

立法會
Legislative Council

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**Subcommittee on Toys and Children's Products Safety Ordinance
(Amendment of Schedules 1 and 2) Notice 2017**

**Minutes of first meeting
held on Tuesday, 6 June 2017, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon WONG Ting-kwong, SBS, JP (Chairman)
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon CHIANG Lai-wan, JP
Hon SHIU Ka-fai

Members absent : Dr Hon KWOK Ka-ki
Dr Hon Elizabeth QUAT, JP
Hon HUI Chi-fung

Public Officers attending : Agenda item II
Commerce and Economic Development Bureau

Miss Erica NG, JP
Deputy Secretary for Commerce and Economic
Development (Commerce and Industry)

Ms Jacko TSANG
Principal Assistant Secretary for Commerce and
Economic Development (Commerce and Industry)

Department of Justice

Miss HO YUEN-ting, Wendy
Government Counsel

Customs and Excise Department

Mr LAM Po-chuen, MH
Head of Trade Controls

Ms CHIK Shun-kwan
Principal Trade Controls Officer

Government Laboratory

Mr TANG Po-on
Senior Chemist

Dr POON Chun-ting
Chemist

Clerk in attendance : Mr Daniel SIN
Chief Council Secretary (4)3

Staff in attendance : Mr YICK Wing-kin
Assistant Legal Adviser 8

Mr Ambrose LEUNG
Senior Council Secretary (4)3

Ms Peggy CHUNG
Council Secretary (4)3

Ms Mandy LAM
Legislative Assistant (4)3

Ms Yvonna HO
Clerical Assistant (4)3

I. Election of Chairman

Mr WONG Ting-kwong was elected Chairman of the Subcommittee.

II. Meeting with the Administration

(L.N. 102 of 2017 -- the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2017

Ref: CITB CR 08/18/3 -- Legislative Council Brief on the Toys and Children's Products Safety Ordinance (Chapter 424) Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2017 issued by the Commerce and Economic Development Bureau in May 2017

LC Paper No. LS69/16-17 -- Legal Service Division Report on Subsidiary Legislation Gazetted on 19 May 2017

LC Paper No. CB(4) 1126/16-17(01) -- Marked-up copy of the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2017 prepared by the Legal Service Division (Restricted to members))

2. The Subcommittee deliberated (index of proceedings in the **Annex**).

3. The Subcommittee had completed deliberation of the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2017. Members generally supported the subsidiary legislation.

Legislative timetable

4. Members noted that the Chairman would move a motion to extend the scrutiny period of the subsidiary legislation to 12 July 2017 at the Council meeting of 14 June 2017. The Subcommittee would provide a written report to the House Committee at its meeting on 16 June 2017.

III. Any other business

5. There being no other business, the meeting ended at 11:22 am.

Council Business Division 4
Legislative Council Secretariat
6 October 2017

**Proceedings of first meeting of the
Subcommittee on Toys and Children's Products Safety Ordinance
(Amendment of Schedules 1 and 2) Notice 2017
on Tuesday, 6 June 2017, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda I — Election of Chairman			
000000 – 000410	Mr WONG Ting-kwong Mr Christopher CHEUNG Wah-fung Dr Fernando CHEUNG Chiu-hung Dr CHIANG Lai-wan Mr SHIU Ka-fai	Election of Chairman	
Agenda II — Meeting with the Administration			
000411 – 000848	Chairman Administration	Briefing by the Administration	
000849 – 002110	Chairman Dr Fernando CHEUNG Chiu-hung Administration	<p>Dr CHEUNG's enquiry on whether Hong Kong might risk being a dumping ground for products that did not meet the latest safety requirements if other countries adopted the new safety standards ahead of Hong Kong. The Administration explained that actions were taken to update the toys and children's products safety standards in Hong Kong soon after new standards were published, allowing a lead time for consultation, legislative process, and laboratories to develop test methods and acquire necessary equipment and standard reference materials.</p> <p>Dr CHEUNG's enquiry on whether the Customs and Excise Department ("C&ED") had followed up on the findings of the Child Fatality Review conducted by the Director of Social Welfare and recommendations. The Administration responded that C&ED was aware of the findings and recommendations of the Child Fatality Review and had taken appropriate follow-up actions.</p>	

Time marker	Speaker	Subject(s)	Action required
002111 – 002850	Chairman Dr CHIANG Lai-wan Administration	Dr CHIANG's enquiry on the reasons for the low indictment rate for cases of non-compliance with the various safety standards conducted by C&ED and how consumers could distinguish toys and children's products in retail market that might not meet the product safety standards as prescribed in Cap. 424. The Administration explained that many of the non-compliance cases involved minor breaches, such as lack of bilingual warning labels and/or identification markings, against which C&ED had served warning notices. For more serious breaches, prohibition notices had been issued. For structurally unsafe products, or repeated offenders, prosecution would be initiated. Apart from carrying out inspections, investigations, and law enforcement actions, C&ED and the Consumer Council also carried out education and publicity to prevent consumers from buying products that do not meet the prescribed safety standards.	
002851 – 003520	Chairman Administration	<u>Clause-by-clause</u> Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2017	
003521 – 003622	Chairman Administration	Legislative timetable and extension of the scrutiny period	
Agenda III — Any other business			
003623 – 003823	Chairman Administration	End of meeting	