means di-n-octyl phthalate;

use (使用) includes improper use.

- (2) For the purposes of sections 8 and 14, a toy or children's product can be placed into the mouth of a child under 4 years of age if—
 - (a) each dimension of the toy or product is less than 5 cm; or
 - (b) the toy or product can, in a reasonably foreseeable manner, be brought to the mouth of such a child and kept in the mouth so that the toy or product can be sucked or chewed.
- (3) For the purposes of sections 9 and 15, a part of a toy or children's product can be placed into the mouth of a child under 4 years of age if—
 - (a) at least one of the dimensions of the part is less than 5 cm; or
 - (b) the part can, in a reasonably foreseeable manner, be brought to the mouth of such a child and kept in the mouth so that the part can be sucked or chewed.
- (4) For the purposes of subsections (2) and (3), if a toy, children's product, or part of a toy or children's product is inflatable, the toy, product or part is to be considered in its deflated state.

3. Application

This Regulation applies to—

- (a) a toy within the meaning of paragraph (a) of the definition of *toy* in section 2 of the Ordinance; and
- (b) a children's product within the meaning of section 2C(1) of the Ordinance.

4. Additional safety standards or requirements for toys and children's products

- (1) The additional safety standards or requirements for toys are set out in Part 2.
 - (2) The additional safety standards or requirements for children's products are set out in Part 3.
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Part 2

Additional Safety Standards or Requirements for Toys

Division 1—Supply of Toys

5. Identification markings

- (1) The information set out in subsection (2) must be legibly marked, in the English or Chinese language, or both, in a conspicuous position on—
 - (a) a toy;
 - (b) the packaging of a toy;
 - (c) a label securely affixed to a toy or the packaging of a toy; or
 - (d) a document enclosed in the packaging of a toy.
- (2) The information is—
 - (a) the full name or trade mark of the manufacturer, importer or supplier of the toy (*connected person*), or any other mark of the connected person that enables the person to be identified; and
 - (b) the address in Hong Kong of the connected person.
- (3) If the connected person is a company, the address mentioned in subsection (2)(b) is the address of the registered office in Hong Kong of the company.

6. Bilingual warnings or cautions

- (1) This section applies if a warning or caution with respect to the safe keeping, use, consumption or disposal of a toy (*safety warning*)—
 - (a) is marked on the toy;
 - (b) is marked on the packaging of the toy;

- (c) is contained in a label affixed to the toy or the packaging of the toy; or
 - (d) is contained in a document enclosed in the packaging of the toy.
- (2) The safety warning—
 - (a) must be legible; and
 - (b) must be in both the English and Chinese languages.
- (3) If the safety warning is marked on a toy, the warning must be in a conspicuous position on the toy.
- (4) If the safety warning is marked on the packaging of a toy, the warning must be in a conspicuous position on the packaging.
- (5) If the safety warning is contained in a label affixed to a toy or the packaging of a toy—
 - (a) the warning must be in a conspicuous position on the label; and
 - (b) the label must be securely affixed to the toy or the packaging.
- (6) If the safety warning is contained in a document enclosed in the packaging of a toy, the warning must be in a conspicuous position on the document.

Division 2—Concentration of Phthalates in Toys

Subdivision 1—Class 1 Phthalates

7. Concentration of Class 1 phthalates in toys

- (1) This section applies to a toy that contains any Class 1 phthalate.
- (2) The total weight of the Class 1 phthalates in a toy must not exceed 0.1% of the total weight of the plasticized materials in the toy.

- (3) In determining the total weight of the Class 1 phthalates or the plasticized materials in a toy, a component part of the toy that is inaccessible is not to be taken into account.
- (4) For the purposes of subsection (3), a component part of a toy is inaccessible if the component part cannot come into contact with a child through reasonably foreseeable use of the toy.

Subdivision 2—Class 2 Phthalates

8. Toys capable of being entirely placed into mouth of child under 4 years of age

- (1) This section applies to a toy if—
 - (a) the toy can be placed into the mouth of a child under 4 years of age; and
 - (b) the toy contains any Class 2 phthalate.
- (2) The total weight of the Class 2 phthalates in a toy must not exceed 0.1% of the total weight of the plasticized materials in the toy.
- (3) In determining the total weight of the Class 2 phthalates or the plasticized materials in a toy, a component part of the toy that is inaccessible is not to be taken into account.
- (4) For the purposes of subsection (3), a component part of a toy is inaccessible if the component part cannot come into contact with the mouth of a child under 4 years of age through reasonably foreseeable use of the toy.

9. Toys capable of being partly placed into mouth of child under 4 years of age

- (1) This section applies to a toy if—
 - (a) only one part of the toy can be placed into the mouth of a child under 4 years of age, and that part contains any Class 2 phthalate; or

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- (b) more than one part of the toy can be placed into the mouth of a child under 4 years of age, and all or any of those parts contains any Class 2 phthalate.
- (2) For a toy falling within the description in subsection (1)(a), the total weight of the Class 2 phthalates in the part mentioned in that subsection must not exceed 0.1% of the total weight of the plasticized materials in that part.
- (3) For a toy falling within the description in subsection (1)(b), the total weight of the Class 2 phthalates in those parts mentioned in that subsection must not exceed 0.1% of the total weight of the plasticized materials in those parts.
- (4) In determining the total weight of the Class 2 phthalates or the plasticized materials in one or more than one part of a toy, a component part of the toy that is inaccessible is not to be taken into account.
- (5) For the purposes of subsection (4), a component part of a toy is inaccessible if the component part cannot come into contact with the mouth of a child under 4 years of age through reasonably foreseeable use of the toy.
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Part 3

Additional Safety Standards or Requirements for Children's Products

Division 1—Supply of Children's Products

10. Identification markings

- (1) The information set out in subsection (2) must be legibly marked, in the English or Chinese language, or both, in a conspicuous position on—
 - (a) a children's product;
 - (b) the packaging of a children's product;
 - (c) a label securely affixed to a children's product or the packaging of a children's product; or
 - (d) a document enclosed in the packaging of a children's product.
- (2) The information is—
 - (a) the full name or trade mark of the manufacturer, importer or supplier of the children's product (***connected person***), or any other mark of the connected person that enables the person to be identified; and
 - (b) the address in Hong Kong of the connected person.
- (3) If the connected person is a company, the address mentioned in subsection (2)(b) is the address of the registered office in Hong Kong of the company.

11. Bilingual warnings or cautions

- (1) This section applies if a warning or caution with respect to the safe keeping, use, consumption or disposal of a children's product (***safety warning***)—

- (a) is marked on the product;
 - (b) is marked on the packaging of the product;
 - (c) is contained in a label affixed to the product or the packaging of the product; or
 - (d) is contained in a document enclosed in the packaging of the product.
- (2) The safety warning—
 - (a) must be legible; and
 - (b) must be in both the English and Chinese languages.
- (3) If the safety warning is marked on a children's product, the warning must be in a conspicuous position on the product.
- (4) If the safety warning is marked on the packaging of a children's product, the warning must be in a conspicuous position on the packaging.
- (5) If the safety warning is contained in a label affixed to a children's product or the packaging of a children's product—
 - (a) the warning must be in a conspicuous position on the label; and
 - (b) the label must be securely affixed to the product or the packaging.
- (6) If the safety warning is contained in a document enclosed in the packaging of a children's product, the warning must be in a conspicuous position on the document.

Division 2—Concentration of Phthalates in Children's Products

Subdivision 1—Application

12. Application of Division 2 of Part 3

This Division applies to a children's product that is intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age, and that contains any plasticized material.

Subdivision 2—Class 1 Phthalates

13. Concentration of Class 1 phthalates in children's products

- (1) This section applies to a children's product that contains any Class 1 phthalate.
- (2) The total weight of the Class 1 phthalates in a children's product must not exceed 0.1% of the total weight of the plasticized materials in the product.
- (3) In determining the total weight of the Class 1 phthalates or the plasticized materials in a children's product, a component part of the product that is inaccessible is not to be taken into account.
- (4) For the purposes of subsection (3), a component part of a children's product is inaccessible if the component part cannot come into contact with a child under 4 years of age through reasonably foreseeable use of the product.

Subdivision 3—Class 2 Phthalates

14. Children's products capable of being entirely placed into mouth of child under 4 years of age

- (1) This section applies to a children's product if—

- (a) the product can be placed into the mouth of a child under 4 years of age; and
 - (b) the product contains any Class 2 phthalate.
- (2) The total weight of the Class 2 phthalates in a children's product must not exceed 0.1% of the total weight of the plasticized materials in the product.
- (3) In determining the total weight of the Class 2 phthalates or the plasticized materials in a children's product, a component part of the product that is inaccessible is not to be taken into account.
- (4) For the purposes of subsection (3), a component part of a children's product is inaccessible if the component part cannot come into contact with the mouth of a child under 4 years of age through reasonably foreseeable use of the product.

15. Children's products capable of being partly placed into mouth of child under 4 years of age

- (1) This section applies to a children's product if—
 - (a) only one part of the product can be placed into the mouth of a child under 4 years of age, and that part contains any Class 2 phthalate; or
 - (b) more than one part of the product can be placed into the mouth of a child under 4 years of age, and all or any of those parts contains any Class 2 phthalate.
- (2) For a children's product falling within the description in subsection (1)(a), the total weight of the Class 2 phthalates in the part mentioned in that subsection must not exceed 0.1% of the total weight of the plasticized materials in that part.

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Section 15

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- (3) For a children's product falling within the description in subsection (1)(b), the total weight of the Class 2 phthalates in those parts mentioned in that subsection must not exceed 0.1% of the total weight of the plasticized materials in those parts.
- (4) In determining the total weight of the Class 2 phthalates or the plasticized materials in one or more than one part of a children's product, a component part of the product that is inaccessible is not to be taken into account.
- (5) For the purposes of subsection (4), a component part of a children's product is inaccessible if the component part cannot come into contact with the mouth of a child under 4 years of age through reasonably foreseeable use of the product.

Gregory SO
Secretary for Commerce and
Economic Development

12 February 2014

Explanatory Note

Section 35 of the Toys and Children's Products Safety Ordinance (Cap. 424) (**TCPSO**) is replaced by a new section 35 under section 16 of the Toys and Children's Products Safety (Amendment) Ordinance 2013 (18 of 2013) (**Amendment Ordinance**). This Regulation is made under the new section 35. The main purpose of the Regulation is to impose additional safety standards or requirements for toys and children's products (other than their packaging). For the meaning of **toy**, see section 2 of the TCPSO as amended by the Amendment Ordinance. For the meaning of **children's product**, see section 2C of the amended TCPSO.

2. Section 1 provides for the commencement of the Regulation.
3. Section 2 defines certain terms and expressions used in the Regulation.
4. Section 3 provides that the Regulation applies to—
 - (a) a toy within the meaning of paragraph (a) of the definition of **toy** in section 2 of the amended TCPSO (**regulated toy**); and
 - (b) a children's product within the meaning of section 2C(1) of the amended TCPSO (**regulated children's product**).
5. Part 2 (sections 5 to 9) relates to additional safety standards or requirements for regulated toys.
6. Sections 5 and 6 apply to the supply of regulated toys.

7. Section 5 imposes standards or requirements in relation to identification markings of regulated toys, and section 6 imposes standards or requirements in relation to warnings or cautions with respect to the safe keeping, use, consumption or disposal of regulated toys.
8. Section 7 imposes standards or requirements on the concentration of benzyl butyl phthalate (**BBP**), dibutyl phthalate (**DBP**) and bis(2-ethylhexyl) phthalate (also known as diethylhexyl phthalate or di(2-ethylhexyl) phthalate) (**DEHP**) in regulated toys.
9. Section 8 imposes standards or requirements on the concentration of diisodecyl phthalate (**DIDP**), diisononyl phthalate (**DINP**) and di-n-octyl phthalate (**DNOP**) in regulated toys that can be entirely placed into the mouth of a child under 4 years of age.
10. Section 9 imposes standards or requirements on the concentration of DIDP, DINP and DNOP in regulated toys that can be partly placed into the mouth of a child under 4 years of age.
11. Part 3 (sections 10 to 15) relates to additional safety standards or requirements for regulated children's products.
12. Sections 10 and 11 apply to the supply of regulated children's products.
13. Section 10 imposes standards or requirements in relation to identification markings of regulated children's products, and section 11 imposes standards or requirements in relation to warnings or cautions with respect to the safe keeping, use, consumption or disposal of regulated children's products.

14. Section 13 imposes standards or requirements on the concentration of BBP, DBP and DEHP in regulated children's products that are intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age.
15. Section 14 imposes standards or requirements on the concentration of DIDP, DINP and DNOP in regulated children's products that are intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age and that can be entirely placed into the mouth of such a child.
16. Section 15 imposes standards or requirements on the concentration of DIDP, DINP and DNOP in regulated children's products that are intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age and that can be partly placed into the mouth of such a child.
17. If a person fails to comply with the additional safety standards or requirements in Part 2 or 3, the person commits an offence under section 8 of the amended TCPSO.